



General Assembly

Substitute Bill No. 5021

February Session, 2012

* _____HB05021GL_____032012_____*

**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:

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2 the general statutes is repealed and the following is substituted in lieu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

4 (b) A manufacturer permit for beer shall be in all respects the same
5 as a manufacturer permit, except that the scope of operations of the
6 holder shall be limited to beer, but shall permit the storage of beer in
7 any part of the state. Such permit shall also authorize the offering and
8 tasting, on the premises of the permittee, of free samples of beer
9 brewed on such premises and the selling at retail from the premises of
10 sealed bottles or other sealed containers of such beer for consumption
11 off the premises. The offering and tasting [shall] may be limited to
12 visitors who have attended a tour of the premises of the permittee.
13 Such selling at retail from the premises of sealed bottles or other sealed
14 containers shall comply with the provisions of subsection (d) of section
15 30-91, as amended by this act, and shall permit not more than [eight]
16 nine liters of beer to be sold to any person on any day on which such
17 sale is authorized under the provisions of subsection (d) of section 30-
18 91, as amended by this act. The annual fee for a manufacturer permit
19 for beer shall be one thousand dollars.

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21 general statutes is repealed and the following is substituted in lieu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

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

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

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

51 Sec. 4. Subsection (a) of section 30-17b of the general statutes is

52 repealed and the following is substituted in lieu thereof (*Effective July*
53 *1, 2012*):

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

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

76 (a) A package store permit shall allow the retail sale of alcoholic
77 liquor not to be consumed on the premises, such sales to be made only
78 in sealed bottles or other containers. The holder of a package store
79 permit may, in accordance with regulations adopted by the
80 Department of Consumer Protection pursuant to the provisions of
81 chapter 54, offer free samples of alcoholic liquor for tasting on the
82 premises, conduct fee-based wine education and tasting classes and
83 demonstrations and conduct tastings or demonstrations provided by a
84 permittee or backer of a package store for a nominal charge to

85 charitable nonprofit organizations. Any offering, tasting, wine
86 education and tasting class or demonstration held on permit premises
87 shall be conducted only during the hours a package store is permitted
88 to sell alcoholic liquor under section 30-91, as amended by this act. No
89 store operating under a package store permit shall sell any commodity
90 other than alcoholic liquor except that, notwithstanding any other
91 provision of law, such store may sell (1) cigarettes, (2) publications, (3)
92 bar utensils, which shall include, but need not be limited to,
93 corkscrews, beverage strainers, stirrers or other similar items used to
94 consume or related to the consumption of alcoholic liquor, (4) gift
95 packages of alcoholic liquor shipped into the state by a manufacturer
96 or out-of-state shipper, which may include a nonalcoholic item in the
97 gift package that may be any item, except food or tobacco products,
98 provided the dollar value of the nonalcoholic items does not exceed
99 the dollar value of the alcoholic items of the package, (5)
100 complementary fresh fruits used in the preparation of mixed alcoholic
101 beverages, (6) cheese or crackers, or both, (7) snack food, including, but
102 not limited to, chips, candy and nuts, (8) nonalcoholic beverages, [(6)]
103 (9) concentrates used in the preparation of mixed alcoholic beverages,
104 [(7)] (10) beer and wine-making kits and products related to beer and
105 wine-making kits, [(8)] (11) ice in any form, [(9)] (12) articles of
106 clothing imprinted with advertising related to the alcoholic liquor
107 industry, [(10)] (13) gift baskets or other containers of alcoholic liquor,
108 [(11)] (14) multiple packages of alcoholic liquors, as defined in
109 subdivision (3) of section 30-1, provided in all such cases the minimum
110 retail selling price for such alcoholic liquor shall apply, and [(12)] (15)
111 lottery tickets authorized by the Department of Consumer Protection,
112 if licensed as an agent to sell such tickets by said department. A
113 package store permit shall also allow the taking and transmitting of
114 orders for delivery of such merchandise in other states.
115 Notwithstanding any other provision of law, a package store permit
116 shall allow the participation in any lottery ticket promotion or
117 giveaway sponsored by the Department of Consumer Protection. The
118 annual fee for a package store permit shall be five hundred thirty-five
119 dollars.

