



General Assembly

Amendment

January Session, 2015

LCO No. 6848



Offered by:
SEN. LEONE, 27th Dist.

To: Subst. Senate Bill No. 386

File No. 348

Cal. No. 250

"AN ACT CONCERNING ALCOHOLIC LIQUOR."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. (NEW) (*Effective October 1, 2015*) (a) As used in this
4 section, "powdered alcohol" means molecularly encapsulated alcohol
5 in powdered form that may be used in such form or reconstituted as
6 an alcoholic beverage when mixed with water or other liquid.

7 (b) No person shall knowingly purchase, possess or sell powdered
8 alcohol.

9 (c) Any person who knowingly purchases or possesses powdered
10 alcohol in violation of subsection (b) of this section shall be fined one
11 hundred dollars for the first offense, two hundred fifty dollars for the
12 second offense and five hundred dollars for each subsequent offense.

13 (d) Any person who knowingly sells powdered alcohol in violation
14 of subsection (b) of this section shall be fined two hundred fifty dollars

15 for the first offense, five hundred dollars for the second offense and
16 one thousand dollars for each subsequent offense.

17 Sec. 2. Subsection (c) of section 30-91 of the general statutes is
18 repealed and the following is substituted in lieu thereof (*Effective July*
19 *1, 2015*):

20 (c) Notwithstanding any provisions of subsections (a) and (b) of this
21 section, such sale or dispensing or consumption or presence in glasses
22 in places operating under a bowling establishment permit shall be
23 unlawful before [two p.m.] eleven a.m. on any day, except in that
24 portion of the permit premises which is located in a separate room or
25 rooms entry to which, from the bowling lane area of the establishment,
26 is by means of a door or doors which shall remain closed at all times
27 except to permit entrance and egress to and from the lane area. Any
28 alcoholic liquor sold or dispensed in a place operating under a bowling
29 establishment permit shall be served in containers such as, but not
30 limited to, plastic or glass. Any town may, by vote of a town meeting
31 or by ordinance, reduce the number of hours during which sales under
32 this subsection shall be permissible.

33 Sec. 3. Section 30-90a of the general statutes is repealed and the
34 following is substituted in lieu thereof (*Effective from passage*):

35 Any person sixteen years of age or over [age eighteen] may be
36 employed by an employer holding a permit issued under this chapter,
37 except that (1) any person fifteen years of age or older may be so
38 employed by such an employer on premises operating under a grocery
39 store beer permit, and (2) any person under the age of eighteen who is
40 employed on any permit premises shall not serve or sell alcoholic
41 liquor. A minor performing paid or volunteer services of an emergency
42 nature shall be deemed to be an employee subject to the provisions of
43 this section.

44 Sec. 4. Subsection (e) of section 30-16 of the general statutes is
45 repealed and the following is substituted in lieu thereof (*Effective July*

46 1, 2015):

47 (e) (1) A manufacturer permit for a farm winery shall be in all
48 respects the same as a manufacturer permit, except that the scope of
49 operations of the holder shall be limited to wine and brandies distilled
50 from grape products or other fruit products, including grappa and
51 eau-de-vie. As used in this section, "farm winery" means any place or
52 premises [.] that is located on a farm in the state in which wine is
53 manufactured and sold.

54 (2) Such permit shall, at the single principal premises of the farm
55 winery, authorize (A) the sale in bulk by the holder thereof from the
56 premises where the products are manufactured pursuant to such
57 permit; (B) as to a manufacturer who produces one hundred thousand
58 gallons of wine or less per year, the sale and shipment by the holder
59 thereof to a retailer of wine manufactured by the farm winery
60 permittee in the original sealed containers of not more than fifteen
61 gallons per container; (C) the sale and shipment by the holder thereof
62 of wine manufactured by the farm winery permittee to persons outside
63 the state; (D) the offering and tasting of free samples of such wine or
64 brandy, dispensed out of bottles or containers having capacities of not
65 more than two gallons per bottle or container, to visitors and
66 prospective retail customers for consumption on the premises of the
67 farm winery permittee; (E) the sale at retail from the premises of sealed
68 bottles or other sealed containers of such wine or brandy for
69 consumption off the premises; (F) the sale at retail from the premises of
70 wine or brandy by the glass and bottle to visitors on the premises of
71 the farm winery permittee for consumption on the premises; and (G)
72 subject to the provisions of subdivision (3) of this subsection, the sale
73 and delivery or shipment of wine manufactured by the permittee
74 directly to a consumer in this state. Notwithstanding the provisions of
75 subparagraphs (D), (E) and (F) of this subdivision, a town may, by
76 ordinance or zoning regulation, prohibit any such offering, tasting or
77 selling at retail at premises within such town for which a manufacturer
78 permit for a farm winery has been issued.

