



General Assembly

Amendment

January Session, 2023

LCO No. 8035



Offered by:

SEN. MARONEY, 14th Dist.

REP. D'AGOSTINO, 91st Dist.

To: Subst. Senate Bill No. 905

File No. 207

Cal. No. 132

"AN ACT CONCERNING ALCOHOLIC LIQUOR AND TOBACCO BARS."

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

3 "Section 1. Section 30-22a of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective October 1, 2023*):

5 (a) A cafe permit shall allow the retail sale of alcoholic liquor to be
6 consumed on the premises of a cafe. The holder of a cafe permit shall
7 keep food available for sale to its customers for consumption on the
8 premises during the majority of the hours such premises are open. The
9 availability of food from outside vendors located on or near the
10 premises, who may directly deliver such food or indirectly deliver such
11 food through a third party, shall be deemed compliance with such
12 requirement. The licensed premises shall at all times comply with all the
13 regulations of the local department of health. Nothing herein shall be
14 construed to require that any food be sold or purchased with any

15 alcoholic liquor, nor shall any rule, regulation or standard be
16 promulgated or enforced to require that sales of food be substantial or
17 that the business's receipts from sales of alcoholic liquor equal any set
18 percentage of total receipts from all sales made on the licensed premises.
19 A cafe permit shall allow, with the prior approval of the Department of
20 Consumer Protection, alcoholic liquor to be served at tables in outside
21 areas that are screened or not screened from public view where
22 permitted by fire, zoning and health regulations. If not required by fire,
23 zoning or health regulations, a fence or wall enclosing such outside
24 areas shall not be required by the Department of Consumer Protection.
25 No fence or wall used to enclose such outside areas shall be less than
26 thirty inches high. Such permit shall also authorize the sale at retail from
27 the premises of sealed containers, supplied by the permittee, of draught
28 beer for consumption off the premises. Such sales shall be conducted
29 only during the hours a package store is permitted to sell alcoholic
30 liquor under the provisions of subsection (d) of section 30-91. Not more
31 than four liters of such beer shall be sold to any person on any day on
32 which the sale of alcoholic liquor is authorized under the provisions of
33 subsection (d) of section 30-91. The annual fee for a cafe permit shall be
34 two thousand dollars, except the annual fee for a cafe permit for a prior
35 holder of a tavern permit issued under section 30-26 shall be eight
36 hundred dollars for the first year, twelve hundred dollars for the second
37 year, one thousand six hundred dollars for the third year and two
38 thousand dollars for each year thereafter.

39 (b) (1) A cafe patron may remove one unsealed bottle of wine for off-
40 premises consumption, provided the patron has purchased a full course
41 meal and consumed a portion of the wine with such meal on the cafe
42 premises. For purposes of this section, "full course meal" means a
43 diversified selection of food which (A) ordinarily cannot be consumed
44 without the use of tableware, and (B) cannot be conveniently consumed
45 while standing or walking.

46 (2) A partially consumed bottle of wine that is to be removed from
47 the premises under this subsection shall be securely sealed and placed
48 in a bag by the permittee or the permittee's agent or employee prior to

49 removal from the premises.

50 (c) As used in this section, "cafe" means space in a suitable and
51 permanent building, vessel or structure, kept, used, maintained,
52 advertised and held out to the public to be a place where alcoholic liquor
53 and food is served for sale at retail for consumption on the premises but
54 which does not necessarily serve hot meals; it shall have no sleeping
55 accommodations for the public and need not necessarily have a kitchen
56 or dining room but shall have employed therein at all times an adequate
57 number of employees.

58 (d) For purposes of compliance with this section, "cafe" includes any
59 location in a passenger terminal complex of any airport, as defined in
60 section 15-34, or any location adjacent to and attached by common
61 partition to such complex, which is open to the public or to airline club
62 members or their guests, with or without the sale of food, for
63 consumption on the premises.

64 (e) For purposes of compliance with this section, "cafe" includes all of
65 the land and buildings in which the principal business conducted is
66 racing or jai alai exhibitions, with pari-mutuel betting licensed by the
67 Department of Consumer Protection.

68 (f) For purposes of compliance with this section, "cafe" includes any
69 commercial bowling establishment containing ten or more lanes, or any
70 commercial racquetball or tennis facility containing five or more courts,
71 with or without food, for consumption on the premises.

