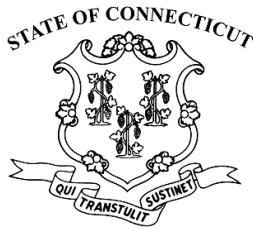


REPRINT



Substitute Senate Bill No. 894

Public Act No. 21-50

AN ACT CONCERNING THE MANUFACTURE, SALE AND DISTRIBUTION OF ALCOHOL-INFUSED CONFECTIONS, THE AUTHORIZATION OF SELF-POUR AUTOMATED SYSTEMS FOR CERTAIN ALCOHOLIC LIQUOR, A STUDY OF EXTENDING ALCOHOLIC LIQUOR SERVICE HOURS AND BACKERS OF GROCERY STORE BEER PERMITS.

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

Section 1. Section 21a-101 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

(a) A food shall be deemed to be adulterated: [(a)]

(1) (A) If it bears or contains any poisonous or deleterious substance which may render it injurious to health; but, if the substance is not an added substance, such food shall not be considered adulterated under this clause if the quantity of such substance in such food would not ordinarily render it injurious to health; [or (2)] (B) if it bears or contains any added poisonous or added deleterious substance which is unsafe within the meaning of section 21a-104, as amended by this act; [or (3)] (C) if it consists in whole or in part of any diseased, contaminated, filthy, putrid or decomposed substance or if it is otherwise unfit for food; [or (4)] (D) if it has been produced, prepared, packed or held under

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insanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered diseased, unwholesome or injurious to health; [or (5)] (E) if it is in whole or in part the product of a diseased animal or of an animal which has died otherwise than by slaughter or which has been fed on the uncooked offal from a slaughterhouse; or [(6)] (F) if its container is composed in whole or in part of any poisonous or deleterious substance which may render the contents injurious to health; [(b) (1) if]

(2) (A) If any valuable constituent has been in whole or in part omitted or abstracted therefrom; [or (2)] (B) if any substance has been substituted wholly or in part therefor; [or (3)] (C) if damage or inferiority has been concealed in any manner; or [(4)] (D) if any substance has been added thereto or mixed or packed therewith so as to increase its bulk or weight, or reduce its quality or strength, or make it appear better or of greater value than it is; [(c) if]

(3) If it bears or contains a color additive which is unsafe within the meaning of section 21a-104, as amended by this act; [(d) if]

(4) If it is confectionery and it bears or contains any alcohol or nonnutritive article or substance except harmless coloring, harmless flavoring, harmless resinous glaze not in excess of four-tenths of one per cent, harmless natural gum or pectin; provided this [subsection] subdivision shall not apply to any confectionery by reason of its containing less than one-half of one per cent by volume of alcohol derived solely from the use of flavoring extracts, or to any chewing gum by reason of its containing harmless nonnutritive masticatory substances, [; (e) if] or any alcohol-infused confection subject to regulations adopted under subsection (b) of this section; and

(5) If such food is to be offered for sale at retail as a food product and a retail or wholesale establishment has added any sulfiting agent, including sulfur dioxide, sodium sulfite, sodium bisulfite, potassium

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bisulfite, sodium metabisulfite or potassium metabisulfite, separately or in combination, to such food.

(b) The commissioner shall approve the sale of alcohol-infused confections containing not more than one-half of one per cent of alcohol by weight and shall adopt regulations, in accordance with the provisions of chapter 54, regarding the manufacture, sale and distribution of such confections.

Sec. 2. Subsection (a) of section 30-20 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

(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 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. No tasting of wine on the premises shall be offered from more than ten uncorked bottles at any one time. 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 and cigars, (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

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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, (7) olives, (8) nonalcoholic beverages, (9) concentrates used in the preparation of mixed alcoholic beverages, (10) beer and wine-making kits and products related to beer and wine-making kits, (11) ice in any form, (12) articles of clothing imprinted with advertising related to the alcoholic liquor industry, (13) gift baskets or other containers of alcoholic liquor, (14) 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, (15) lottery tickets authorized by the Department of Consumer Protection, if licensed as an agent to sell such tickets by said department, (16) alcohol-infused confections containing not more than one-half of one per cent of alcohol by weight approved for sale by the commissioner under section 21a-101, as amended by this act, and [(16)] (17) gift baskets containing only containers of alcoholic liquor and commodities authorized for sale under subdivisions (1) to [(15)] (16), inclusive, of this subsection. 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.