79 (3) A permittee, when selling and shipping wine directly to a
80 consumer in this state, shall: (A) Ensure that the shipping labels on all
81 containers of wine shipped directly to a consumer in this state
82 conspicuously state the following: "CONTAINS ALCOHOL—
83 SIGNATURE OF A PERSON AGE 21 OR OLDER REQUIRED FOR
84 DELIVERY"; (B) obtain the signature of a person age twenty-one or
85 older at the address prior to delivery, after requiring the signer to
86 demonstrate that he or she is age twenty-one or older by providing a
87 valid motor vehicle operator's license or a valid identity card described
88 in section 1-1h; (C) not ship more than five gallons of wine in any two-
89 month period to any person in this state; (D) pay, to the Department of
90 Revenue Services, all sales taxes and alcoholic beverage taxes due
91 under chapters 219 and 220 on sales of wine to consumers in this state,
92 and file, with said department, all sales tax returns and alcoholic
93 beverage tax returns relating to such sales; (E) report to the
94 Department of Consumer Protection a separate and complete record of
95 all sales and shipments to consumers in the state, on a ledger sheet or
96 similar form which readily presents a chronological account of such
97 permittee's dealings with each such consumer; (F) not ship to any
98 address in the state where the sale of alcoholic liquor is prohibited by
99 local option pursuant to section 30-9; and (G) hold an in-state
100 transporter's permit pursuant to section 30-19f or make any such
101 shipment through the use of a person who holds such an in-state
102 transporter's permit.

103 (4) No licensed farm winery may sell any such wine or brandy not
104 manufactured by such winery, except a licensed farm winery may sell
105 from the premises wine manufactured by another farm winery located
106 in this state.

107 (5) The farm winery permittee shall grow on the premises of the
108 farm winery or on property under the same ownership and control of
109 said permittee or leased by the backer of a farm winery permit or by
110 said permittee within the farm winery's principal state an average crop
111 of fruit equal to not less than twenty-five per cent of the fruit used in

112 the manufacture of the farm winery permittee's wine. An average crop
113 shall be defined each year as the average yield of the farm winery
114 permittee's two largest annual crops out of the preceding five years,
115 except that during the first seven years from the date of issuance of a
116 farm winery permit, an average crop shall be defined as three tons of
117 grapes for each acre of vineyard farmed by the farm winery permittee.
118 Such seven-year period shall not begin anew if the property for which
119 the farm winery permit is held is transferred or sold during such
120 seven-year period. In the event the farm winery consists of more than
121 one property, the aggregate acreage of the farm winery shall not be
122 less than five acres.

123 (6) A holder of a manufacturer permit for a farm winery, when
124 advertising or offering wine for direct shipment to a consumer in this
125 state via the Internet or any other on-line computer network, shall
126 clearly and conspicuously state such liquor permit number in its
127 advertising.

128 (7) A holder of a manufacturer permit for a farm winery may sell
129 wine manufactured from such winery at a farmers' market, as defined
130 in section 22-6r, that is operated as a nonprofit enterprise or
131 association, provided such farmers' market invites such holder to sell
132 wine at such farmers' market and such holder has a farmers' market
133 wine sales permit issued by the Commissioner of Consumer Protection
134 in accordance with the provisions of subsection (a) of section 30-37o.

135 (8) The annual fee for a manufacturer permit for a farm winery shall
136 be three hundred dollars.