72 (g) For purposes of compliance with this section, "cafe" includes the
73 premises and grounds of a golf country club, defined as: (1) An
74 association of persons, whether incorporated or unincorporated, that
75 has been in existence as a bona fide organization for at least one year
76 prior to applying for a permit issued as provided by this chapter, or that
77 at the time of applying for the permit is in existence as a bona fide
78 organization and has not less than twenty members who have paid
79 annual membership fees or dues and have signed affidavits of their
80 intention to remain members of the association for not less than one year

81 after that time, not including associations organized for any commercial
82 or business purpose the object of which is money profit, which
83 maintains a golf course of not less than eighteen holes and a course
84 length of at least fifty-five hundred yards and a club house with facilities
85 that include locker rooms, a dining room and a lounge; provided the
86 club shall file with the department, upon request, within ten days of
87 February first in each year, a list of the names and residences of its
88 members, and shall similarly file, within ten days of the election of any
89 additional member, his name and address, and provided its aggregate
90 annual membership fees or dues and other income, exclusive of any
91 proceeds of the sale of alcoholic liquor, shall be sufficient to defray the
92 annual rental of its leased or rented premises, or, if the premises are
93 owned by the club, shall be sufficient to meet the taxes, insurance and
94 repairs and the interest on any mortgage thereof; and provided, further,
95 its affairs and management shall be conducted by a board of directors,
96 executive committee or similar body chosen by the members at their
97 annual meeting, and no member or any officer, agent or employee of the
98 club shall be paid or, directly or indirectly, shall receive in the form of
99 salary or other compensation any profits from the disposition or sale of
100 alcoholic liquor to the club or to the members of the club or its guests
101 introduced by members, beyond the amount of such salary as may be
102 fixed and voted at annual meetings by the members or by its directors
103 or other governing body and as reported by the club to the department,
104 within three months after the annual meeting, and as is, in the judgment
105 of the department, reasonable and proper compensation for the services
106 of such member, officer, agent or employee; or (2) an association of
107 persons, whether incorporated or unincorporated, which has been in
108 existence as a bona fide organization for at least one year prior to
109 applying for a permit issued as provided by this chapter, or which at the
110 time of applying for the permit is in existence as a bona fide organization
111 and has not less than twenty members who have paid annual
112 membership fees or dues and is directly or indirectly wholly owned by
113 a corporation which is and continues to be nonprofit and to which the
114 Internal Revenue Service has issued a ruling classifying it as an exempt
115 organization under Section 501(c) of the Internal Revenue Code of 1986,

116 or any subsequent corresponding internal revenue code of the United
117 States, as amended from time to time, which maintains a golf course of
118 not less than eighteen holes and a course length of at least fifty-five
119 hundred yards and a club house with facilities which include locker
120 rooms, a dining room and a lounge; provided the club shall file with the
121 department, upon request, within ten days of February first in each year,
122 a list of the names and residences of its members, and shall similarly file,
123 within ten days of the admission of any additional member, his name
124 and address. The nonprofit corporation shall demonstrate to the
125 commission an ability to pay any operating deficit of the golf country
126 club, exclusive of any proceeds of the sale of alcoholic liquor; and
127 provided, further, the affairs and the management of the nonprofit
128 corporation are conducted by a board of directors, executive committee
129 or similar body at least forty per cent of the members of which are
130 chosen by the members of the nonprofit corporation at their annual
131 meeting and the balance of the members of the board of directors are
132 professionals chosen for their knowledge of the business of the
133 nonprofit corporation, and all moneys earned by the golf country club
134 shall be used to defray its expenses of operation or for charitable
135 purposes, and any balance shall be directly or indirectly remitted to the
136 nonprofit corporation.

137 (h) For purposes of compliance with this section, "cafe" includes any
138 corporation that operates a railway in this state or that operates club,
139 parlor, dining, buffet or lounge cars upon the lines of any such railway
140 in this state. It shall allow the sale and public consumption of alcoholic
141 liquor in any club, parlor, dining, buffet or lounge car of a passenger
142 train operated in this state. It shall be subject to all the privileges,
143 obligations and penalties provided for in this chapter except that it shall
144 be issued to a corporation instead of to a person and, if it is revoked,
145 another application may be made by the corporation for the issuance of
146 another railroad permit at any time after the expiration of one year after
147 such revocation.

148 (i) For purposes of compliance with this section, "cafe" includes a
149 facility designed, constructed and used for corporate and private

150 parties, sporting events, concerts, exhibitions, trade shows,
151 entertainment presentations, conventions, banquets, meetings, dances,
152 fund-raising events and similar functions, located on a tract of land of
153 not less than twenty acres containing an enclosed roofed pavilion
154 constructed to seat not less than two hundred fifty people, where hot
155 meals are regularly served in an adequate and sanitary dining area, such
156 meals having been prepared in an adequate and sanitary kitchen on the
157 premises, and employing an adequate number of employees who shall
158 serve only persons who are at such outing facility to attend an event,
159 function, private party or banquet.

