



General Assembly

Amendment

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LCO No. 6663

HB0714206663HDO

Offered by:

REP. STONE, 9th Dist.

REP. GREENE, 105th Dist.

REP. MINER, 66th Dist.

To: Subst. House Bill No. 7142

File No. 102

Cal. No. 143

"AN ACT CONCERNING FARM WINERIES."

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

3 "Section 1. Section 30-16 of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective from passage*):

5 (a) A manufacturer permit shall allow the manufacture of alcoholic
6 liquor and the storage, bottling and wholesale distribution and sale of
7 alcoholic liquor manufactured or bottled to permittees in this state and
8 without the state as may be permitted by law; but no such permit shall
9 be granted unless the place or the plan of the place of manufacture has
10 received the approval of the Department of Consumer Protection. A
11 holder of a manufacturer permit may apply for and shall receive an
12 out-of-state shipper's permit for manufacturing plants and warehouse
13 locations outside the state owned by such manufacturer or a
14 subsidiary corporation thereof, at least eighty-five per cent of the

15 voting stock of which is owned by such manufacturer, to bring into
16 any of its plants or warehouses in the state alcoholic liquors for
17 reprocessing, repackaging, reshipment or sale either (1) within the
18 state to wholesaler permittees not owned or controlled by such
19 manufacturer, or (2) outside the state. A holder of a manufacturer
20 permit, except a manufacturer permit for cider, may apply for and
21 shall receive a wholesaler permit. The annual fee for a manufacturer
22 permit shall be one thousand six hundred dollars.

23 (b) A manufacturer permit for beer shall be in all respects the same
24 as a manufacturer permit, except that the scope of operations of the
25 holder shall be limited to beer, but shall permit the storage of beer in
26 any part of the state. Such permit shall also authorize the offering and
27 tasting, on the premises of the permittee, of free samples of beer
28 brewed on such premises and the selling at retail from the premises of
29 sealed bottles or other sealed containers of such beer for consumption
30 off the premises. The offering and tasting shall be limited to visitors
31 who have attended a tour of the premises of the permittee. Such selling
32 at retail from the premises of sealed bottles or other sealed containers
33 shall comply with the provisions of subsection (d) of section 30-91 and
34 shall permit not more than eight liters of beer to be sold to any person
35 on any day on which such sale is authorized under the provisions of
36 subsection (d) of section 30-91. The annual fee for a manufacturer
37 permit for beer shall be eight hundred dollars.

38 (c) A manufacturer permit for cider not exceeding six per cent
39 alcohol by volume and apple wine not exceeding fifteen per cent
40 alcohol by volume shall allow the manufacture, storage, bottling and
41 wholesale distribution and sale at retail of such cider and apple wine
42 to permittees and nonpermittees in this state as may be permitted by
43 law; but no such permit shall be issued unless the place or the plan of
44 the place of manufacture has received the approval of the department.
45 The annual fee for a manufacturer permit for cider shall be one
46 hundred sixty dollars.

47 (d) A manufacturer permit for apple brandy and eau-de-vie shall be

48 in all respects the same as a manufacturer permit, except that the scope
49 of operations of the holder shall be limited to apple brandy or eau-de-
50 vie, or both. The annual fee for a manufacturer permit for apple
51 brandy and eau-de-vie shall be three hundred twenty dollars.

52 (e) (1) A manufacturer permit for a farm winery shall be in all
53 respects the same as a manufacturer permit, except that the scope of
54 operations of the holder shall be limited to wine and brandies distilled
55 from grape products or other fruit products, including grappa and
56 eau-de-vie. As used in this section, "farm winery" means any place or
57 premises, located on a farm in the state in which wine is manufactured
58 and sold.

59 (2) Such permit shall authorize (A) the sale in bulk by the holder
60 thereof from the premises where the products are manufactured
61 pursuant to such permit; (B) as to a manufacturer who produces one
62 hundred thousand gallons of wine or less per year, the sale and
63 shipment by the holder thereof to a retailer of wine manufactured by
64 the farm winery permittee in the original sealed containers of not more
65 than fifteen gallons per container; (C) the sale and shipment by the
66 holder thereof of wine manufactured by the farm winery permittee to
67 persons outside the state; (D) the offering and tasting of free samples
68 of such wine or brandy to visitors and prospective retail customers for
69 consumption on the premises of the farm winery permittee; (E) the sale
70 at retail from the premises of sealed bottles or other sealed containers
71 of such wine or brandy for consumption off the premises; (F) the sale
72 at retail from the premises of wine or brandy by the glass and bottle to
73 visitors on the premises of the farm winery permittee for consumption
74 on the premises; and (G) subject to the provisions of subdivision (3) of
75 this subsection, the sale and delivery or shipment of wine
76 manufactured by the permittee directly to a consumer in this state.
77 Notwithstanding the provisions of subparagraphs (D), (E) and (F) of
78 this subdivision, a town may, by ordinance or zoning regulation,
79 prohibit any such offering, tasting or selling at retail at premises within
80 such town for which a manufacturer permit for a farm winery has been
81 issued. Notwithstanding the provisions of subparagraphs (B), (C) and

