



General Assembly

January Session, 2009

Amendment

LCO No. 7905

SB0100207905SD0

Offered by:
SEN. COLAPIETRO, 31st Dist.

To: Subst. Senate Bill No. 1002 File No. 845 Cal. No. 187

"AN ACT CONCERNING THE DEPARTMENT OF CONSUMER PROTECTION."

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. Section 30-37c of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective October 1, 2009*):

5 [(a)] A bowling establishment permit shall allow the retail sale of
6 alcoholic liquor to be consumed on the premises of a commercial
7 bowling establishment containing ten or more lanes. A bowling
8 establishment permit for beer and wine shall allow the retail sale of
9 beer and wine to be consumed on the premises of a commercial
10 bowling establishment containing ten or more lanes. The annual fee for
11 a bowling establishment permit shall be two thousand dollars and for
12 a bowling establishment permit for beer and wine shall be three
13 hundred fifty dollars.

14 [(b)] A racquetball facility permit shall allow the retail sale of

15 alcoholic liquor to be consumed on the premises of a commercial
16 racquetball facility containing five or more courts. The annual fee for a
17 racquetball facility permit shall be two thousand dollars.]

18 Sec. 502. Section 30-77 of the general statutes is repealed and the
19 following is substituted in lieu thereof (*Effective October 1, 2009*):

20 (a) Any person who, without a permit therefor, except as provided
21 in section 30-37 or subsection (b) of section 12-436, the provisions of
22 which shall not be construed as requiring an individual to be
23 physically present at the point of purchase of alcoholic beverages to
24 import such alcoholic beverages, or contrary to the provisions of this
25 chapter and the regulations of the Department of Consumer Protection
26 with respect to the class of permit held by such person, manufactures
27 or, by sample, by soliciting or procuring orders, or otherwise, sells or
28 delivers, or offers or exposes for sale or delivery, or owns or keeps
29 with intent to sell or deliver, or who ships, transports or imports into
30 this state, any alcoholic liquor, shall be subject to the penalties
31 prescribed in section 30-113; provided nothing in this section shall
32 prohibit any common carrier, warehouseman or other lien holder, or
33 any officer acting under legal process, or any insurance company that
34 acquires the same as the result of fire, flood or water damage, from
35 exercising the right of such person or such entity to sell alcoholic liquor
36 under a lien or such process or such acquisition, with the permission of
37 the department. The provisions of this section shall not apply to the
38 delivery to a permittee under this chapter of alcoholic liquor which is
39 legally authorized. The provisions of this section shall not apply to the
40 shipment into this state of ethyl alcohol intended for use or used for
41 scientific, mechanical and industrial uses, for use in hospitals and
42 public institutions, for medicinal purposes in the manufacture of
43 patented, proprietary, medicinal, pharmaceutical, antiseptic, toilet,
44 scientific, chemical, mechanical and industrial preparations or
45 products not sold as a beverage for human consumption, nor to the
46 shipment of wine to be used in the manufacture of patented,
47 proprietary or pharmaceutical preparations or products or in the
48 manufacture of fruit preserves. No such shipment shall be made

49 except with the approval of the department and only in such manner
50 as the department prescribes. The department shall notify the
51 Commissioner of Revenue Services of the approval of any such
52 shipment.

53 (b) The provisions of this section shall not prohibit a person, other
54 than a minor, from producing beer for personal or family use only, in
55 the following amounts: (1) One hundred gallons or less in one calendar
56 year if there are two persons who have attained the age of twenty-one
57 residing in the household; and (2) fifty gallons or less in one calendar
58 year if there is only one person who has attained the age of twenty-one
59 residing in the household. Such beer may be transported in sealed
60 containers for use at organized affairs including beer exhibitions,
61 contests or competitions. Such beer shall not be sold or offered for sale.

62 (c) The provisions of this section shall not prohibit a person from
63 manufacturing or dispensing wine as part of an academic course in a
64 curriculum established, approved by and under the control of an
65 accredited institution of higher education and located on the premises
66 of such accredited institution.

