



General Assembly

January Session, 2005

Amendment

LCO No. 7114

HB0660807114HDO

Offered by:
REP. STONE, 9th Dist.

To: Subst. House Bill No. 6608 File No. 200 Cal. No. 192

"AN ACT CONCERNING THE LIQUOR CONTROL ACT."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Section 30-63 of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective July 1, 2005, until June*
5 *30, 2006*):

6 (a) No holder of any manufacturer, wholesaler or out-of-state
7 shipper's permit shall ship, transport or deliver within this state, or sell
8 or offer for sale, any alcoholic liquors unless the name of the brand,
9 trade name or other distinctive characteristic by which such alcoholic
10 liquors are bought and sold, the name and address of the manufacturer
11 thereof and the name and address of each wholesaler permittee who is
12 authorized by the manufacturer or his authorized representative to sell
13 such alcoholic liquors are registered with the Department of Consumer
14 Protection and until such brand, trade name or other distinctive
15 characteristic has been approved by the department. Such registration

16 shall be valid for a period of three years. The fee for such registration,
17 or renewal thereof, shall be one hundred dollars for out-of-state
18 shippers and three dollars for Connecticut manufacturers for each
19 brand so registered, payable by the manufacturer or his authorized
20 representative when such liquors are manufactured in the United
21 States and by the importer or his authorized representative when such
22 liquors are imported into the United States. The department shall not
23 approve the brand registration of any fortified wine, as defined in
24 section 12-433, which is labeled, packaged or canned so as to appear to
25 be a wine or liquor cooler, as defined in section 12-433.

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

34 (c) [Each] For alcoholic liquor other than beer, each manufacturer,
35 wholesaler and out-of-state shipper permittee shall post with the
36 department, on a monthly basis, the bottle, can and case price [, and
37 for beer, the price per keg or barrel or fractional unit thereof,] of any
38 brand of goods offered for sale in Connecticut, which price when so
39 posted shall be the controlling price for such manufacturer, wholesaler
40 or out-of-state permittee for the month following such posting. For
41 beer, each manufacturer, wholesaler and out-of-state shipper permittee
42 shall post with the department, on a monthly basis, the bottle, can and
43 case price, and the price per keg or barrel or fractional unit thereof for
44 any brand of goods offered for sale in Connecticut which price when
45 so posted shall be the controlling price for such brand of goods offered
46 for sale in this state for the month following such posting. Such
47 manufacturer, wholesaler and out-of-state shipper permittee may also
48 post additional prices for such bottle, can, case, keg or barrel or
49 fractional unit thereof for a specified portion of the following month

50 which prices when so posted shall be the controlling prices for such
51 bottle, can, case, keg or barrel or fractional unit thereof for such
52 specified portion of the following month. Notice of all manufacturer,
53 wholesaler and out-of-state shipper permittee prices shall be given to
54 permittee purchasers by direct mail or advertising in a trade
55 publication having circulation among the retail permittees except a
56 wholesaler permittee may give such notice by hand delivery. Price
57 postings with the department setting forth wholesale prices to retailers
58 shall be available for inspection during regular business hours at the
59 offices of the department by manufacturers and wholesalers until three
60 o'clock p.m. of the first business day after the last day for posting
61 prices. A manufacturer or wholesaler may amend his posted price for
62 any month to meet a lower price posted by another manufacturer or
63 wholesaler with respect to alcoholic liquor bearing the same brand or
64 trade name and of like age, vintage, quality and unit container size;
65 provided that any such amended price posting shall be filed before
66 three o'clock p.m. of the fourth business day after the last day for
67 posting prices; and provided further such amended posting shall not
68 set forth prices lower than those being met. Any manufacturer or
69 wholesaler posting an amended price shall, at the time of posting,
70 identify in writing the specific posting being met. All wholesaler
71 postings for the following month shall be provided to retail permittees
72 not later than the twelfth day of the month prior to such posting.

73 Sec. 2. Subsection (a) of section 30-68m of the general statutes is
74 repealed and the following is substituted in lieu thereof (*Effective July*
75 *1, 2005*):

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

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

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2005, until June 30, 2006</i>	30-63
Sec. 2	<i>July 1, 2005</i>	30-68m(a)