82 (G) of this subdivision, a farm winery permittee shall not sell off-
83 premises more than one hundred thousand gallons of wine per year
84 manufactured by such permittee to retailers. Any wine manufactured
85 and sold off-premises by such permittee in excess of one hundred
86 thousand gallons per year shall be sold by such permittee to a holder
87 of a permit authorized pursuant to section 30-17.

88 (3) A permittee, when selling and shipping wine directly to a
89 consumer in this state, shall: (A) Ensure that the shipping labels on all
90 containers of wine shipped directly to a consumer in this state
91 conspicuously state the following: "CONTAINS ALCOHOL—
92 SIGNATURE OF A PERSON AGE 21 OR OLDER REQUIRED FOR
93 DELIVERY"; (B) obtain the signature of a person age twenty-one or
94 older at the address prior to delivery, after requiring the signer to
95 demonstrate that he or she is age twenty-one or older by providing a
96 valid motor vehicle operator's license or a valid identity card described
97 in section 1-1h; (C) not ship more than five gallons of wine in any
98 sixty-day period to any person in this state; (D) pay, to the Department
99 of Revenue Services, all sales taxes and alcoholic beverage taxes due
100 under chapters 219 and 220 on sales of wine to consumers in this state,
101 and file, with said department, all sales tax returns and alcoholic
102 beverage tax returns relating to such sales; (E) report to the
103 Department of Consumer Protection a separate and complete record of
104 all sales and shipments to consumers in the state, on a ledger sheet or
105 similar form which readily presents a chronological account of such
106 permittee's dealings with each such consumer; (F) not ship to any
107 address in the state where the sale of alcoholic liquor is prohibited by
108 local option pursuant to section 30-9; and (G) hold an in-state
109 transporter's permit pursuant to section 30-19f or make any such
110 shipment through the use of a person who holds such an in-state
111 transporter's permit.

112 (4) No licensed farm winery may sell any such wine or brandy not
113 manufactured by such winery, except a licensed farm winery may sell
114 from the premises wine manufactured by another farm winery located
115 in this state.

116 (5) The farm winery permittee shall produce on [the premises of the
117 farm winery or on] property [adjacent to and under the same
118 ownership and control of said permittee] located within [the] this state
119 an average crop of fruit equal to not less than twenty-five per cent of
120 the fruit used in the manufacture of the farm winery permittee's wine.
121 An average crop shall be defined each year as the average yield of the
122 farm winery permittee's two largest annual crops out of the preceding
123 five years, except that during the first seven years from the date of
124 issuance of a farm winery permit, an average crop shall be defined as
125 three tons of grapes for each acre of vineyard farmed by the farm
126 winery permittee.

127 (6) A holder of a manufacturer permit for a farm winery, when
128 advertising or offering wine for direct shipment to a consumer in this
129 state via the Internet or any other on-line computer network, shall
130 clearly and conspicuously state such liquor permit number in its
131 advertising.

132 (7) The annual fee for a manufacturer permit for a farm winery shall
133 be two hundred forty dollars.

134 (f) A manufacturer permit for a brew pub shall allow the
135 manufacture, storage and bottling of beer, the retail sale of alcoholic
136 liquor to be consumed on the premises with or without the sale of
137 food, and the selling at retail from the premises of sealed bottles or
138 other sealed containers of beer brewed on such premises for
139 consumption off the premises, provided that the holder of a
140 manufacturer permit for a brew pub produces at least five thousand
141 gallons of beer on the premises annually. Such selling at retail from the
142 premises of sealed bottles or other sealed containers shall comply with
143 the provisions of subsection (d) of section 30-91 and shall permit not
144 more than eight liters of beer to be sold to any person on any day on
145 which such sale is authorized under the provisions of subsection (d) of
146 section 30-91. The annual fee for a manufacturer permit for a brew pub
147 shall be two hundred forty dollars.