Sec. 3. Subsection (a) of section 21a-104 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

(a) Any poisonous or deleterious substance added to any food, except where such substance is required in the production thereof or cannot be

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avoided by good manufacturing practice, shall be deemed to be unsafe for purposes of the application of subparagraph (B) of subdivision [(2)] (1) of subsection (a) of section 21a-101, as amended by this act, but, when such substance is so required or cannot be so avoided, it shall be deemed to be unsafe for purposes of the application of said subdivision unless a tolerance for such substance has been prescribed under the federal act and the quantity of such substance in or on the food is within the tolerance so prescribed, or the substance has been exempted from the requirement of a tolerance under the provisions of the federal act.

Sec. 4. Subsection (d) of section 21a-104 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

(d) A color additive shall with respect to any particular use, for which it is being used or intended to be used or represented as suitable, in or on food or drugs or cosmetics, be deemed unsafe for the purposes of the application of subdivision (3) of subsection [(c)] (a) of section 21a-101, as amended by this act, subdivision (4) of subsection (a) [(4)] of section 21a-105, or subsection (e) of section 21a-111, as the case may be, unless there is in effect, and such color additive and such use are in conformity with, regulation as provided under the federal act, or such color additive and such use conform to the terms of an exception under the federal act.

Sec. 5. (NEW) (*Effective from passage*) (a) A permittee authorized pursuant to title 30 of the general statutes to sell alcoholic liquor for on-premises consumption may use a self-pour automated system that, upon activation of a payment card by the permittee, may be operated to dispense beer, cider not exceeding six per cent alcohol by volume and wine to the following: (1) An employee of the permittee who is authorized by law to serve alcoholic beverages, or (2) a person whom the permittee has verified to be twenty-one years of age or older who displays a government-issued identification card that matches the name on the payment card. Such verification that a person is twenty-one years

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of age or older shall be recorded by the permittee or an employee of the permittee.

(b) A self-pour automated system authorized by subsection (a) of this section shall not dispense a serving of more than (1) thirty-two ounces of beer, (2) thirty-two ounces of cider not exceeding six per cent alcohol by volume, or (3) ten ounces of wine, before the payment card is reactivated by the permittee or an employee of the permittee.

Sec. 6. Section 30-6a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) The Department of Consumer Protection may adopt in accordance with the provisions of chapter 54 all necessary regulations, subject to the provisions of subsection (c) of this section, to: (1) Carry out, enforce and prevent violation of the provisions of this chapter, (2) inspect permit premises, (3) ensure sanitary conditions, (4) ensure proper, safe and orderly conduct of permit premises, and (5) protect the public against fraud or overcharge.

(b) More specifically, with respect to part V of this chapter, the Department of Consumer Protection may adopt in accordance with the provisions of chapter 54 regulations that are necessary to (1) carry out the purposes of section 30-64 and prevent the circumvention thereof by the offering or giving of any rebate, allowance, free goods, discount or any other thing or service of value; (2) permit the withdrawal of, an addition to, a deletion from or an amendment of any schedule, or a modification of prices therein, when not inconsistent with the purposes of said section 30-64, whenever necessary to avoid practical difficulties or unnecessary hardships to any permittee affected by said section 30-64 or because of acts or circumstances beyond the control of such permittee and under such terms and conditions as are necessary to carry out the purposes of said section 30-64; (3) permit the sale by a retailer of a brand of alcoholic liquor or wine for which a schedule of suggested

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consumer resale prices has not been and cannot be filed, whenever necessary to avoid practical difficulties or unnecessary hardships to any permittee affected by said section or because of acts or circumstances beyond the control of such permittee, and under such terms and conditions as are necessary to carry out the purposes of said section 30-64; (4) subject to the provisions of section 30-63e, permit the closeout of a brand for the purpose of discontinuing its sale, under such terms and conditions as are necessary to carry out the purposes of said section 30-64; (5) carry out the purposes of sections 30-68k to 30-68m, inclusive, and section 30-76a and prevent their circumvention; (6) on verified application, and for good cause shown, permit any adjustment or change of any item on the schedule required to be filed under section 30-63 and said section 30-64; and (7) permit the sale at a price which is less than cost by a supplier, wholesaler or retailer for any item of alcoholic liquor, except beer, that is damaged or deteriorated in quality, or, subject to the provisions of section 30-63f, permit the closeout of a brand or size for the purpose of discontinuing its sale, under such terms and conditions as are necessary to carry out the purposes of sections 30-68k to 30-68m, inclusive, and section 30-76a.