137 Sec. 5. Subsection (a) of section 30-16 of the general statutes is
138 repealed and the following is substituted in lieu thereof (*Effective from*
139 *passage*):

140 (a) A manufacturer permit shall allow the manufacture of alcoholic
141 liquor and the storage, bottling and wholesale distribution and sale of
142 alcoholic liquor manufactured or bottled to permittees in this state and

143 without the state as may be permitted by law; but no such permit shall
144 be granted unless the place or the plan of the place of manufacture has
145 received the approval of the Department of Consumer Protection. The
146 holder of a manufacturer permit who produces less than twenty-five
147 thousand gallons of alcoholic liquor in a calendar year may sell at
148 retail from the premises sealed bottles or other sealed containers of
149 alcoholic liquor manufactured on the premises for consumption off the
150 premises, provided such holder shall not sell to any one consumer
151 more than one and one-half liters of alcoholic liquor per day nor more
152 than five gallons of alcoholic liquor in any two-month period. Retail
153 sales by a holder of a manufacturer permit shall occur only on the days
154 and times permitted under subsection (d) of section 30-91. A holder of
155 a manufacturer permit, alone or in combination with any parent or
156 subsidiary business or related or affiliated party, who sells more than
157 ten thousand gallons of alcoholic liquor in any calendar year may not
158 sell alcoholic liquor at wholesale to retail permittees within this state.
159 Such permit shall also authorize the offering and tasting, on the
160 premises of the permittee, of free samples of spirits distilled on the
161 premises. Tastings shall not exceed [one-half ounce] two ounces per
162 patron per day and shall not be allowed on such premises on Sunday
163 before eleven o'clock a.m. and after eight o'clock p.m. and on any other
164 day before ten o'clock a.m. and after eight o'clock p.m. No tastings
165 shall be offered to or allowed to be consumed by any minor or
166 intoxicated person. A holder of a manufacturer permit may apply for
167 and shall receive an out-of-state shipper's permit for manufacturing
168 plants and warehouse locations outside the state owned by such
169 manufacturer or a subsidiary corporation thereof, at least eighty-five
170 per cent of the voting stock of which is owned by such manufacturer,
171 to bring into any of its plants or warehouses in the state alcoholic
172 liquors for reprocessing, repackaging, reshipment or sale either (1)
173 within the state to wholesaler permittees not owned or controlled by
174 such manufacturer, or (2) outside the state. [A holder of a
175 manufacturer permit, except a manufacturer permit for cider, may
176 apply for and shall receive a wholesaler permit.] The annual fee for a
177 manufacturer permit shall be one thousand eight hundred fifty dollars.

178 Sec. 6. Subsection (c) of section 30-16 of the general statutes is
179 repealed and the following is substituted in lieu thereof (*Effective from*
180 *passage*):

181 (c) A manufacturer permit for cider not exceeding six per cent
182 alcohol by volume and apple wine not exceeding fifteen per cent
183 alcohol by volume shall allow (1) the manufacture, storage, bottling
184 and wholesale distribution and sale at retail of such cider and apple
185 wine to permittees and nonpermittees in this state as may be permitted
186 by law; but no such permit shall be issued unless the place or the plan
187 of the place of manufacture has received the approval of the
188 department; [and] (2) the sale and shipment by the holder of such
189 permit of such cider and such apple wine to persons outside the state
190 and to consumers in this state in the same manner and subject to the
191 same conditions as such sale and shipment is permitted for wine by a
192 farm winery manufacturer permittee pursuant to subsection (e) of this
193 section; and (3) the offering and tasting, on the premises of the
194 permittee, of free samples of cider and apple wine manufactured on
195 such premises. Tastings shall not exceed two ounces per patron and
196 shall not be allowed on such premises on Sunday before eleven o'clock
197 a.m. and after eight o'clock p.m. and on any other day before ten
198 o'clock a.m. and after eight o'clock p.m. No tasting shall be offered to
199 or allowed to be consumed by any minor or intoxicated person.
200 Offerings and tastings may be limited to visitors who have attended a
201 tour of the premises of the permittee. The annual fee for a
202 manufacturer permit for cider shall be two hundred dollars.