148 Sec. 2. Section 30-18 of the general statutes is repealed and the
149 following is substituted in lieu thereof (*Effective from passage*):

150 (a) An out-of-state shipper's permit for alcoholic liquor other than
151 beer shall allow the sale of such alcoholic liquor to manufacturer and
152 wholesaler permittees in this state as permitted by law and, as to any
153 out-of-state shipper operating a farm winery who produces not more
154 than one hundred thousand gallons of wine per year, the sale and
155 shipment by the holder thereof to a retailer of wine manufactured by
156 such permittee on the permitted premises in the original sealed
157 containers of not more than fifteen gallons per container. The permit
158 premises of an out-of-state shipper's permit for alcoholic liquor may be
159 located within this state or outside this state. The annual fee for an out-
160 of-state shipper's permit for alcoholic liquor other than beer shall be
161 forty-five dollars for a Connecticut manufacturer or wholesaler
162 holding such a permit and shall be one thousand dollars for any other
163 person holding such a permit. For purposes of this subsection, "farm
164 winery" means any place or premises, located on a farm in which wine
165 is manufactured and sold, provided not less than twenty-five per cent
166 of the fruit used in the manufacture of such wine is produced on [such
167 farm] property located within the state in which such farm is located.

168 (b) Subject to the provisions of this subsection, an out-of-state
169 shipper's permit for alcoholic liquor other than beer shall allow the sale
170 and delivery or shipment of wine manufactured by the permittee on
171 the permitted premises directly to a consumer in this state. Such
172 permittee, when selling and shipping wine directly to a consumer in
173 this state, shall: (1) Ensure that the shipping labels on all containers of
174 wine shipped directly to a consumer in this state conspicuously state
175 the following: "CONTAINS ALCOHOL—SIGNATURE OF A PERSON
176 AGE 21 OR OLDER REQUIRED FOR DELIVERY"; (2) obtain the
177 signature of a person age twenty-one or older at the address prior to
178 delivery, after requiring the signer to demonstrate that he or she is age
179 twenty-one or older by providing a valid motor vehicle operator's
180 license or a valid identity card described in section 1-1h; (3) not ship
181 more than five gallons of wine in any sixty-day period to any person in

182 this state and not ship any wine until such permittee is registered, with
183 respect to the permittee's sales of wine to consumers in this state, for
184 purposes of the taxes imposed under chapters 219 and 220, with the
185 Department of Revenue Services; (4) pay, to the Department of
186 Revenue Services, all sales taxes and alcoholic beverage taxes due
187 under chapters 219 and 220 on sales of wine to consumers in this state,
188 and file, with said department, all sales tax returns and alcoholic
189 beverage tax returns relating to such sales, with the amount of such
190 taxes to be calculated as if the sale were in this state at the location
191 where delivery is made; (5) report to the Department of Consumer
192 Protection a separate and complete record of all sales and shipments to
193 consumers in the state, on a ledger sheet or similar form which readily
194 presents a chronological account of such permittee's dealings with
195 each such consumer; (6) permit the Department of Consumer
196 Protection and Department of Revenue Services, separately or jointly,
197 to perform an audit of the permittee's records upon request; (7) not
198 ship to any address in the state where the sale of alcoholic liquor is
199 prohibited by local option pursuant to section 30-9; (8) hold an in-state
200 transporter's permit pursuant to section 30-19f or make any such
201 shipment through the use of a person who holds such an in-state
202 transporter's permit; and (9) execute a written consent to the
203 jurisdiction of this state, its agencies and instrumentalities and the
204 courts of this state concerning the enforcement of this section and any
205 related laws, rules, or regulations, including, but not limited to, tax
206 laws, rules or regulations.

207 (c) The Department of Consumer Protection, in consultation with
208 the Department of Revenue Services, may adopt regulations, in
209 accordance with the provisions of chapter 54, to assure compliance
210 with the provisions of subsection (b) of this section.

211 (d) A holder of an out-of-state shipper's permit for alcoholic liquor
212 other than beer, when advertising or offering wine for direct shipment
213 to a consumer in this state via the Internet or any other on-line
214 computer network, shall clearly and conspicuously state such liquor
215 permit number in its advertising.

216 (e) (1) For purposes of chapter 219, the holder of an out-of-state
 217 shipper's permit for alcoholic liquor other than beer, when shipping
 218 wine directly to a consumer in this state, shall be deemed to be a
 219 retailer engaged in business in this state, as defined in chapter 219, and
 220 shall be required to be issued a seller's permit pursuant to chapter 219.

221 (2) For purposes of chapter 220, the holder of an out-of-state
 222 shipper's permit for alcoholic liquor other than beer, when shipping
 223 wine directly to a consumer in this state, shall be deemed to be a
 224 distributor as defined in chapter 220 and shall be required to be
 225 licensed pursuant to chapter 220.

226 (f) As used in this section, "out-of-state" means any state other than
 227 Connecticut, any territory or possession of the United States, the
 228 District of Columbia or the Commonwealth of Puerto Rico, but does
 229 not include any foreign country."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	30-16
Sec. 2	<i>from passage</i>	30-18