160 (j) For purposes of compliance with this section, "cafe" includes: (1) A
161 room or building that is subject to the care, custody and control of The
162 University of Connecticut Board of Trustees; (2) land and buildings
163 which are subject to the care, custody and control of an institution
164 offering a program of higher learning, as defined in section 10a-34,
165 which has been accredited by the Board of Regents for Higher Education
166 or is authorized by the Office of Higher Education to award a degree
167 pursuant to section 10a-34; or (3) on land or in a building situated on or
168 abutting a golf course which is subject to the care, custody and control
169 of an institution offering a program of higher learning, as defined in
170 section 10a-34, which has been accredited by the Board of Regents for
171 Higher Education or is authorized by the Office of Higher Education to
172 award a degree pursuant to section 10a-34.

173 (k) For purposes of compliance with this section, "cafe" includes a
174 tobacco bar that: (1) During the calendar year ending December 31, 2002,
175 generated at least ten per cent of the tobacco bar's total annual gross
176 income from on-site sales of tobacco products and rentals of on-site
177 humidors; or (2) commences operations on or after October 1, 2023, and
178 (A) generates at least sixty per cent of the tobacco bar's total annual gross
179 sales from on-site sales of tobacco products, other than cigarettes and
180 cigarette tobacco, as determined in an annual audit conducted by an
181 independent certified public accountant, (B) is located in a municipality
182 that has a population of at least sixty thousand and does not contain
183 another tobacco bar, (C) does not allow cigarettes or cigarette tobacco

184 on the premises, (D) contains a walk-in humidifier as a built-in feature on
185 the premises, (E) is located in a building that (i) no other owner-
186 occupant, lessee or tenant has a right to possess, or (ii) uses the tobacco
187 bar's own heating, ventilation or air conditioning system to prevent
188 commingling of air, and (F) is located in premises equipped with a
189 ventilation system that (i) provides local mechanical exhaust with no
190 recirculation, (ii) circulates at least sixty cubic feet of outdoor air per
191 person per minute to provide adequate indoor air quality, and (iii)
192 satisfies the requirements established in ANSI/ASHRAE 62-2001,
193 "ventilation for acceptable indoor air quality", as amended from time to
194 time.

195 Sec. 2. Subsection (b) of section 19a-342 of the general statutes is
196 repealed and the following is substituted in lieu thereof (*Effective October*
197 *1, 2023*):

198 (b) (1) Notwithstanding the provisions of section 31-40q, no person
199 shall smoke: (A) In any area of a building or portion of a building,
200 owned and operated or leased and operated by the state or any political
201 subdivision of the state; (B) in any area of a health care institution,
202 including, but not limited to, a psychiatric facility; (C) in any area of a
203 retail establishment accessed by the general public; (D) in any
204 restaurant; (E) in any area of an establishment with a permit issued for
205 the sale of alcoholic liquor pursuant to section 30-20a, 30-21, 30-21b, 30-
206 22, 30-22c, 30-28, 30-28a, 30-33a, 30-33b, 30-35a, 30-37a, 30-37e or 30-37f,
207 in any area of an establishment with a permit for the sale of alcoholic
208 liquor pursuant to section 30-22aa issued after May 1, 2003, and, on and
209 after April 1, 2004, in any area of an establishment with a permit issued
210 for the sale of alcoholic liquor pursuant to section 30-22a, as amended
211 by this act, or 30-26; (F) in any area of a school building or on the
212 grounds of such school; (G) within a child care facility or on the grounds
213 of such child care facility, except, if the child care facility is a family child
214 care home, as defined in section 19a-77, such smoking is prohibited only
215 when a child enrolled in such home is present during customary
216 business hours; (H) in any passenger elevator; (I) in any area of a
217 dormitory in any public or private institution of higher education; (J) in

218 any area of a dog race track or a facility equipped with screens for the
219 simulcasting of off-track betting race programs or jai alai games; (K) in
220 any room offered as an accommodation to guests by the operator of a
221 hotel, motel or similar lodging; (L) in any area of a correctional facility
222 or halfway house; or (M) in any area of a platform or a shelter at a rail,
223 busway or bus station, owned and operated or leased and operated by
224 the state or any political subdivision of the state. For purposes of this
225 subsection, "restaurant" means space, in a suitable and permanent
226 building, kept, used, maintained, advertised and held out to the public
227 to be a place where meals are regularly served to the public, "school" has
228 the same meaning as provided in section 10-154a and "child care facility"
229 has the same meaning as provided in section 19a-342a, as amended by
230 this act.