203 Sec. 7. (NEW) (*Effective July 1, 2015*) (a) The holder of an alcoholic
204 liquor permit issued by the Department of Consumer Protection
205 pursuant to subsections (b) to (g), inclusive, of section 30-16 of the
206 general statutes, as amended by this act, or an agent of such permit
207 holder, shall furnish potable water without charge to any person on
208 the permit premises requesting such water or shall offer nonalcoholic
209 beverages for sale to such person.

210 (b) A permittee or such permittee's agent shall not be required to

211 furnish such water or offer nonalcoholic beverages for sale during the
212 hours and days that the sale or dispensing of alcoholic liquor is
213 prohibited pursuant to subsection (a) of section 30-91 of the general
214 statutes. Such potable water shall meet all federal and state
215 requirements concerning purity of drinking water and shall be
216 supplied in a receptacle suitable to permit the individual consumption
217 of not less than six ounces per serving.

218 (c) The Department of Consumer Protection may, in its discretion,
219 suspend, revoke or refuse to grant or renew an alcoholic liquor permit
220 pursuant to subsection (a) of section 30-47 of the general statutes if the
221 department has reasonable cause to believe a permittee has violated
222 any provision of this section.

223 Sec. 8. Subsection (e) of section 30-16 of the general statutes is
224 repealed and the following is substituted in lieu thereof (*Effective from*
225 *passage*):

226 (e) (1) A manufacturer permit for a farm winery shall be in all
227 respects the same as a manufacturer permit, except that the scope of
228 operations of the holder shall be limited to wine and brandies distilled
229 from grape products or other fruit products, including grappa and
230 eau-de-vie. As used in this section, "farm winery" means any place or
231 premises, located on a farm in the state in which wine is manufactured
232 and sold.

233 (2) Such permit shall, at the single principal premises of the farm
234 winery, authorize (A) the sale in bulk by the holder thereof from the
235 premises where the products are manufactured pursuant to such
236 permit; (B) as to a manufacturer who produces one hundred thousand
237 gallons of wine or less per year, the sale and shipment by the holder
238 thereof to a retailer of wine manufactured by the farm winery
239 permittee in the original sealed containers of not more than fifteen
240 gallons per container; (C) the sale and shipment by the holder thereof
241 of wine manufactured by the farm winery permittee to persons outside
242 the state; (D) the offering and tasting of free samples of such wine or

243 brandy to visitors and prospective retail customers for consumption on
244 the premises of the farm winery permittee; (E) the sale at retail from
245 the premises of sealed bottles or other sealed containers of such wine
246 or brandy for consumption off the premises; (F) the sale at retail from
247 the premises of wine or brandy by the glass and bottle to visitors on
248 the premises of the farm winery permittee for consumption on the
249 premises; and (G) subject to the provisions of subdivision (3) of this
250 subsection, the sale and delivery or shipment of wine manufactured by
251 the permittee directly to a consumer in this state. Notwithstanding the
252 provisions of subparagraphs (D), (E) and (F) of this subdivision, a
253 town may, by ordinance or zoning regulation, prohibit any such
254 offering, tasting or selling at retail at premises within such town for
255 which a manufacturer permit for a farm winery has been issued.

256 (3) A permittee, when selling and shipping wine directly to a
257 consumer in this state, shall: (A) Ensure that the shipping labels on all
258 containers of wine shipped directly to a consumer in this state
259 conspicuously state the following: "CONTAINS ALCOHOL –
260 SIGNATURE OF A PERSON AGE 21 OR OLDER REQUIRED FOR
261 DELIVERY"; (B) obtain the signature of a person age twenty-one or
262 older at the address prior to delivery, after requiring the signer to
263 demonstrate that he or she is age twenty-one or older by providing a
264 valid motor vehicle operator's license or a valid identity card described
265 in section 1-1h; (C) not ship more than five gallons of wine in any two-
266 month period to any person in this state; (D) pay, to the Department of
267 Revenue Services, all sales taxes and alcoholic beverage taxes due
268 under chapters 219 and 220 on sales of wine to consumers in this state,
269 and file, with said department, all sales tax returns and alcoholic
270 beverage tax returns relating to such sales; (E) report to the
271 Department of Consumer Protection a separate and complete record of
272 all sales and shipments to consumers in the state, on a ledger sheet or
273 similar form which readily presents a chronological account of such
274 permittee's dealings with each such consumer; (F) not ship to any
275 address in the state where the sale of alcoholic liquor is prohibited by
276 local option pursuant to section 30-9; and (G) hold an in-state

277 transporter's permit pursuant to section 30-19f or make any such
278 shipment through the use of a person who holds such an in-state
279 transporter's permit.

