



House of Representatives

File No. 707

General Assembly

February Session, 2004 (Reprint of File Nos. 122 and 628)

Substitute House Bill No. 5497
As Amended by House
Amendment Schedules
"A" and "B"

Approved by the Legislative Commissioner
May 1, 2004

AN ACT DISCOURAGING THE SALE OF ALCOHOLIC LIQUOR TO UNDERAGE PERSONS AND THE NUMBER OF TEMPORARY BEER OR LIQUOR PERMITS ISSUED ANNUALLY TO A NONCOMMERCIAL ORGANIZATION.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2004*) (a) A permittee issued a
2 permit pursuant to chapter 545 of the general statutes or an agent or
3 employee of such permittee may require any person whose age is in
4 question to have such person's photograph be taken by, and a
5 photocopy of such person's driver's license or identity card issued in
6 accordance with the provisions of section 1-1h of the general statutes,
7 as amended, be made by, such permittee, agent or employee as a
8 condition of selling or delivering alcoholic liquor to such person.

9 (b) No permittee or agent or employee of a permittee shall use a
10 photograph taken or a photocopy made pursuant to subsection (a) of
11 this section for a purpose other than the purpose specified in said
12 subsection (a).

13 (c) No permittee or agent or employee of a permittee shall sell or
14 otherwise disseminate a photograph taken or a photocopy made
15 pursuant to subsection (a) of this section, or any information derived
16 from such photocopy, to any third party for any purpose including,
17 but not limited to, any marketing, advertising or promotional
18 activities, except that a permittee or an agent or employee of a
19 permittee may release such photograph, photocopy or information
20 pursuant to a court order.

21 (d) The Department of Agriculture and Consumer Protection shall
22 adopt regulations, in accordance with chapter 54 of the general
23 statutes, to establish guidelines and specifications for the photographic
24 equipment to be used and the format of the photograph to be taken by
25 a permittee or an agent or employee of a permittee.

26 (e) In any prosecution of a permittee or an agent or employee of a
27 permittee for selling or delivering alcoholic liquor to a minor in
28 violation of subsection (b) of section 30-86 of the general statutes, as
29 amended, it shall be an affirmative defense that such permittee, agent
30 or employee sold or delivered alcoholic liquor to such minor in good
31 faith and in reasonable reliance upon the identification presented by
32 such minor and, pursuant to subsection (a) of this section,
33 photographed the minor and made a photocopy of such identification.
34 In support of such defense, such permittee, agent or employee may
35 introduce evidence of such photograph and photocopy.

36 Sec. 2. Section 30-35 of the general statutes, as amended by section
37 146 of public act 03-6 of the June 30 special session, is repealed and the
38 following is substituted in lieu thereof (*Effective October 1, 2004*):

39 A temporary beer permit shall allow the sale of beer and a
40 temporary liquor permit shall allow the sale of alcoholic liquor at any
41 outing, picnic or social gathering conducted by a bona fide
42 noncommercial organization, which organization shall be the backer of
43 the permittee under such permit. The profits from the sale of such beer
44 or alcoholic liquor shall be retained by the organization conducting

45 such outing, picnic or social gathering and no portion thereof shall be
46 paid, directly or indirectly, to any individual or other corporation.
47 Such permit shall be issued subject to the approval of the Department
48 of Agriculture and Consumer Protection and shall be effective only for
49 the time limited by the department. The combined total of temporary
50 beer permits and temporary liquor permits issued to an organization
51 shall not exceed [four] six during any one calendar year. The fee for a
52 temporary beer permit shall be fifteen dollars per day and for a
53 temporary liquor permit shall be twenty-five dollars per day.

This act shall take effect as follows:	
Section 1	<i>October 1, 2004</i>
Sec. 2	<i>October 1, 2004</i>

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 05 \$	FY 06 \$
Consumer Protection, Dept.	GF - Revenue Gain	Potential Minimal	Potential Minimal

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill requires the Department of Consumer Protection to adopt regulations regarding guidelines and specification for equipment used to photograph prospective purchasers of alcohol who appear under 21 years of age. It also increases the amount of temporary beer and liquor permits which may be issued in any one calendar year to an organization. The bill results in a minimal revenue gain.

House "A" increases the amount of temporary beer permits and temporary liquor permits, combined, which may be issued in any one calendar year to an organization. The Department of Consumer Protection may experience a potential minimal revenue gain as a result of issuing additional temporary beer or liquor permits.

House "B" allows the permittee to make a photocopy of such person's driver's license or identity card, in addition to taking a photograph of the person. This has no fiscal impact.

OLR BILL ANALYSIS

sHB 5497 (as amended by House "A" and "B")*

AN ACT DISCOURAGING THE SALE OF ALCOHOLIC LIQUOR TO UNDERAGE PERSONS**SUMMARY:**

This bill makes two unrelated changes to the Liquor Control Act. It allows liquor permittees, and their agents and employees, to require prospective purchasers whose age is in question to have their photographs taken and a photocopy of their driver's license or non-driver photo identity card made as a condition of selling or delivering alcohol to them. In a prosecution of a permittee, or his agent or employee, for selling or giving liquor to a minor, the bill makes it an affirmative defense that the individual sold or gave the liquor in good faith and in reasonable reliance on the identification provided by the minor. The defendant has the burden of proving an affirmative defense by a preponderance of evidence. It requires the Department of Agriculture and Consumer Protection to adopt regulations establishing guidelines and specifications for (1) the photographic equipment and (2) the format of the photograph. The bill limits how information taken from the photograph and photocopy may be used.

The bill also increases, from four to six, the combined total of temporary beer and temporary liquor permits an organization may obtain in a calendar year.

*House Amendment "A" allows an organization to have six, rather than four, temporary liquor or beer permits in a year.

*House Amendment "B" revises the requirements for using the affirmative defense established by the bill by requiring sellers to make a photocopy of a buyer's identification.

EFFECTIVE DATE: October 1, 2004

INFORMATION TAKEN FROM A PHOTOGRAPH OR PHOTOCOPY

The bill prohibits permittees, or their agents or employees, from (1) using a photograph or photocopy for any purpose other than as evidence in a prosecution and (2) selling or otherwise disseminating a photograph, photocopy, or information taken from the photocopy, to a third party for any purpose, including marketing, advertising, or promotional activities. It states that a photograph or information taken from it may be released pursuant to a court order.

BACKGROUND

Temporary Liquor and Beer Permits

A temporary liquor permit allows the sale of any type of alcoholic liquor (alcohol, beer, spirits, and wine) at an outing, picnic, or social gathering conducted by a *bona fide* noncommercial organization. A temporary beer permit is similar except that its holder may sell only beer. The law requires the profits to be kept by the organization holding the event. The permits are effective only for the time period set by the Department of Agriculture and Consumer Protection.

Legislative History

The House referred the bill (File 122) to the Judiciary Committee on March 23. The committee favorably reported a substitute bill on April 2 that (1) added the privacy provisions, (2) made using the photographic evidence an affirmative defense, and (3) made a technical change.

COMMITTEE ACTION

General Law Committee

Joint Favorable Substitute
Yea 19 Nay 0

Judiciary Committee

Joint Favorable Substitute
Yea 35 Nay 0

