



Substitute House Bill No. 5021

Public Act No. 12-17

AN ACT CONCERNING COMPETITIVE ALCOHOLIC LIQUOR PRICING AND HOURS OF OPERATION FOR PERMITTEES.

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

Section 1. Subsection (b) of section 30-16 of the 2012 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2012*):

(b) A manufacturer permit for beer shall be in all respects the same as a manufacturer permit, except that the scope of operations of the holder shall be limited to beer, but shall permit the storage of beer in any part of the state. Such permit shall also authorize the offering and tasting, on the premises of the permittee, of free samples of beer brewed on such premises and the selling at retail from the premises of sealed bottles or other sealed containers of such beer for consumption off the premises. The offering and tasting [shall] may be limited to visitors who have attended a tour of the premises of the permittee. Such selling at retail from the premises of sealed bottles or other sealed containers shall comply with the provisions of subsection (d) of section 30-91, as amended by this act, and shall permit not more than [eight] nine liters of beer to be sold to any person on any day on which such sale is authorized under the provisions of subsection (d) of section 30-91, as amended by this act. The annual fee for a manufacturer permit

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for beer shall be one thousand dollars.

Sec. 2. Subsection (f) of section 30-16 of the 2012 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2012*):

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

Sec. 3. Section 30-16 of the 2012 supplement to the general statutes is amended by adding subsection (g) as follows (*Effective July 1, 2012*):

(NEW) (g) A manufacturer permit for beer and brew pub shall be in all respects the same as a manufacturer permit for beer, as defined in subsection (b) of this section, and shall allow those additional permissible uses specified in the manufacturer permit for a brew pub, as defined in subsection (f) of this section, provided the holder of a manufacturer permit for beer and brew pub produces at least five thousand gallons of beer on the premises annually. The annual fee for

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a manufacturer permit for beer and brew pub shall be one thousand five hundred dollars.

Sec. 4. Subsection (a) of section 30-17b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2012*):

(a) No person shall be employed by any wholesaler of alcoholic liquor to sell or offer for sale alcoholic liquor to any retailer of alcoholic liquor unless such person holds a wholesaler's salesman certificate or files an application for such certificate not later than ten days after the date of his or her initial employment. Any person desiring a wholesaler's salesman certificate or renewal thereof, shall file a sworn application for such certificate upon forms to be furnished by the Department of Consumer Protection, showing his or her name, address and such other information as the department may require. An application for an initial certificate shall be accompanied by a nonrefundable fee in the amount of fifty dollars. [Upon approval of such application, the department shall issue a certificate which shall be renewed only upon change of employment.] All such certificates shall expire biennially on January thirty-first. The biennial renewal fee for a certificate shall be twenty dollars. If a certified wholesaler's salesman changes employment, a renewal application shall be filed not later than ten days after the date such new employment commences and shall be accompanied by a nonrefundable fee in the amount of fifty dollars.

Sec. 5. Subsections (a) and (b) of section 30-20 of the 2012 supplement to the general statutes are repealed and the following is substituted in lieu thereof (*Effective July 1, 2012*):

(a) A package store permit shall allow the retail sale of alcoholic liquor not to be consumed on the premises, such sales to be made only in sealed bottles or other containers. The holder of a package store

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permit may, in accordance with regulations adopted by the Department of Consumer Protection pursuant to the provisions of chapter 54, offer free samples of alcoholic liquor for tasting on the premises, conduct fee-based wine education and tasting classes and demonstrations and conduct tastings or demonstrations provided by a permittee or backer of a package store for a nominal charge to charitable nonprofit organizations. Any offering, tasting, wine education and tasting class or demonstration held on permit premises shall be conducted only during the hours a package store is permitted to sell alcoholic liquor under section 30-91, as amended by this act. No store operating under a package store permit shall sell any commodity other than alcoholic liquor except that, notwithstanding any other provision of law, such store may sell (1) cigarettes, (2) publications, (3) bar utensils, which shall include, but need not be limited to, corkscrews, beverage strainers, stirrers or other similar items used to consume or related to the consumption of alcoholic liquor, (4) gift packages of alcoholic liquor shipped into the state by a manufacturer or out-of-state shipper, which may include a nonalcoholic item in the gift package that may be any item, except food or tobacco products, provided the dollar value of the nonalcoholic items does not exceed the dollar value of the alcoholic items of the package, (5) complementary fresh fruits used in the preparation of mixed alcoholic beverages, (6) cheese or crackers, or both, olives, (7) nonalcoholic beverages, [(6)] (8) concentrates used in the preparation of mixed alcoholic beverages, [(7)] (9) beer and wine-making kits and products related to beer and wine-making kits, [(8)] (10) ice in any form, [(9)] (11) articles of clothing imprinted with advertising related to the alcoholic liquor industry, [(10)] (12) gift baskets or other containers of alcoholic liquor, [(11)] (13) multiple packages of alcoholic liquors, as defined in subdivision (3) of section 30-1, provided in all such cases the minimum retail selling price for such alcoholic liquor shall apply, and [(12)] (14) lottery tickets authorized by the Department of Consumer Protection, if licensed as an agent to sell such tickets by said

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department. A package store permit shall also allow the taking and transmitting of orders for delivery of such merchandise in other states. Notwithstanding any other provision of law, a package store permit shall allow the participation in any lottery ticket promotion or giveaway sponsored by the Department of Consumer Protection. The annual fee for a package store permit shall be five hundred thirty-five dollars.