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

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

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

142 (b) A racquetball facility permit shall allow the retail sale of
143 alcoholic liquor to be consumed on the premises of a commercial
144 racquetball facility containing five or more courts. The annual fee for a
145 racquetball facility permit shall be [two] one thousand [two hundred
146 fifty] dollars.

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

150 (a) No person, and no backer as defined in section 30-1, shall, except
151 as hereinafter provided, acquire an interest in more than [two] three

152 alcoholic beverage retail permits, but nothing herein shall (1) require
153 any such person who had, on June 8, 1981, such interest in more than
154 two such permits to surrender, dispose of or release his interest in any
155 such permit or permits nor shall it affect his right to continue to hold,
156 use and renew such permits, or (2) prohibit any such person who had,
157 on June 8, 1981, such interest in more than two such permits from
158 transferring his interest in such permits by inter vivos or testamentary
159 disposition, including living trusts, to his spouse or child, or such
160 spouse's or child's living trust or prohibit such spouse or child from
161 accepting such a transfer notwithstanding that such spouse or child
162 may already hold another permit issued under the provisions of this
163 chapter. Any such permit so transferred may be renewed by such
164 transferee under the provisions of section 30-14a. Except as provided
165 in subdivision (1), a person shall be deemed to acquire an interest in a
166 retail permit if an interest is owned by such person, such person's
167 spouse, children, partners, or an estate, trust, or corporation controlled
168 by such person or such person's spouse, children, or any combination
169 thereof. The provisions of this subsection shall apply to any such
170 interest without regard to whether such interest is a controlling
171 interest. For the purposes of this subsection, "person" means (A) an
172 individual, (B) a corporation or any subsidiary of a corporation, or (C)
173 any combination of corporations or individuals any of whom, or any
174 combination of whom, owns or controls, directly or indirectly, more
175 than five per cent of any entity which is a backer as defined in said
176 section 30-1.

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

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

184 Sec. 9. Subsection (a) of section 30-91 of the 2012 supplement to the

185 general statutes is repealed and the following is substituted in lieu
186 thereof (*Effective from passage*):

187 (a) The sale or the dispensing or consumption or the presence in
188 glasses or other receptacles suitable to permit the consumption of
189 alcoholic liquor by an individual in places operating under hotel
190 permits, restaurant permits, cafe permits, restaurant permits for
191 catering establishments, bowling establishment permits, racquetball
192 facility permits, club permits, coliseum permits, coliseum concession
193 permits, special sporting facility restaurant permits, special sporting
194 facility employee recreational permits, special sporting facility guest
195 permits, special sporting facility concession permits, special sporting
196 facility bar permits, golf country club permits, nonprofit public
197 museum permits, university permits, airport restaurant permits,
198 airport bar permits, airport airline club permits, tavern permits, a
199 manufacturer permit for a brew pub, manufacturer permits for beer
200 and brew pubs, casino permits, caterer liquor permits and charitable
201 organization permits shall be unlawful on: (1) Monday, Tuesday,
202 Wednesday, Thursday and Friday between the hours of one o'clock
203 a.m. and nine o'clock a.m.; (2) Saturday between the hours of two
204 o'clock a.m. and nine o'clock a.m.; (3) Sunday between the hours of
205 two o'clock a.m. and eleven o'clock a.m.; (4) Christmas, except (A) for
206 alcoholic liquor that is served where food is also available during the
207 hours otherwise permitted by this section for the day on which
208 Christmas falls, and (B) by casino permittees at casinos, as defined in
209 section 30-37k; and (5) January first between the hours of three o'clock
210 a.m. and nine o'clock a.m., except that on any Sunday that is January
211 first the prohibitions of this section shall be between the hours of three
212 o'clock a.m. and eleven o'clock a.m.

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

216 (d) The sale or dispensing of alcoholic liquor in places operating
217 under package store permits, drug store permits, manufacturer

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

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

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

252 dispensing or consumption of alcohol for such premises under this
253 section.

