



Substitute House Bill No. 6608

Public Act No. 05-240

AN ACT CONCERNING THE LIQUOR CONTROL ACT.

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

Section 1. Section 30-63 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2005, until June 30, 2006*):

(a) No holder of any manufacturer, wholesaler or out-of-state shipper's permit shall ship, transport or deliver within this state, or sell or offer for sale, any alcoholic liquors unless the name of the brand, trade name or other distinctive characteristic by which such alcoholic liquors are bought and sold, the name and address of the manufacturer thereof and the name and address of each wholesaler permittee who is authorized by the manufacturer or his authorized representative to sell such alcoholic liquors are registered with the Department of Consumer Protection and until such brand, trade name or other distinctive characteristic has been approved by the department. Such registration shall be valid for a period of three years. The fee for such registration, or renewal thereof, shall be one hundred dollars for out-of-state shippers and three dollars for Connecticut manufacturers for each brand so registered, payable by the manufacturer or his authorized representative when such liquors are manufactured in the United States and by the importer or his authorized representative when such

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liquors are imported into the United States. The department shall not approve the brand registration of any fortified wine, as defined in section 12-433, which is labeled, packaged or canned so as to appear to be a wine or liquor cooler, as defined in section 12-433.

(b) No manufacturer, wholesaler or out-of-state shipper permittee shall discriminate in any manner in price discounts between one permittee and another on sales or purchases of alcoholic liquors bearing the same brand or trade name and of like age, size and quality, nor shall [he] such manufacturer, wholesaler or out-of-state shipper permittee allow in any form any discount, rebate, free goods, allowance or other inducement for the purpose of making sales or purchases.

(c) [Each] For alcoholic liquor other than beer, each manufacturer, wholesaler and out-of-state shipper permittee shall post with the department, on a monthly basis, the bottle, can and case price [, and for beer, the price per keg or barrel or fractional unit thereof,] of any brand of goods offered for sale in Connecticut, which price when so posted shall be the controlling price for such manufacturer, wholesaler or out-of-state permittee for the month following such posting. For beer, each manufacturer, wholesaler and out-of-state shipper permittee shall post with the department, on a monthly basis, the bottle, can and case price, and the price per keg or barrel or fractional unit thereof for any brand of goods offered for sale in Connecticut which price when so posted shall be the controlling price for such brand of goods offered for sale in this state for the month following such posting. Such manufacturer, wholesaler and out-of-state shipper permittee may also post additional prices for such bottle, can, case, keg or barrel or fractional unit thereof for a specified portion of the following month which prices when so posted shall be the controlling prices for such bottle, can, case, keg or barrel or fractional unit thereof for such specified portion of the following month. Notice of all manufacturer,

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wholesaler and out-of-state shipper permittee prices shall be given to permittee purchasers by direct mail or advertising in a trade publication having circulation among the retail permittees except a wholesaler permittee may give such notice by hand delivery. Price postings with the department setting forth wholesale prices to retailers shall be available for inspection during regular business hours at the offices of the department by manufacturers and wholesalers until three o'clock p.m. of the first business day after the last day for posting prices. A manufacturer or wholesaler may amend his posted price for any month to meet a lower price posted by another manufacturer or wholesaler with respect to alcoholic liquor bearing the same brand or trade name and of like age, vintage, quality and unit container size; provided that any such amended price posting shall be filed before three o'clock p.m. of the fourth business day after the last day for posting prices; and provided further such amended posting shall not set forth prices lower than those being met. Any manufacturer or wholesaler posting an amended price shall, at the time of posting, identify in writing the specific posting being met. All wholesaler postings for the following month shall be provided to retail permittees not later than the twelfth day of the month prior to such posting.

Sec. 2. Subsection (a) of section 30-68m of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2005*):

(a) No retail permittee shall sell at a price below his cost. For the purposes of this section, cost for the retail permittee for alcoholic liquor other than beer shall mean the posted bottle price from the wholesaler plus any charge for shipping or delivery to the retailer's place of business paid by the retailer in addition to the posted price, except on items of wine sold prior to January 1, 1983, cost shall mean the posted bottle price from the wholesaler plus a minimum of thirty-three and one-third per cent of such permittee's selling price. For beer,

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cost for the retail permittee shall mean the lowest posted price during the month in which the retail permittee is selling plus any charge for shipping or delivery to the retailer's place of business paid by the retail permittee in addition to the price originally paid by the retail permittee. As used in this section, the term retail permittee means the holder of a permit allowing the sale of alcoholic liquor for off-premises consumption.

Approved July 8, 2005