



Senate

General Assembly

File No. 113

January Session, 2021

Substitute Senate Bill No. 894

Senate, March 23, 2021

The Committee on General Law reported through SEN. MARONEY of the 14th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING THE MANUFACTURE, SALE AND DISTRIBUTION OF ALCOHOL-INFUSED CONFECTIONS.

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

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 Section 21a-101 of the general statutes is repealed and the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

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

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

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

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

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

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

41 (5) If such food is to be offered for sale at retail as a food product and
42 a retail or wholesale establishment has added any sulfiting agent,
43 including sulfur dioxide, sodium sulfite, sodium bisulfite, potassium
44 bisulfite, sodium metabisulfite or potassium metabisulfite, separately or
45 in combination, to such food.

46 (b) The commissioner shall approve the sale of alcohol-infused
47 confections containing not more than one-half of one per cent of alcohol
48 by volume and shall adopt regulations, in accordance with the
49 provisions of chapter 54 and in consultation with the Liquor Control
50 Commission, regarding the manufacture, sale and distribution of such
51 confections.

52 Sec. 2. Subsection (a) of section 30-20 of the general statutes is
53 repealed and the following is substituted in lieu thereof (*Effective July 1,*
54 *2021*):

55 (a) A package store permit shall allow the retail sale of alcoholic
56 liquor not to be consumed on the premises, such sales to be made only
57 in sealed bottles or other containers. The holder of a package store
58 permit may, in accordance with regulations adopted by the Department
59 of Consumer Protection pursuant to the provisions of chapter 54, offer
60 free samples of alcoholic liquor for tasting on the premises, conduct fee-
61 based wine education and tasting classes and demonstrations and
62 conduct tastings or demonstrations provided by a permittee or backer
63 of a package store for a nominal charge to charitable nonprofit
64 organizations. Any offering, tasting, wine education and tasting class or
65 demonstration held on permit premises shall be conducted only during
66 the hours a package store is permitted to sell alcoholic liquor under
67 section 30-91. No tasting of wine on the premises shall be offered from
68 more than ten uncorked bottles at any one time. No store operating
69 under a package store permit shall sell any commodity other than
70 alcoholic liquor except that, notwithstanding any other provision of law,
71 such store may sell (1) cigarettes and cigars, (2) publications, (3) bar
72 utensils, which shall include, but need not be limited to, corkscrews,
73 beverage strainers, stirrers or other similar items used to consume or
74 related to the consumption of alcoholic liquor, (4) gift packages of
75 alcoholic liquor shipped into the state by a manufacturer or out-of-state
76 shipper, which may include a nonalcoholic item in the gift package that
77 may be any item, except food or tobacco products, provided the dollar
78 value of the nonalcoholic items does not exceed the dollar value of the
79 alcoholic items of the package, (5) complementary fresh fruits used in

80 the preparation of mixed alcoholic beverages, (6) cheese or crackers, or
81 both, (7) olives, (8) nonalcoholic beverages, (9) concentrates used in the
82 preparation of mixed alcoholic beverages, (10) beer and wine-making
83 kits and products related to beer and wine-making kits, (11) ice in any
84 form, (12) articles of clothing imprinted with advertising related to the
85 alcoholic liquor industry, (13) gift baskets or other containers of
86 alcoholic liquor, (14) multiple packages of alcoholic liquors, as defined
87 in subdivision (3) of section 30-1, provided in all such cases the
88 minimum retail selling price for such alcoholic liquor shall apply, (15)
89 lottery tickets authorized by the Department of Consumer Protection, if
90 licensed as an agent to sell such tickets by said department, (16) alcohol-
91 infused confections containing not more than one-half of one per cent of
92 alcohol by volume approved for sale by the commissioner under section
93 21a-101, as amended by this act, and [(16)] (17) gift baskets containing
94 only containers of alcoholic liquor and commodities authorized for sale
95 under subdivisions (1) to [(15)] (16), inclusive, of this subsection. A
96 package store permit shall also allow the taking and transmitting of
97 orders for delivery of such merchandise in other states.
98 Notwithstanding any other provision of law, a package store permit
99 shall allow the participation in any lottery ticket promotion or giveaway
100 sponsored by the Department of Consumer Protection. The annual fee
101 for a package store permit shall be five hundred thirty-five dollars.

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

105 (a) Any poisonous or deleterious substance added to any food, except
106 where such substance is required in the production thereof or cannot be
107 avoided by good manufacturing practice, shall be deemed to be unsafe
108 for purposes of the application of subparagraph (B) of subdivision [(2)]
109 (1) of subsection (a) of section 21a-101, as amended by this act, but, when
110 such substance is so required or cannot be so avoided, it shall be deemed
111 to be unsafe for purposes of the application of said subdivision unless a
112 tolerance for such substance has been prescribed under the federal act
113 and the quantity of such substance in or on the food is within the

114 tolerance so prescribed, or the substance has been exempted from the
115 requirement of a tolerance under the provisions of the federal act.

116 Sec. 4. Subsection (d) of section 21a-104 of the general statutes is
117 repealed and the following is substituted in lieu thereof (*Effective July 1,*
118 *2021*):

119 (d) A color additive shall with respect to any particular use, for which
120 it is being used or intended to be used or represented as suitable, in or
121 on food or drugs or cosmetics, be deemed unsafe for the purposes of the
122 application of subdivision (3) of subsection [(c)] (a) of section 21a-101,
123 as amended by this act, subdivision (4) of subsection (a) [(4)] of section
124 21a-105, or subsection (e) of section 21a-111, as the case may be, unless
125 there is in effect, and such color additive and such use are in conformity
126 with, regulation as provided under the federal act, or such color additive
127 and such use conform to the terms of an exception under the federal act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2021</i>	21a-101
Sec. 2	<i>July 1, 2021</i>	30-20(a)
Sec. 3	<i>July 1, 2021</i>	21a-104(a)
Sec. 4	<i>July 1, 2021</i>	21a-104(d)

GL *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note**State Impact:** None**Municipal Impact:** None**Explanation**

The bill allows the sale of alcohol-infused confections and results in no fiscal impact to the state.

The Out Years**State Impact:** None**Municipal Impact:** None

OLR Bill Analysis**sSB 894*****AN ACT CONCERNING THE MANUFACTURE, SALE AND DISTRIBUTION OF ALCOHOL-INFUSED CONFECTIONS.*****SUMMARY**

This bill requires the Department of Consumer Protection commissioner to (1) adopt regulations in consultation with the Liquor Control Commission to allow the manufacture, sale, and distribution of alcohol-infused confections (e.g., chocolate) containing up to 0.5% alcohol by volume and (2) approve the sale of those confections. It also allows package stores to sell the alcohol-infused confections that are approved for sale by the commissioner.

Relatedly, the bill exempts the confections regulated by the commissioner from being considered adulterated foods under the Connecticut Food, Drug and Cosmetic Act. Existing law already exempts confections containing up to 0.5% alcohol by volume if the alcohol is not infused, but instead derived solely from flavoring extracts. By law, the manufacture, sale, and distribution of adulterated foods is generally prohibited (CGS § 21a-93).

The bill also makes technical and conforming changes.

EFFECTIVE DATE: July 1, 2021

COMMITTEE ACTION

General Law Committee

Joint Favorable Substitute

Yea 19 Nay 0 (03/09/2021)