67 Sec. 503. Section 30-91 of the general statutes is repealed and the
68 following is substituted in lieu thereof (*Effective October 1, 2009*):

69 (a) The sale or the dispensing or consumption or the presence in
70 glasses or other receptacles suitable to permit the consumption of
71 alcoholic liquor by an individual in places operating under hotel
72 permits, restaurant permits, cafe permits, restaurant permits for
73 catering establishments, bowling establishment permits, [racquetball
74 facility permits,] club permits, coliseum permits, coliseum concession
75 permits, special sporting facility restaurant permits, special sporting
76 facility employee recreational permits, special sporting facility guest
77 permits, special sporting facility concession permits, special sporting
78 facility bar permits, golf country club permits, nonprofit public
79 museum permits, university permits, airport restaurant permits,
80 airport bar permits, airport airline club permits, tavern permits, a

81 manufacturer permit for a brew pub, casino permits, caterer liquor
82 permits and charitable organization permits shall be unlawful on: (1)
83 Monday, Tuesday, Wednesday, Thursday and Friday between the
84 hours of one o'clock a.m. and nine o'clock a.m.; (2) Saturday between
85 the hours of two o'clock a.m. and nine o'clock a.m.; (3) Sunday
86 between the hours of two o'clock a.m. and eleven o'clock a.m.; (4)
87 Christmas, except (A) for alcoholic liquor that is served where food is
88 also available during the hours otherwise permitted by this section for
89 the day on which Christmas falls, and (B) by casino permittees at
90 casinos, as defined in section 30-37k; and (5) January first between the
91 hours of three o'clock a.m. and nine o'clock a.m., except that on any
92 Sunday that is January first the prohibitions of this section shall be
93 between the hours of three o'clock a.m. and eleven o'clock a.m.

94 (b) Any town may, by vote of a town meeting or by ordinance,
95 reduce the number of hours during which sales under subsection (a) of
96 this section, except sales pursuant to an airport restaurant permit,
97 airport bar permit or airport airline club permit, shall be permissible.
98 In all cases when a town, either by vote of a town meeting or by
99 ordinance, has acted on the sale of alcoholic liquor or the reduction of
100 the number of hours when such sale is permissible, such action shall
101 become effective on the first day of the month succeeding such action
102 and no further action shall be taken until at least one year has elapsed
103 since the previous action was taken.

104 (c) Notwithstanding any provisions of subsections (a) and (b) of this
105 section to the contrary, such sale or dispensing or consumption or
106 presence in glasses in places operating under a bowling establishment
107 permit shall be unlawful before two p.m. on any day, except in that
108 portion of the permit premises which is located in a separate room or
109 rooms entry to which, from the bowling lane area of the establishment,
110 is by means of a door or doors which shall remain closed at all times
111 except to permit entrance and egress to and from the lane area. Any
112 alcoholic liquor sold or dispensed in a place operating under a bowling
113 establishment permit shall be served in containers such as, but not
114 limited to, plastic or glass. Any town may, by vote of a town meeting

115 or by ordinance, reduce the number of hours during which sales under
116 this subsection shall be permissible.

117 (d) The sale or dispensing of alcoholic liquor in places operating
118 under package store permits, drug store permits, manufacturer
119 permits for beer or grocery store beer permits shall be unlawful on
120 Decoration Day, Independence Day, Labor Day, Thanksgiving Day,
121 New Year's Day, Sunday or Christmas or, if Independence Day,
122 Christmas or New Year's Day occurs on a Sunday, on the Monday next
123 following such day except that such sale or dispensing shall be lawful
124 on any Independence Day occurring on a Saturday; and such sale or
125 dispensing of alcoholic liquor in places operating under package store
126 permits, drug store permits, manufacturer permits for beer and
127 grocery store beer permits shall be unlawful on any other day before
128 eight o'clock a.m. and after nine o'clock p.m. It shall be unlawful for
129 the holder of a manufacturing permit for a brew pub to sell beer for
130 consumption off the premises on the days or hours prohibited by this
131 subsection. Any town may, by a vote of a town meeting or by
132 ordinance, reduce the number of hours during which such sale shall be
133 permissible.

