



General Assembly

February Session, 2010

Raised Bill No. 5276

LCO No. 1176

01176 _____ GL_

Referred to Committee on General Law

Introduced by:
(GL)

AN ACT CONCERNING CONNECTICUT BASED MICROBREWERIES.

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

1 Section 1. Subsection (f) of section 30-16 of the 2010 supplement to
2 the general statutes is repealed and the following is substituted in lieu
3 thereof (*Effective October 1, 2010*):

4 (f) A manufacturer permit for a brew pub shall allow: (1) The
5 manufacture, storage and bottling of beer, (2) the retail sale of alcoholic
6 liquor to be consumed on the premises with or without the sale of
7 food, (3) the selling at retail from the premises of sealed bottles or
8 other sealed containers of beer brewed on such premises for
9 consumption off the premises, and (4) the sale of sealed bottles or other
10 sealed containers of beer brewed on such premises to the holder of a
11 wholesaler permit issued pursuant to subsection (b) of section 30-17, as
12 amended by this act. [, provided that the holder of a manufacturer
13 permit for a brew pub produces at least five thousand gallons of beer
14 on the premises annually.] Such selling at retail from the premises of
15 sealed bottles or other sealed containers shall comply with the
16 provisions of subsection (d) of section 30-91 and shall permit not more
17 than eight liters of beer to be sold to any person on any day on which

18 such sale is authorized under the provisions of subsection (d) of
19 section 30-91. The annual fee for a manufacturer permit for a brew pub
20 shall be three hundred dollars.

21 Sec. 2. Section 30-17 of the 2010 supplement to the general statutes is
22 repealed and the following is substituted in lieu thereof (*Effective*
23 *October 1, 2010*):

24 (a) (1) A wholesaler permit shall allow the bottling of alcoholic
25 liquor and the wholesale sale of alcoholic liquor to permittees in this
26 state and without the state, as may be permitted by law, and the sale of
27 alcoholic liquors to vessels engaged in coastwise or foreign commerce,
28 and the sale of alcohol and alcoholic liquor for industrial purposes to
29 nonpermittees, such sales to be made in accordance with the
30 regulations adopted by the Department of Consumer Protection, and
31 the sale of alcohol and alcoholic liquor for medicinal purposes to
32 hospitals and charitable institutions and to religious organizations for
33 sacramental purposes and the receipt from out-of-state shippers of
34 multiple packages of alcoholic liquor. The holder of a wholesaler
35 permit may apply for and shall thereupon receive an out-of-state
36 shipper's permit for direct importation from abroad of alcoholic
37 liquors manufactured outside the United States and an out-of-state
38 shipper's permit for direct importation from abroad of beer
39 manufactured outside the United States. The annual fee for a
40 wholesaler permit shall be two thousand six hundred fifty dollars.

41 (2) When a holder of a wholesaler permit has had the
42 distributorship of any alcohol, [beer,] spirits or wine product of a
43 manufacturer or out-of-state shipper for six months or more, or of any
44 beer product for twelve months or more, such distributorship may be
45 terminated or its geographic territory diminished upon (A) the
46 execution of a written stipulation by the wholesaler and manufacturer
47 or out-of-state shipper agreeing to the change; [and the approval of
48 such change by the Department of Consumer Protection;] or (B) the
49 sending of a written notice by registered mail, return receipt requested,

50 by the manufacturer or out-of-state shipper to the wholesaler, a copy
51 of which notice has been sent simultaneously by registered mail,
52 return receipt requested, to the Department of Consumer Protection.
53 [No such termination or diminishment shall become effective except
54 for just and sufficient cause, provided such cause shall be set forth in
55 such notice and the Department of Consumer Protection shall
56 determine, after hearing, that just and sufficient cause exists. If an
57 emergency occurs, caused by the wholesaler, prior to such hearing,
58 which threatens the manufacturers' or out-of-state shippers' products
59 or otherwise endangers the business of the manufacturer or out-of-
60 state shipper and said emergency is established to the satisfaction of
61 the Department of Consumer Protection, the department may
62 temporarily suspend such wholesaler permit or take whatever
63 reasonable action the department deems advisable to provide for such
64 emergency and the department may continue such temporary action
65 until its decision after a full hearing. The Department of Consumer
66 Protection shall render its decision with reasonable promptness
67 following such hearing.] Notwithstanding the aforesaid, a
68 manufacturer or out-of-state shipper may appoint one or more
69 additional wholesalers as the distributor for an alcohol, spirits or wine
70 product within such territory, provided such appointment shall not be
71 effective until six months from the date such manufacturer or out-of-
72 state shipper sets forth such intention in written notice to the existing
73 wholesaler by registered mail, return receipt requested, with a copy of
74 such notice simultaneously sent by registered mail, return receipt
75 requested, to the Department of Consumer Protection. For just and
76 sufficient cause, a manufacturer or out-of-state shipper may appoint
77 one or more additional wholesalers as the distributor for a beer
78 product within such territory provided such manufacturer or out-of-
79 state shipper sets forth such intention and cause in written notice to the
80 existing wholesaler by registered mail, return receipt requested, with a
81 copy of such notice simultaneously sent by registered mail, return
82 receipt requested, to the Department of Consumer Protection. For the
83 purposes of this section, "just and sufficient cause" means the existence

84 of circumstances which, in the opinion of a reasonable person
85 considering all of the equities of both the wholesaler and the
86 manufacturer or out-of-state shipper warrants a termination or a
87 diminishment of a distributorship as the case may be. For the purposes
88 of this section, "manufacturer or out-of-state shipper" means the
89 manufacturer or out-of-state shipper who originally granted a
90 distributorship of any alcohol, beer, spirits or wine product to a
91 wholesaler, any successor to such manufacturer or out-of-state shipper,
92 which successor has assumed the contractual relationship with such
93 wholesaler by assignment or otherwise, or any other manufacturer or
94 out-of-state shipper who acquires the right to ship such alcohol, beer,
95 spirits or wine into the state.

96 (3) Nothing contained herein shall be construed to interfere with the
97 authority of the Department of Consumer Protection to retain or adopt
98 reasonable regulations concerning the termination or diminishment of
99 a distributorship held by a wholesaler for less than six months, in the
100 case of a distributorship for any alcohol, spirits or wine product or for
101 less than nine months in the case of a beer distributorship.

102 [(4) All hearings held hereunder shall be held in accordance with
103 the provisions of chapter 54.]

104 (b) A wholesaler permit for beer shall be in all respects the same as a
105 wholesaler permit, except that the scope of operations of the holder
106 shall be limited to beer; but shall not prohibit the handling of
107 nonalcoholic merchandise. The holder of a wholesaler permit for beer
108 may apply for and shall thereupon receive an out-of-state shipper's
109 permit for direct importation from abroad of beer manufactured
110 outside the United States. The annual fee for a wholesaler permit for
111 beer shall be one thousand dollars.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2010</i>	30-16(f)

Sec. 2	October 1, 2010	30-17
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Statement of Purpose:

To promote the production and sale of Connecticut brewed beer.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]