(b) A grocery store beer permit may be granted to any grocery store and shall allow the retail sale of beer in standard size containers not to be consumed on the premises. A holder of a grocery store beer permit shall post in a prominent location adjacent to the beer display, the retail price for each brand of beer and said retail price shall include all applicable federal and state taxes including the applicable state sales taxes. The annual fee for a grocery store beer permit shall be one hundred seventy dollars. For a grocery store that has annual sales of food and grocery items of not less than two million dollars the annual fee for a grocery store beer permit shall be one thousand five hundred dollars.

Sec. 6. Section 30-37c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2012*):

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

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

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

Sec. 7. Subsection (a) of section 30-48a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) No person, and no backer as defined in section 30-1, shall, except as hereinafter provided, acquire an interest in more than [two] three alcoholic beverage retail permits, but nothing herein shall (1) require any such person who had, on June 8, 1981, such interest in more than two such permits to surrender, dispose of or release his interest in any such permit or permits nor shall it affect his right to continue to hold, use and renew such permits, or (2) prohibit any such person who had, on June 8, 1981, such interest in more than two such permits from transferring his interest in such permits by inter vivos or testamentary disposition, including living trusts, to his spouse or child, or such spouse's or child's living trust or prohibit such spouse or child from accepting such a transfer notwithstanding that such spouse or child may already hold another permit issued under the provisions of this chapter. Any such permit so transferred may be renewed by such transferee under the provisions of section 30-14a. Except as provided in subdivision (1), a person shall be deemed to acquire an interest in a retail permit if an interest is owned by such person, such person's spouse, children, partners, or an estate, trust, or corporation controlled by such person or such person's spouse, children, or any combination thereof. The provisions of this subsection shall apply to any such interest without regard to whether such interest is a controlling interest. For the purposes of this subsection, "person" means (A) an individual, (B) a corporation or any subsidiary of a corporation, or (C) any combination of corporations or individuals any of whom, or any

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combination of whom, owns or controls, directly or indirectly, more than five per cent of any entity which is a backer as defined in said section 30-1.

Sec. 8. Section 30-77 of the general statutes is amended by adding subsection (c) as follows (*Effective July 1, 2012*):

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

Sec. 9. Subsection (a) of section 30-91 of the 2012 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) The sale or the dispensing or consumption or the presence in glasses or other receptacles suitable to permit the consumption of alcoholic liquor by an individual in places operating under hotel permits, restaurant permits, cafe permits, restaurant permits for catering establishments, bowling establishment permits, racquetball facility permits, club permits, coliseum permits, coliseum concession permits, special sporting facility restaurant permits, special sporting facility employee recreational permits, special sporting facility guest permits, special sporting facility concession permits, special sporting facility bar permits, golf country club permits, nonprofit public museum permits, university permits, airport restaurant permits, airport bar permits, airport airline club permits, tavern permits, a manufacturer permit for a brew pub, manufacturer permits for beer and brew pubs, casino permits, caterer liquor permits and charitable organization permits shall be unlawful on: (1) Monday, Tuesday, Wednesday, Thursday and Friday between the hours of one o'clock a.m. and nine o'clock a.m.; (2) Saturday between the hours of two

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o'clock a.m. and nine o'clock a.m.; (3) Sunday between the hours of two o'clock a.m. and eleven o'clock a.m.; (4) Christmas, except (A) for alcoholic liquor that is served where food is also available during the hours otherwise permitted by this section for the day on which Christmas falls, and (B) by casino permittees at casinos, as defined in section 30-37k; and (5) January first between the hours of three o'clock a.m. and nine o'clock a.m., except that on any Sunday that is January first the prohibitions of this section shall be between the hours of three o'clock a.m. and eleven o'clock a.m.

Sec. 10. Subsections (d) and (e) of section 30-91 of the 2012 supplement to the general statutes are repealed and the following is substituted in lieu thereof (*Effective from passage*):

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

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permissible.

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

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

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

Sec. 11. Section 30-91 of the 2012 supplement to the general statutes is amended by adding subsection (m) as follows (*Effective from passage*):

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(NEW) (m) Notwithstanding any provision of subsection (a) of this section, it shall be lawful for casino permittees at casinos, as defined in section 30-37k, to allow the presence of alcoholic liquor in glasses or other receptacles suitable to permit the consumption thereof by an individual at any time on its gaming facility, as defined in subsection (a) of section 30-37k, provided such alcoholic liquor shall not be served to a patron of such casino during the hours specified in subsection (a) of this section. For purposes of this section, "receptacles suitable to permit the consumption of alcoholic liquor" shall not include bottles of distilled spirits or bottles of wine.