280 (4) No licensed farm winery may sell any such wine or brandy not
281 manufactured by such winery, except a licensed farm winery may sell
282 from the premises (A) wine manufactured by another farm winery
283 located in this state, and (B) brandy manufactured from fruit harvested
284 in this state and distilled off the premises in this state.

285 (5) The farm winery permittee shall grow on the premises of the
286 farm winery or on property under the same ownership and control of
287 said permittee or leased by the backer of a farm winery permit or by
288 said permittee within the farm winery's principal state an average crop
289 of fruit equal to not less than twenty-five per cent of the fruit used in
290 the manufacture of the farm winery permittee's wine. An average crop
291 shall be defined each year as the average yield of the farm winery
292 permittee's two largest annual crops out of the preceding five years,
293 except that during the first seven years from the date of issuance of a
294 farm winery permit, an average crop shall be defined as three tons of
295 grapes for each acre of vineyard farmed by the farm winery permittee.
296 Such seven-year period shall not begin anew if the property for which
297 the farm winery permit is held is transferred or sold during such
298 seven-year period. In the event the farm winery consists of more than
299 one property, the aggregate acreage of the farm winery shall not be
300 less than five acres.

301 (6) A holder of a manufacturer permit for a farm winery, when
302 advertising or offering wine for direct shipment to a consumer in this
303 state via the Internet or any other on-line computer network, shall
304 clearly and conspicuously state such liquor permit number in its
305 advertising.

306 (7) A holder of a manufacturer permit for a farm winery may sell
307 wine manufactured from such winery at a farmers' market, as defined
308 in section 22-6r, that is operated as a nonprofit enterprise or

309 association, provided such farmers' market invites such holder to sell
310 wine at such farmers' market and such holder has a farmers' market
311 wine sales permit issued by the Commissioner of Consumer Protection
312 in accordance with the provisions of subsection (a) of section 30-37o.

313 (8) The annual fee for a manufacturer permit for a farm winery shall
314 be three hundred dollars.

315 Sec. 9. Subsection (a) of section 30-20 of the general statutes is
316 repealed and the following is substituted in lieu thereof (*Effective from*
317 *passage*):

318 (a) A package store permit shall allow the retail sale of alcoholic
319 liquor not to be consumed on the premises, such sales to be made only
320 in sealed bottles or other containers. The holder of a package store
321 permit may, in accordance with regulations adopted by the
322 Department of Consumer Protection pursuant to the provisions of
323 chapter 54, offer free samples of alcoholic liquor for tasting on the
324 premises, conduct fee-based wine education and tasting classes and
325 demonstrations and conduct tastings or demonstrations provided by a
326 permittee or backer of a package store for a nominal charge to
327 charitable nonprofit organizations. Any offering, tasting, wine
328 education and tasting class or demonstration held on permit premises
329 shall be conducted only during the hours a package store is permitted
330 to sell alcoholic liquor under section 30-91, as amended by this act. No
331 tasting of wine on the premises shall be offered from more than ten
332 uncorked bottles at any one time. No store operating under a package
333 store permit shall sell any commodity other than alcoholic liquor
334 except that, notwithstanding any other provision of law, such store
335 may sell (1) cigarettes and cigars, (2) publications, (3) bar utensils,
336 which shall include, but need not be limited to, corkscrews, beverage
337 strainers, stirrers or other similar items used to consume or related to
338 the consumption of alcoholic liquor, (4) gift packages of alcoholic
339 liquor shipped into the state by a manufacturer or out-of-state shipper,
340 which may include a nonalcoholic item in the gift package that may be
341 any item, except food or tobacco products, provided the dollar value of