134 (e) (1) In the case of any premises operating under a tavern permit,
135 [or premises operating under a cafe permit,] wherein, under the
136 provisions of this section, the sale of alcoholic liquor is forbidden on
137 certain days or hours of the day, or during the period when a tavern
138 permit [or cafe permit] is suspended, it shall likewise be unlawful to
139 keep such premises open to, or permit it to be occupied by, the public
140 on such days or hours.

141 (2) In the case of any premises operating under a cafe permit, it shall
142 be unlawful to keep such premises open to, or permit it to be occupied
143 by, the public between the hours of one o'clock a.m. and six o'clock
144 a.m. on Monday, Tuesday, Wednesday, Thursday or Friday and
145 between the hours of two o'clock a.m. and six o'clock a.m. on Saturday
146 or Sunday or during any period when the cafe permit is suspended,
147 provided the sale or the dispensing or consumption of alcohol on such

148 premises operating under such cafe permit shall be prohibited beyond
149 the hours authorized for the sale or the dispensing or consumption of
150 alcohol for such premises under this section.

151 (3) Notwithstanding any provision in this chapter, in the case of any
152 premises operating under a tavern or cafe permit, it shall be lawful for
153 such premises to be open to, or be occupied by, the public when such
154 premises is being used as a site for film, television, video or digital
155 production eligible for a film production tax credit pursuant to section
156 12-217j, provided the sale or the dispensing or consumption of alcohol
157 on such premises operating under such tavern or cafe permit shall be
158 prohibited beyond the hours authorized for the sale or the dispensing
159 or consumption of alcohol for such premises under this section.

160 (f) The retail sale of wine and the tasting of free samples of wine by
161 visitors and prospective retail customers of a permittee holding a
162 manufacturer permit for a farm winery on the premises of such
163 permittee shall be unlawful on Sunday before eleven o'clock a.m. and
164 after eight o'clock p.m. and on any other day before ten o'clock a.m.
165 and after eight o'clock p.m. Any town may, by vote of a town meeting
166 or by ordinance, reduce the number of hours during which sales and
167 the tasting of free samples of wine under this subsection shall be
168 permissible.

169 (g) Notwithstanding any provision of subsection (a) of this section
170 to the contrary, food or nonalcoholic beverages may be sold, dispensed
171 or consumed in places operating under an airport restaurant permit,
172 an airport bar permit or an airport airline club permit, at any time, as
173 allowed by agreement between the state of Connecticut and its lessees
174 or concessionaires.

175 (h) The sale or the dispensing or consumption or the presence in
176 glasses or other receptacles suitable to permit the consumption of
177 alcoholic liquor by an individual in places operating under a nonprofit
178 golf tournament permit shall be unlawful on any day prior to eleven
179 o'clock a.m. and after nine o'clock p.m.

180 (i) The tasting of free samples of beer by visitors of a permittee
181 holding a manufacturing permit for beer on the premises of such
182 permittee shall be unlawful on Sunday before eleven o'clock a.m. and
183 after eight o'clock p.m. and on any other day before ten o'clock a.m.
184 and after eight o'clock p.m. Nothing in this section shall be construed
185 to limit the right of a holder of such permit to conduct manufacturing
186 operations at any time. Any town may, by vote of a town meeting or
187 ordinance, reduce the number of hours during which the tasting and
188 free samples of beer under this subsection shall be permissible.

189 (j) Nothing in this section shall be construed to require any
190 permittee to continue the sale or dispensing of alcoholic liquor until
191 the closing hour established under this section.

192 Sec. 504. Subsection (b) of section 19a-342 of the general statutes is
193 repealed and the following is substituted in lieu thereof (*Effective*
194 *October 1, 2009*):

195 (b) (1) Notwithstanding the provisions of section 31-40q, no person
196 shall smoke: (A) In any building or portion of a building owned and
197 operated or leased and operated by the state or any political
198 subdivision thereof; (B) in any area of a health care institution; (C) in
199 any area of a retail food store; (D) in any restaurant; (E) in any area of
200 an establishment with a permit issued for the sale of alcoholic liquor
201 pursuant to section 30-20a, 30-21, 30-21b, 30-22, 30-22c, 30-28, 30-28a,
202 30-33a, 30-33b, 30-35a, 30-37a, 30-37e or 30-37f, in any area of an
203 establishment with a permit for the sale of alcoholic liquor pursuant to
204 section 30-23 issued after May 1, 2003, and, on and after April 1, 2004,
205 in any area of an establishment with a permit issued for the sale of
206 alcoholic liquor pursuant to section 30-22a or 30-26 or the bar area of a
207 bowling establishment holding a permit pursuant to [subsection (a) of]
208 section 30-37c; (F) within a school building while school is in session or
209 student activities are being conducted; (G) in any passenger elevator,
210 provided no person shall be arrested for violating this subsection
211 unless there is posted in such elevator a sign which indicates that
212 smoking is prohibited by state law; (H) in any dormitory in any public