231 (2) Subdivision (1) of this subsection shall not apply to the following:
232 (A) Public housing projects, as defined in subsection (b) of section 21a-
233 278a; (B) any classroom where demonstration smoking is taking place
234 as part of a medical or scientific experiment or lesson; (C)
235 notwithstanding the provisions of subparagraph (E) of subdivision (1)
236 of this subsection, the outdoor portion of the premises of any permittee
237 listed in subparagraph (E) of subdivision (1) of this subsection,
238 provided, in the case of any seating area maintained for the service of
239 food, at least seventy-five per cent of the outdoor seating capacity is an
240 area in which smoking is prohibited and which is clearly designated
241 with written signage as a nonsmoking area, except that any temporary
242 seating area established for special events and not used on a regular
243 basis shall not be subject to the smoking prohibition or signage
244 requirements of this subparagraph; (D) any medical research site where
245 smoking is integral to the research being conducted; or (E) any tobacco
246 bar, provided [no tobacco bar shall expand in size or change its location
247 from its size or location as of December 31, 2002] a tobacco bar that
248 commences operations on or after October 1, 2023, shall (i) be located in
249 a municipality that has a population of at least sixty thousand and does
250 not contain another tobacco bar, (ii) not allow cigarettes or cigarette
251 tobacco on the premises, (iii) contain a walk-in humidor as a built-in

252 feature on the premises, (iv) be located in a building that (I) no other
253 owner-occupant, lessee or tenant has a right to possess, or (II) uses the
254 tobacco bar's own heating, ventilation or air conditioning system to
255 prevent commingling of air, and (v) be located in premises equipped
256 with a ventilation system that (I) provides local mechanical exhaust with
257 no recirculation, (II) circulates at least sixty cubic feet of outdoor air per
258 person per minute to provide adequate indoor air quality, and (III)
259 satisfies the requirements established in ANSI/ASHRAE 62-2001,
260 "ventilation for acceptable indoor air quality", as amended from time to
261 time. For purposes of this subdivision, "outdoor" means an area which
262 has no roof or other ceiling enclosure; [.] "tobacco bar" means an
263 establishment with a permit for the sale of alcoholic liquor to consumers
264 issued pursuant to [chapter 545] section 30-22a, as amended by this act,
265 that, in the calendar year ending December 31, 2002, generated ten per
266 cent or more of its total annual gross income from the on-site sale of
267 tobacco products and the rental of on-site humidors [.] or, for any
268 tobacco bar that commences operations on or after October 1, 2023,
269 generates at least sixty per cent of the tobacco bar's total annual gross
270 sales from on-site sales of tobacco products, other than cigarettes and
271 cigarette tobacco, as determined in an annual audit conducted by an
272 independent certified public accountant; and "tobacco product" means
273 any substance that contains tobacco, including, but not limited to,
274 cigarettes, cigars, pipe tobacco or chewing tobacco, except "tobacco
275 product" does not include cannabis.

276 Sec. 3. Subsection (b) of section 19a-342a of the general statutes is
277 repealed and the following is substituted in lieu thereof (*Effective October*
278 *1, 2023*):

279 (b) (1) No person shall use an electronic nicotine or cannabis delivery
280 system or vapor product: (A) In any area of a building or portion of a
281 building owned and operated or leased and operated by the state or any
282 political subdivision of the state; (B) in any area of a health care
283 institution, including, but not limited to, a psychiatric facility; (C) in any
284 area of a retail establishment accessed by the public; (D) in any
285 restaurant; (E) in any area of an establishment with a permit issued for