342 the nonalcoholic items does not exceed the dollar value of the alcoholic
343 items of the package, (5) complementary fresh fruits used in the
344 preparation of mixed alcoholic beverages, (6) cheese or crackers, or
345 both, (7) olives, ~~[(7)]~~ (8) nonalcoholic beverages, ~~[(8)]~~ (9) concentrates
346 used in the preparation of mixed alcoholic beverages, ~~[(9)]~~ (10) beer
347 and wine-making kits and products related to beer and wine-making
348 kits, ~~[(10)]~~ (11) ice in any form, ~~[(11)]~~ (12) articles of clothing imprinted
349 with advertising related to the alcoholic liquor industry, ~~[(12)]~~ (13) gift
350 baskets or other containers of alcoholic liquor, ~~[(13)]~~ (14) multiple
351 packages of alcoholic liquors, as defined in subdivision (3) of section
352 30-1, provided in all such cases the minimum retail selling price for
353 such alcoholic liquor shall apply, ~~[(14)]~~ (15) lottery tickets authorized
354 by the Department of Consumer Protection, if licensed as an agent to
355 sell such tickets by said department, and ~~[(15)]~~ (16) gift baskets
356 containing only containers of alcoholic liquor and commodities
357 authorized for sale under subdivisions (1) to ~~[(14)]~~ (15), inclusive, of
358 this subsection. A package store permit shall also allow the taking and
359 transmitting of orders for delivery of such merchandise in other states.
360 Notwithstanding any other provision of law, a package store permit
361 shall allow the participation in any lottery ticket promotion or
362 giveaway sponsored by the Department of Consumer Protection. The
363 annual fee for a package store permit shall be five hundred thirty-five
364 dollars.

365 Sec. 10. (NEW) (*Effective from passage*) (a) The Commissioner of
366 Consumer Protection shall issue a farmers' market beer sales permit to
367 a holder of: (1) A manufacturer permit for beer issued pursuant to
368 subsection (b) of section 30-16 of the general statutes, (2) a
369 manufacturer permit for a brew pub issued pursuant to subsection (f)
370 of section 30-16 of the general statutes, or (3) a manufacturer permit for
371 beer and brew pub issued pursuant to subsection (g) of section 30-16 of
372 the general statutes.

373 (b) A farmers' market beer sales permit shall authorize the sale of
374 beer manufactured by the holder of a permit specified in subdivision

375 (1), (2) or (3) of subsection (a) of this section for an unlimited number
 376 of appearances at a farmers' market at not more than three farmers'
 377 market locations per year, provided such permit holder: (1) Has an
 378 invitation from such farmers' market to sell beer at such farmers'
 379 market, (2) sells only sealed bottles of beer for off-premises
 380 consumption at such farmers' market, (3) is present, or has an
 381 authorized representative present, at the time of sale of any such beer
 382 at such farmers' market, and (4) does not sell more than five liters of
 383 such beer per day to any one person at such farmers' market. A
 384 farmers' market beer sales permit shall be valid for a period of one year
 385 from the date of issuance. The annual fee for a farmers' market beer
 386 sales permit shall be two hundred fifty dollars. There shall be a one-
 387 hundred-dollar nonrefundable filing fee for any such permit.

388 (c) Any town or municipality may, by ordinance or zoning
 389 regulation, prohibit the sale of beer by the holder of a farmers' market
 390 beer sales permit at a farmers' market held in such town or
 391 municipality."

| | | |
|-------------------------------------------------------------------------------|------------------------|-------------|
| This act shall take effect as follows and shall amend the following sections: | | |
| Section 1 | <i>October 1, 2015</i> | New section |
| Sec. 2 | <i>July 1, 2015</i> | 30-91(c) |
| Sec. 3 | <i>from passage</i> | 30-90a |
| Sec. 4 | <i>July 1, 2015</i> | 30-16(e) |
| Sec. 5 | <i>from passage</i> | 30-16(a) |
| Sec. 6 | <i>from passage</i> | 30-16(c) |
| Sec. 7 | <i>July 1, 2015</i> | New section |
| Sec. 8 | <i>from passage</i> | 30-16(e) |
| Sec. 9 | <i>from passage</i> | 30-20(a) |
| Sec. 10 | <i>from passage</i> | New section |