(c) Not later than October 1, 2021, the Department of Consumer Protection shall amend such regulations, in accordance with the provisions of chapter 54, to: (1) Allow for the use of self-pour automated systems by permittees and employees of permittees for the dispensing of beer, cider not exceeding six per cent alcohol by volume and wine pursuant to section 1 of this act, (2) ensure that such beer, cider and wine is not initially dispensed from any such system in servings of more than thirty-two ounces of beer or cider not exceeding six per cent alcohol by volume, or ten ounces of wine, to any one person for his or her own consumption at any one time, and (3) ensure that second and subsequent servings of such beer, cider and wine from any such system is allowed only after the first serving has been substantially disposed of or consumed by such person.

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[[c)] (d) The department shall not adopt any regulation: (1) Requiring prior approval of alterations or changes in the interior or exterior of permit premises; (2) requiring prior approval for live entertainment or the installation of amusement devices or games; (3) requiring registration of employees or agents of permittees; (4) requiring the presence of retail permittees on permit premises during hours of sale or prohibiting employment of such permittees in another occupation or business except as provided in section 30-45; (5) establishing a mandated minimum price above which a permittee must sell; or (6) requiring effective separation for restaurants and cafes.

Sec. 7. (*Effective from passage*) (a) The Liquor Control Commission shall study the potential impact of extending alcoholic liquor service hours at gaming and other establishments regulated pursuant to title 30 of the general statutes and located not more than fifty miles from any border of this state.

(b) Not later than January 1, 2022, the Liquor Control Commission shall, in accordance with the provisions of section 11-4a of the general statutes, report its findings pursuant to the study required by subsection (a) of this section to the joint standing committee of the General Assembly having cognizance of matters relating to general law.

Sec. 8. Subsection (a) of section 30-48 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

(a) No backer or permittee of one permit class shall be a backer or permittee of any other permit class except in the case of any class of airport, railroad, airline and boat permits, and except that: (1) A backer of a hotel or restaurant permit may be a backer of both such classes; (2) a holder or backer of a restaurant permit or a cafe permit may be a holder or backer of any other or all of such classes; (3) a holder or backer of a restaurant permit may be a holder or backer of a bowling

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establishment permit; (4) a backer of a restaurant permit may be a backer of a coliseum permit or a coliseum concession permit, or both, when such restaurant is within a coliseum; (5) a backer of a hotel permit may be a backer of a coliseum permit or a coliseum concession permit, or both; (6) a backer of a coliseum permit may be a backer of a coliseum concession permit; (7) a backer of a coliseum concession permit may be a backer of a coliseum permit; (8) a backer of a grocery store beer permit may be (A) a backer of a package store permit if such was the case on or before May 1, 1996, and (B) a backer of a restaurant permit, provided the restaurant permit premises do not abut or share the same space as the grocery store beer permit premises; (9) a backer of a university permit may be a backer of a nonprofit theater permit; (10) a backer of a nonprofit theater permit may be a holder or backer of a hotel permit; (11) a holder or backer of a restaurant permit may be a holder or backer of a special outing facility permit; (12) a backer of a concession permit may be a backer of a coliseum permit or a coliseum concession permit, or both; (13) a holder of an out-of-state winery shipper's permit for wine may be a holder of an in-state transporter's permit or an out-of-state entity wine festival permit issued pursuant to section 30-37m, or of both such permits; (14) a holder of an out-of-state shipper's permit for alcoholic liquor other than beer may be a holder of an in-state transporter's permit; (15) a holder of a manufacturer permit for a farm winery or the holder of a manufacturer permit for wine, cider and mead may be a holder of an in-state transporter's permit, a wine festival permit issued pursuant to section 30-37l, a farmers' market sales permit issued pursuant to subsection (a) of section 30-37o, an off-site farm winery sales and tasting permit issued pursuant to section 30-16a or of any combination of such permits; (16) a holder of a manufacturer permit for beer may be a holder of a farmers' market sales permit issued pursuant to section 30-37o. Any person may be a permittee of more than one permit; and (17) the holder of a manufacturer permit for spirits, a manufacturer permit for beer, a manufacturer permit for a farm winery or a manufacturer permit for wine, cider and mead may be a holder of

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a Connecticut craft cafe permit, a restaurant permit or a restaurant permit for wine and beer. No holder of a manufacturer permit for a brew pub and no spouse or child of such holder may be a holder or backer of more than three restaurant permits or cafe permits.

Approved June 16, 2021