Sec. 12. Section 30-68m of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) No retail permittee shall sell at a price below his or her cost. For the purposes of this section, cost for the retail permittee for alcoholic liquor other than beer shall mean the posted bottle price from the wholesaler plus any charge for shipping or delivery to the retailer's place of business paid by the retailer in addition to the posted price. [except on items of wine sold prior to January 1, 1983, cost shall mean the posted bottle price from the wholesaler plus a minimum of thirty-three and one-third per cent of such permittee's selling price.] For beer, cost for the retail permittee shall mean the lowest posted price during the month in which the retail permittee is selling plus any charge for shipping or delivery to the retailer's place of business paid by the retail permittee in addition to the price originally paid by the retail permittee. As used in this section, the term retail permittee means the holder of a permit allowing the sale of alcoholic liquor for off-premises consumption.

(b) "Bottle price" means the price per unit of the contents of any case of alcoholic liquor, other than beer, and shall be arrived at by dividing the case price by the number of units or bottles making up such case price and adding to the quotient an amount that is not less than the

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following: A unit or bottle one-half pint or two hundred milliliters or less, two cents; a unit or bottle more than one-half pint or two hundred milliliters but not more than one pint or five hundred milliliters, four cents; and a unit or bottle greater than one pint or five hundred milliliters, eight cents.

(c) Notwithstanding the provisions of subsection (a) of this section, a retail permittee may sell one beer item identified by a stock-keeping unit number or one item of alcoholic liquor other than beer identified by a stock-keeping unit number below his or her cost each month, provided the item is not sold at less than ninety per cent of such retail permittee's cost, as defined in subsection (a) of this section. A retail permittee who intends to sell an item below cost pursuant to this subsection shall notify the Department of Consumer Protection of such sale not later than the second day of the month such item will be offered for sale.

Sec. 13. Section 30-45 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

The Department of Consumer Protection shall refuse permits for the sale of alcoholic liquor to the following persons: (1) Any state marshal, judicial marshal, judge of any court, prosecuting officer or member of any police force, (2) [any first selectman holding office and acting as a chief of police in the town within which the permit premises are to be located, (3)] a minor, and [(4)] (3) any constable who performs criminal law enforcement duties and is considered a peace officer by town ordinance pursuant to the provisions of subsection (a) of section 54-1f, any constable who is certified under the provisions of sections 7-294a to 7-294e, inclusive, who performs criminal law enforcement duties pursuant to the provisions of subsection (c) of section 54-1f, or any special constable appointed pursuant to section 7-92. This section shall not apply to out-of-state shippers', boat and airline permits. As used in this section, "minor" means a minor, as defined in section 1-1d or as

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defined in section 30-1, whichever age is older.

Sec. 14. (*Effective from passage*) (a) There is established a Competitive Alcoholic Liquor Pricing task force. The task force shall examine, review, analyze and compare and contrast with surrounding states, Connecticut alcoholic liquor taxes, alcoholic liquor quantity and volume discounts, existing alcoholic liquor permit restrictions and alcoholic liquor minimum pricing and price posting in the state and the impacts, both positive and negative, of such issues on consumers and the alcoholic liquor industry in the state.

(b) The task force shall consist of the following members:

(1) One appointed by the speaker of the House of Representatives;

(2) One appointed by the president pro tempore of the Senate;

(3) One appointed by the majority leader of the House of Representatives;

(4) One appointed by the majority leader of the Senate;

(5) One appointed by the minority leader of the House of Representatives;

(6) One appointed by the minority leader of the Senate;

(7) The Commissioners of Consumer Protection and Revenue Services, or their designees;

(8) Three appointed by the Governor; and

(9) The chairpersons and the ranking members of the joint standing committee of the General Assembly having cognizance of matters relating to alcoholic beverages, or their designees.

(c) Any member of the task force appointed under subdivisions (1)

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to (6), inclusive, of subsection (b) of this section may be a member of the General Assembly.

(d) All appointments to the task force shall be made not later than thirty days after the effective date of this section. Any vacancy shall be filled by the appointing authority.

(e) The speaker of the House of Representatives and the president pro tempore of the Senate shall select the two chairpersons of the task force from among the members of the task force. Such chairpersons shall schedule the first meeting of the task force, which shall be held not later than sixty days after the effective date of this section.

(f) The administrative staff of the joint standing committee of the General Assembly having cognizance of matters relating to alcoholic beverages shall serve as administrative staff of the task force.

(g) Not later than January 1, 2013, the task force shall submit a report on its findings and recommendations to the joint standing committee of the General Assembly having cognizance of matters relating to alcoholic beverages, in accordance with the provisions of section 11-4a of the general statutes. The task force shall terminate on the date that it submits such report or January 1, 2013, whichever is later.

Sec. 15. Subsection (l) of section 30-91 of the 2012 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(l) The sale of wine at a farmers' market by a permittee holding a farmers' market wine sales permit pursuant to subsection (a) of section 30-37o shall be unlawful [on Sunday and] on any [other] day before eight o'clock a.m. and after nine o'clock p.m., provided such permittee shall not sell such wine at a farmers' market at any time during such hours that the farmers' market is not open to the public. Any town

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may, by vote of a town meeting or by ordinance, reduce the number of hours during which sales of wine under this subsection shall be permissible.

Approved May 14, 2012