286 the sale of alcoholic liquor pursuant to section 30-20a, 30-21, 30-21b, 30-
287 22, 30-22a, as amended by this act, 30-22c, 30-26, 30-28, 30-28a, 30-33a,
288 30-33b, 30-35a, 30-37a, 30-37e or 30-37f, in any area of establishment with
289 a permit issued for the sale of alcoholic liquor pursuant to section 30-
290 22aa issued after May 1, 2003; (F) in any area of a school building or on
291 the grounds of such school; (G) within a child care facility or on the
292 grounds of such child care facility, except, if the child care facility is a
293 family child care home as defined in section 19a-77, such use is
294 prohibited only when a child enrolled in such home is present during
295 customary business hours; (H) in any passenger elevator; (I) in any area
296 of a dormitory in any public or private institution of higher education;
297 (J) in any area of a dog race track or a facility equipped with screens for
298 the simulcasting of off-track betting race programs or jai alai games; (K)
299 in any room offered as an accommodation to guests by the operator of a
300 hotel, motel or similar lodging; (L) in any area of a correctional facility,
301 halfway house or residential facility funded by the Judicial Branch; or
302 (M) in any area of a platform or a shelter at a rail, busway or bus station,
303 owned and operated or leased and operated by the state or any political
304 subdivision of the state. For purposes of this subsection, "restaurant"
305 means space, in a suitable and permanent building, kept, used,
306 maintained, advertised and held out to the public to be a place where
307 meals are regularly served to the public; [J] and "school" has the same
308 meaning as provided in section 10-154a.

309 (2) Subdivision (1) of this subsection shall not apply to the following:
310 (A) Public housing projects, as defined in subsection (b) of section 21a-
311 278a; (B) any classroom where a demonstration of the use of an
312 electronic nicotine or cannabis delivery system or vapor product is
313 taking place as part of a medical or scientific experiment or lesson; (C)
314 any medical research site where the use of an electronic nicotine or
315 cannabis delivery system or vapor product is integral to the research
316 being conducted; (D) establishments without a permit for the sale of
317 alcoholic liquor that sell electronic nicotine delivery systems, vapor
318 products or liquid nicotine containers on-site and allow their customers
319 to use such systems, products or containers on-site; (E) notwithstanding

320 the provisions of subparagraph (E) of subdivision (1) of this subsection,
321 the outdoor portion of the premises of any permittee listed in
322 subparagraph (E) of subdivision (1) of this subsection, provided, in the
323 case of any seating area maintained for the service of food, at least
324 seventy-five per cent of the outdoor seating capacity is an area in which
325 smoking is prohibited and which is clearly designated with written
326 signage as a nonsmoking area, except that any temporary seating area
327 established for special events and not used on a regular basis shall not
328 be subject to the prohibition on the use of an electronic nicotine or
329 cannabis delivery system or vapor product or the signage requirements
330 of this subparagraph; or (F) any tobacco bar, provided [no tobacco bar
331 shall expand in size or change its location from its size or location as of
332 October 1, 2015] a tobacco bar that commences operations on or after
333 October 1, 2023, shall (i) be located in a municipality that has a
334 population of at least sixty thousand and does not contain another
335 tobacco bar, (ii) not allow cigarettes or cigarette tobacco on the premises,
336 (iii) contain a walk-in humidor as a built-in feature on the premises, (iv)
337 be located in a building that (I) no other owner-occupant, lessee or
338 tenant has a right to possess, or (II) uses the tobacco bar's own heating,
339 ventilation or air conditioning system to prevent commingling of air,
340 and (v) be located in premises equipped with a ventilation system that
341 (I) provides local mechanical exhaust with no recirculation, (II)
342 circulates at least sixty cubic feet of outdoor air per person per minute
343 to provide adequate indoor air quality, and (III) satisfies the
344 requirements established in ANSI/ASHRAE 62-2001, "ventilation for
345 acceptable indoor air quality", as amended from time to time. For
346 purposes of this subdivision, "outdoor" means an area which has no roof
347 or other ceiling enclosure; [,] "tobacco bar" means an establishment with
348 a permit for the sale of alcoholic liquor to consumers issued pursuant to
349 [chapter 545] section 30-22a, as amended by this act, that, in the calendar
350 year ending December 31, 2015, generated ten per cent or more of its
351 total annual gross income from the on-site sale of tobacco products and
352 the rental of on-site humidors [,] or, for any tobacco bar that commences
353 operations on or after October 1, 2023, generates at least sixty per cent
354 of the tobacco bar's total annual gross sales from on-site sales of tobacco

355 products, other than cigarettes and cigarette tobacco, as determined in
 356 an annual audit conducted by an independent certified public
 357 accountant; and "tobacco product" means any substance that contains
 358 tobacco, including, but not limited to, cigarettes, cigars, pipe tobacco or
 359 chewing tobacco, except that "tobacco product" does not include
 360 cannabis."

This act shall take effect as follows and shall amend the following sections:		
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Section 1	<i>October 1, 2023</i>	30-22a
Sec. 2	<i>October 1, 2023</i>	19a-342(b)
Sec. 3	<i>October 1, 2023</i>	19a-342a(b)