



House of Representatives

General Assembly

File No. 59

February Session, 2006

House Bill No. 5183

House of Representatives, March 21, 2006

The Committee on General Law reported through REP. STONE, C. of the 9th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT CONCERNING ALCOHOLIC LIQUOR PRICE POSTING.

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

1 Section 1. Section 30-63 of the 2006 supplement to the general
2 statutes is repealed and the following is substituted in lieu thereof
3 (*Effective from passage*):

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

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

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

33 (c) For alcoholic liquor other than beer, each manufacturer,
34 wholesaler and out-of-state shipper permittee shall post with the
35 department, on a monthly basis, the bottle, can and case price of any
36 brand of goods offered for sale in Connecticut, which price when so
37 posted shall be the controlling price for such manufacturer, wholesaler
38 or out-of-state permittee for the month following such posting. [For]
39 On and after July 1, 2005, for beer, each manufacturer, wholesaler and
40 out-of-state shipper permittee shall post with the department, on a
41 monthly basis, the bottle, can and case price, and the price per keg or
42 barrel or fractional unit thereof for any brand of goods offered for sale
43 in Connecticut which price when so posted shall be the controlling
44 price for such brand of goods offered for sale in this state for the
45 month following such posting. Such manufacturer, wholesaler and
46 out-of-state shipper permittee may also post additional prices for such
47 bottle, can, case, keg or barrel or fractional unit thereof for a specified
48 portion of the following month which prices when so posted shall be
49 the controlling prices for such bottle, can, case, keg or barrel or

50 fractional unit thereof for such specified portion of the following
 51 month. Notice of all manufacturer, wholesaler and out-of-state shipper
 52 permittee prices shall be given to permittee purchasers by direct mail
 53 or advertising in a trade publication having circulation among the
 54 retail permittees except a wholesaler permittee may give such notice
 55 by hand delivery. Price postings with the department setting forth
 56 wholesale prices to retailers shall be available for inspection during
 57 regular business hours at the offices of the department by
 58 manufacturers and wholesalers until three o'clock p.m. of the first
 59 business day after the last day for posting prices. A manufacturer or
 60 wholesaler may amend [his] such manufacturer's or wholesaler's
 61 posted price for any month to meet a lower price posted by another
 62 manufacturer or wholesaler with respect to alcoholic liquor bearing the
 63 same brand or trade name and of like age, vintage, quality and unit
 64 container size; provided that any such amended price posting shall be
 65 filed before three o'clock p.m. of the fourth business day after the last
 66 day for posting prices; and provided further such amended posting
 67 shall not set forth prices lower than those being met. Any
 68 manufacturer or wholesaler posting an amended price shall, at the
 69 time of posting, identify in writing the specific posting being met. [All]
 70 On and after July 1, 2005, all wholesaler postings for the following
 71 month shall be provided to retail permittees not later than the twelfth
 72 day of the month prior to such posting.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	30-63

GL *Joint Favorable*

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: None

Municipal Impact: None

Explanation

The bill repeals the June 30, 2006 sunset date on certain alcoholic liquor price posting laws. There is no fiscal impact.

The Out Years

There is no fiscal impact in the out years.

OLR Bill Analysis
HB 5183

AN ACT CONCERNING ALCOHOLIC LIQUOR PRICE POSTING.

SUMMARY:

This bill repeals the June 30, 2006 sunset date on the law that (1) requires manufacturers and wholesalers of alcoholic beverages to register their brands with the Department of Consumer Protection (DCP) and post their prices for the following month with it; and (2) prohibits them from discriminating in price between one liquor permittee and another.

EFFECTIVE DATE: Upon passage

BRAND REGISTRATION

The law prohibits selling an alcoholic beverage unless the brand and its trade name or other distinctive characteristic has been registered with and approved by DCP. The fee is \$100 for out-of-state shippers and \$3 for Connecticut manufacturers for a three-year brand registration.

PRICE POSTING

The law requires manufacturers and wholesalers of all types of alcoholic beverages to post their bottle, can, case, keg, barrel, or fractional unit prices (*e.g.*, quarter kegs) for the following month with DCP. The price, once posted, is the controlling price for the entire next month. The law also allows beer manufacturers and wholesalers to post additional prices for specified parts of the month and makes them the controlling prices for the specified parts of the month. It requires wholesalers to provide their price postings for the following month to retailers by the 12th of the month "prior to such posting."

PRICE DISCRIMINATION

The law prohibits manufacturers, wholesalers, and out-of-state shippers from discriminating in price discounts between one permittee and another on sales of like age, size, and quality and from making any discount, rebate, or other inducement to make a sale.

BACKGROUND

Related Legislation

An Act Concerning the Registration of Alcoholic Liquor Brands and Fees and Price Posting and Notice (HB 5667) delays the wholesaler priced posting deadline from the 12th of the month to the 27th.

COMMITTEE ACTION

General Law Committee

Joint Favorable

Yea 15 Nay 1 (03/07/2006)