



House of Representatives

General Assembly

File No. 66

February Session, 2010

Substitute House Bill No. 5140

House of Representatives, March 18, 2010

The Committee on General Law reported through REP. SHAPIRO of the 144th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT AMENDING THE LIQUOR CONTROL ACT.

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

1 Section 1. Section 30-37c of the 2010 supplement to the general
2 statutes is repealed and the following is substituted in lieu thereof
3 (*Effective October 1, 2010*):

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

13 [(b)] A racquetball facility permit shall allow the retail sale of
14 alcoholic liquor to be consumed on the premises of a commercial

15 racquetball facility containing five or more courts. The annual fee for a
16 racquetball facility permit shall be two thousand two hundred fifty
17 dollars.]

18 Sec. 2. Section 30-77 of the general statutes is repealed and the
19 following is substituted in lieu thereof (*Effective October 1, 2010*):

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 or 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. 3. Section 30-91 of the 2010 supplement to the general statutes is
68 repealed and the following is substituted in lieu thereof (*Effective*
69 *October 1, 2010*):

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

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

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

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

116 reduce the number of hours during which sales under this subsection
117 shall be permissible.

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

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

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

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

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

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

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

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

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

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

193 (k) The retail sale of wine and the tasting of free samples of wine by
194 visitors and prospective retail customers of a permittee holding a wine
195 festival permit or an out-of-state entity wine festival permit issued
196 pursuant to section 30-37l or 30-37m shall be unlawful on Sunday
197 before eleven o'clock a.m. and after eight o'clock p.m., and on any
198 other day before ten o'clock a.m. and after eight o'clock p.m. Any town
199 may, by vote of a town meeting or by ordinance, reduce the number of
200 hours during which the retail sale of wine and the tasting of free
201 samples of wine pursuant to this subsection shall be permissible.

202 Sec. 4. Subsection (b) of section 19a-342 of the general statutes is
203 repealed and the following is substituted in lieu thereof (*Effective*
204 *October 1, 2010*):

205 (b) (1) Notwithstanding the provisions of section 31-40q, as
206 amended by this act, no person shall smoke: (A) In any building or
207 portion of a building owned and operated or leased and operated by
208 the state or any political subdivision thereof; (B) in any area of a health
209 care institution; (C) in any area of a retail food store; (D) in any
210 restaurant; (E) in any area of an establishment with a permit issued for
211 the sale of alcoholic liquor pursuant to section 30-20a, 30-21, 30-21b, 30-
212 22, 30-22c, 30-28, 30-28a, 30-33a, 30-33b, 30-35a, 30-37a, 30-37e or 30-37f,
213 in any area of an establishment with a permit for the sale of alcoholic

214 liquor pursuant to section 30-23 issued after May 1, 2003, and, on and
215 after April 1, 2004, in any area of an establishment with a permit issued
216 for the sale of alcoholic liquor pursuant to section 30-22a or 30-26 or
217 the bar area of a bowling establishment holding a permit pursuant to
218 [subsection (a) of] section 30-37c, as amended by this act; (F) within a
219 school building while school is in session or student activities are being
220 conducted; (G) in any passenger elevator, provided no person shall be
221 arrested for violating this subsection unless there is posted in such
222 elevator a sign which indicates that smoking is prohibited by state law;
223 (H) in any dormitory in any public or private institution of higher
224 education; or (I) on and after April 1, 2004, in any area of a dog race
225 track or a facility equipped with screens for the simulcasting of off-
226 track betting race programs or jai alai games. For purposes of this
227 subsection, "restaurant" means space, in a suitable and permanent
228 building, kept, used, maintained, advertised and held out to the public
229 to be a place where meals are regularly served to the public.

