



WINE AND SPIRITS WHOLESALERS OF CONNECTICUT, INC.

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Testimony of the Wine & Spirits Wholesaler's relative to
S.B. No. 864 An Act Concerning Grocery Store Beer Permits.

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The stated purpose of Senate Bill 864 is: "To allow for the retail sale of beer at convenience stores." However, the bill as drafted expands those eligible to obtain a grocery license well beyond convenience stores.

Under current law, to be eligible to obtain a grocery beer license the applicant must demonstrate to the Department of Consumer Protection, that the license holder either does or will sell a majority of food items as specified in the applicable statute, CGS § 30-20. The Department has historically interpreted this requirement on the basis of dollar sales.¹ Thus, unless the applicant could demonstrate to the satisfaction of the Department that its dollar sales of certain enumerated food items set out in CGS § 30-20 exceeded more than 50% of the total dollar volume then the application would be denied. This presents as a challenge to convenience stores which also sell gas, because the dollar volume of gas sales often exceeds that of the enumerated food items thereby resulting in the denial of any such application.

The proposed bill seeks to rectify this matter by eliminating the requirement that the applicant be "primarily" engaged in the sale of the enumerated food items.

This proposal, however, opens the door for any retailer to obtain a grocery beer license no matter what quality of food they sell.

One solution which would allow convenience stores to obtain a grocery beer license; yet, would not lead to the unintended consequence, is to eliminate from the overall calculation of sales the sales of gasoline and diesel fuel.

The sample language might read as follows:

(c) "Grocery store" means any store commonly known as a supermarket, food store, grocery store, convenience store or delicatessen, primarily engaged in the retail sale of all sorts of canned goods and dry goods such as tea, coffee, spices, sugar and flour, either packaged or in bulk, with or without fresh fruits and vegetables, and with or without fresh, smoked and prepared meats, fish and poultry, except that no store primarily engaged in the retail sale of seafood, fruits and vegetables, candy, nuts and confectioneries, dairy products, bakery products or eggs and poultry shall be included in the definition of "grocery store". In considering the foregoing the Department shall not take into account gasoline and diesel fuel sales of the applicant.

¹ See Costco Wholesale Corp. v. Department of Consumer Protection, (2004 WL 1557962) June 18, 2004.