254 (3) Notwithstanding any provision in this chapter, in the case of any
255 premises operating under a tavern or cafe permit, it shall be lawful for
256 such premises to be open to, or be occupied by, the public when such
257 premises is being used as a site for film, television, video or digital
258 production eligible for a film production tax credit pursuant to section
259 12-217jj, provided the sale or the dispensing or consumption of alcohol
260 on such premises operating under such tavern or cafe permit shall be
261 prohibited beyond the hours authorized for the sale or the dispensing
262 or consumption of alcohol for such premises under this section.

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

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

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

277 (a) No retail permittee shall sell at a price below his or her cost. For
278 the purposes of this section, cost for the retail permittee for alcoholic
279 liquor other than beer shall mean the posted bottle price from the
280 wholesaler plus any charge for shipping or delivery to the retailer's
281 place of business paid by the retailer in addition to the posted price. [,
282 except on items of wine sold prior to January 1, 1983, cost shall mean
283 the posted bottle price from the wholesaler plus a minimum of thirty-

284 three and one-third per cent of such permittee's selling price.] For beer,
285 cost for the retail permittee shall mean the lowest posted price during
286 the month in which the retail permittee is selling plus any charge for
287 shipping or delivery to the retailer's place of business paid by the retail
288 permittee in addition to the price originally paid by the retail
289 permittee. As used in this section, the term retail permittee means the
290 holder of a permit allowing the sale of alcoholic liquor for off-premises
291 consumption.

292 (b) "Bottle price" means the price per unit of the contents of any case
293 of alcoholic liquor, other than beer, and shall be arrived at by dividing
294 the case price by the number of units or bottles making up such case
295 price and adding to the quotient an amount that is not less than the
296 following: A unit or bottle one-half pint or two hundred milliliters or
297 less, two cents; a unit or bottle more than one-half pint or two hundred
298 milliliters but not more than one pint or five hundred milliliters, four
299 cents; and a unit or bottle greater than one pint or five hundred
300 milliliters, eight cents.

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

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

313 The Department of Consumer Protection shall refuse permits for the
314 sale of alcoholic liquor to the following persons: (1) Any state marshal,
315 judicial marshal, judge of any court, prosecuting officer or member of

316 any police force, (2) [any first selectman holding office and acting as a
317 chief of police in the town within which the permit premises are to be
318 located, (3)] a minor, and [(4)] (3) any constable who performs criminal
319 law enforcement duties and is considered a peace officer by town
320 ordinance pursuant to the provisions of subsection (a) of section 54-1f,
321 any constable who is certified under the provisions of sections 7-294a
322 to 7-294e, inclusive, who performs criminal law enforcement duties
323 pursuant to the provisions of subsection (c) of section 54-1f, or any
324 special constable appointed pursuant to section 7-92. This section shall
325 not apply to out-of-state shippers', boat and airline permits. As used in
326 this section, "minor" means a minor₂ as defined in section 1-1d or as
327 defined in section 30-1, whichever age is older.

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

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

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

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

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

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

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

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

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

347 (8) One appointed by the Governor; and

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

351 (c) Any member of the task force appointed under subdivisions (1)
352 to (6), inclusive, of subsection (b) of this section may be a member of
353 the General Assembly.

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

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

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

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

<p>This act shall take effect as follows and shall amend the following sections:</p>
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Section 1	<i>July 1, 2012</i>	30-16(b)
Sec. 2	<i>July 1, 2012</i>	30-16(f)
Sec. 3	<i>July 1, 2012</i>	30-16
Sec. 4	<i>July 1, 2012</i>	30-17b(a)
Sec. 5	<i>July 1, 2012</i>	30-20(a) and (b)
Sec. 6	<i>July 1, 2012</i>	30-37c
Sec. 7	<i>from passage</i>	30-48a(a)
Sec. 8	<i>July 1, 2012</i>	30-77
Sec. 9	<i>from passage</i>	30-91(a)
Sec. 10	<i>from passage</i>	30-91(d) and (e)
Sec. 11	<i>from passage</i>	30-91
Sec. 12	<i>from passage</i>	30-68m
Sec. 13	<i>from passage</i>	30-45
Sec. 14	<i>from passage</i>	New section

GL *Joint Favorable Subst.*