213 or private institution of higher education; or (I) on and after April 1,
214 2004, in any area of a dog race track or a facility equipped with screens
215 for the simulcasting of off-track betting race programs or jai alai
216 games. For purposes of this subsection, "restaurant" means space, in a
217 suitable and permanent building, kept, used, maintained, advertised
218 and held out to the public to be a place where meals are regularly
219 served to the public.

220 (2) This section shall not apply to (A) correctional facilities; (B)
221 designated smoking areas in psychiatric facilities; (C) public housing
222 projects, as defined in subsection (b) of section 21a-278a; (D)
223 classrooms where demonstration smoking is taking place as part of a
224 medical or scientific experiment or lesson; (E) smoking rooms
225 provided by employers for employees, pursuant to section 31-40q; (F)
226 notwithstanding the provisions of subparagraph (E) of subdivision (1)
227 of this subsection, the outdoor portion of the premises of any permittee
228 listed in subparagraph (E) of subdivision (1) of this subsection,
229 provided, in the case of any seating area maintained for the service of
230 food, at least seventy-five per cent of the outdoor seating capacity is an
231 area in which smoking is prohibited and which is clearly designated
232 with written signage as a nonsmoking area, except that any temporary
233 seating area established for special events and not used on a regular
234 basis shall not be subject to the smoking prohibition or signage
235 requirements of this subparagraph; or (G) any tobacco bar, provided
236 no tobacco bar shall expand in size or change its location from its size
237 or location as of December 31, 2002. For purposes of this subdivision,
238 "outdoor" means an area which has no roof or other ceiling enclosure,
239 "tobacco bar" means an establishment with a permit for the sale of
240 alcoholic liquor to consumers issued pursuant to chapter 545 that, in
241 the calendar year ending December 31, 2002, generated ten per cent or
242 more of its total annual gross income from the on-site sale of tobacco
243 products and the rental of on-site humidors, and "tobacco product"
244 means any substance that contains tobacco, including, but not limited
245 to, cigarettes, cigars, pipe tobacco or chewing tobacco.

246 Sec. 505. Subsection (a) of section 31-40q of the general statutes is

247 repealed and the following is substituted in lieu thereof (*Effective*
248 *October 1, 2009*):

249 (a) As used in this section:

250 (1) "Person" means one or more individuals, partnerships,
251 associations, corporations, limited liability companies, business trusts,
252 legal representatives or any organized group of persons.

253 (2) "Employer" means a person engaged in business who has
254 employees, including the state and any political subdivision thereof.

255 (3) "Employee" means any person engaged in service to an employer
256 in the business of his employer.

257 (4) "Business facility" means a structurally enclosed location or
258 portion thereof at which employees perform services for their
259 employer. The term "business facility" does not include: (A) Facilities
260 listed in subparagraph (A), (C) or (G) of subdivision (2) of subsection
261 (b) of section 19a-342; (B) any establishment with a permit for the sale
262 of alcoholic liquor pursuant to section 30-23 issued on or before May 1,
263 2003; (C) for any business that is engaged in the testing or
264 development of tobacco or tobacco products, the areas of such business
265 designated for such testing or development; or (D) during the period
266 from October 1, 2003, to April 1, 2004, establishments with a permit
267 issued for the sale of alcoholic liquor pursuant to section 30-22a or 30-
268 26 or the bar area of a bowling establishment holding a permit
269 pursuant to [subsection (a) of] section 30-37c.

270 (5) "Smoking" means the burning of a lighted cigar, cigarette, pipe
271 or any other matter or substance which contains tobacco."