230 (2) This section shall not apply to (A) correctional facilities; (B)
231 designated smoking areas in psychiatric facilities; (C) public housing
232 projects, as defined in subsection (b) of section 21a-278a; (D)
233 classrooms where demonstration smoking is taking place as part of a
234 medical or scientific experiment or lesson; (E) smoking rooms
235 provided by employers for employees, pursuant to section 31-40q, as
236 amended by this act; (F) notwithstanding the provisions of
237 subparagraph (E) of subdivision (1) of this subsection, the outdoor
238 portion of the premises of any permittee listed in subparagraph (E) of
239 subdivision (1) of this subsection, provided, in the case of any seating
240 area maintained for the service of food, at least seventy-five per cent of
241 the outdoor seating capacity is an area in which smoking is prohibited
242 and which is clearly designated with written signage as a nonsmoking
243 area, except that any temporary seating area established for special
244 events and not used on a regular basis shall not be subject to the
245 smoking prohibition or signage requirements of this subparagraph; or
246 (G) any tobacco bar, provided no tobacco bar shall expand in size or
247 change its location from its size or location as of December 31, 2002.
248 For purposes of this subdivision, "outdoor" means an area which has

249 no roof or other ceiling enclosure, "tobacco bar" means an
250 establishment with a permit for the sale of alcoholic liquor to
251 consumers issued pursuant to chapter 545 that, in the calendar year
252 ending December 31, 2002, generated ten per cent or more of its total
253 annual gross income from the on-site sale of tobacco products and the
254 rental of on-site humidors, and "tobacco product" means any substance
255 that contains tobacco, including, but not limited to, cigarettes, cigars,
256 pipe tobacco or chewing tobacco.

257 Sec. 5. Subsection (a) of section 31-40q of the general statutes is
258 repealed and the following is substituted in lieu thereof (*Effective*
259 *October 1, 2010*):

260 (a) As used in this section:

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

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

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

268 (4) "Business facility" means a structurally enclosed location or
269 portion thereof at which employees perform services for their
270 employer. The term "business facility" does not include: (A) Facilities
271 listed in subparagraph (A), (C) or (G) of subdivision (2) of subsection
272 (b) of section 19a-342, as amended by this act; (B) any establishment
273 with a permit for the sale of alcoholic liquor pursuant to section 30-23
274 issued on or before May 1, 2003; (C) for any business that is engaged in
275 the testing or development of tobacco or tobacco products, the areas of
276 such business designated for such testing or development; or (D)
277 during the period from October 1, 2003, to April 1, 2004,
278 establishments with a permit issued for the sale of alcoholic liquor
279 pursuant to section 30-22a or 30-26 or the bar area of a bowling

280 establishment holding a permit pursuant to [subsection (a) of] section
 281 30-37c, as amended by this act.

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

| | | |
|---|-----------------|------------|
| This act shall take effect as follows and shall amend the following sections: | | |
| Section 1 | October 1, 2010 | 30-37c |
| Sec. 2 | October 1, 2010 | 30-77 |
| Sec. 3 | October 1, 2010 | 30-91 |
| Sec. 4 | October 1, 2010 | 19a-342(b) |
| Sec. 5 | October 1, 2010 | 31-40q(a) |

Statement of Legislative Commissioners:

In new subsection (c) of section 30-77 in section 2, the comma after "established" was deleted and "or" was inserted for clarity.

GL *Joint Favorable Subst.-LCO*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill makes technical and minor revisions to the liquor control act which result in no fiscal impact.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis

HB 5140

AN ACT AMENDING THE LIQUOR CONTROL ACT.

SUMMARY:

This bill makes several changes regarding liquor permits.

It eliminates racquetball facilities' authority to sell alcohol on their premises.

It allows students (including minors) and teachers at accredited higher education institutions to make and dispense wine on the institutions' premises without a permit as part of an approved academic course.

It extends the hours during which cafés with a liquor permit may serve food, but not alcohol, to the public, by allowing them to begin serving food at 6 a.m. daily. With certain exceptions, under current law they must be closed from 1:00 to 9:00 a.m. during the week, 2:00 to 9:00 a.m. on Saturday, and 2:00 to 11:00 a.m. on Sunday.

Finally, the bill allows café and tavern permit holders to stay open past normal hours when the facilities are being used as sites eligible for a state film production tax credit, but does not change when such facilities may sell alcohol.

EFFECTIVE DATE: October 1, 2010

COMMITTEE ACTION

General Law Committee

Joint Favorable

Yea 18 Nay 0 (03/02/2010)