



House of Representatives

General Assembly

File No. 101

February Session, 2024

Substitute House Bill No. 5234

House of Representatives, March 25, 2024

The Committee on General Law reported through REP. D'AGOSTINO of the 91st Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING THE DEPARTMENT OF CONSUMER PROTECTION'S RECOMMENDATIONS REGARDING ALCOHOLIC LIQUOR REGULATION.

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

1 Section 1. Section 30-1 of the 2024 supplement to the general statutes
2 is repealed and the following is substituted in lieu thereof (*Effective from*
3 *passage*):

4 For the purposes of this chapter and section 2 of this act, unless the
5 context indicates a different meaning:

6 (1) "Airline" means any (A) United States airline carrier holding a
7 certificate of public convenience and necessity from the Civil
8 Aeronautics Board under Section 401 of the Federal Aviation Act of
9 1958, as amended from time to time, or (B) foreign flag carrier holding a
10 permit under Section 402 of said act.

11 (2) "Alcohol" (A) means the product of distillation of any fermented
12 liquid that is rectified at least once and regardless of such liquid's origin,

13 and (B) includes synthetic ethyl alcohol which is considered nonpotable.

14 (3) "Alcoholic beverage" and "alcoholic liquor" include the four
15 varieties of liquor defined in subdivisions (2), (5), [(20)] (21) and [(21)]
16 (22) of this section (alcohol, beer, spirits and wine) and every liquid or
17 solid, patented or unpatented, containing alcohol, beer, spirits or wine
18 and at least one-half of one per cent alcohol by volume, and capable of
19 being consumed by a human being as a beverage. Any liquid or solid
20 containing more than one of the four varieties so defined belongs to the
21 variety which has the highest percentage of alcohol according to the
22 following order: Alcohol, spirits, wine and beer, except as provided in
23 subdivision [(21)] (22) of this section.

24 (4) "Backer" means, except in cases where the permittee is the
25 proprietor, the proprietor of any business or club, incorporated or
26 unincorporated, that is engaged in manufacturing or selling alcoholic
27 liquor and in which business a permittee is associated, whether as an
28 agent, employee or part owner.

29 (5) "Beer" means any beverage obtained by the alcoholic fermentation
30 of a decoction or infusion of barley, hops and malt in drinking water.

31 (6) "Boat" means any vessel that is (A) operating on any waterway of
32 this state, and (B) engaged in transporting passengers for hire to or from
33 any port of this state.

34 (7) "Business entity" means any incorporated or unincorporated
35 association, corporation, firm, joint stock company, limited liability
36 company, limited liability partnership, partnership, trust or other legal
37 entity.

38 [(7)] (8) "Case price" means the price of a container made of
39 cardboard, wood or any other material and containing units of the same
40 class and size of alcoholic liquor. A case of alcoholic liquor, other than
41 beer, cocktails, cordials, prepared mixed drinks and wines, shall be in
42 the quantity and number, or fewer, with the permission of the
43 Commissioner of Consumer Protection, of bottles or units as follows:

44 (A) Six one thousand seven hundred fifty milliliter bottles, (B) six one
45 thousand eight hundred milliliter bottles, (C) twelve seven hundred
46 milliliter bottles, (D) twelve seven hundred twenty milliliter bottles, (E)
47 twelve seven hundred fifty milliliter bottles, (F) twelve nine hundred
48 milliliter bottles, (G) twelve one liter bottles, (H) twenty-four three
49 hundred seventy-five milliliter bottles, (I) forty-eight two hundred
50 milliliter bottles, (J) sixty one hundred milliliter bottles, or (K) one
51 hundred twenty fifty milliliter bottles, except a case of fifty milliliter
52 bottles may be in a quantity and number as originally configured,
53 packaged and sold by the manufacturer or out-of-state shipper prior to
54 shipment if the number of such bottles in such case is not greater than
55 two hundred. The commissioner shall not authorize fewer quantities or
56 numbers of bottles or units as specified in this subdivision for any one
57 person or entity more than eight times in any calendar year. For the
58 purposes of this subdivision, "class" has the same meaning as provided
59 in 27 CFR 4.21 for wine, 27 CFR 5.22 for spirits and 27 CFR 7.24 for beer.

60 [(8)] (9) "Club" has the same meaning as provided in section 30-22aa.

61 [(9)] (10) "Coliseum" has the same meaning as provided in section 30-
62 33a.

63 [(10)] (11) "Commission" means the Liquor Control Commission
64 established under this chapter.

65 [(11)] (12) "Department" means the Department of Consumer
66 Protection.

67 [(12)] (13) "Dining room" means any room or rooms (A) located in
68 premises operating under (i) a hotel permit issued under section 30-21,
69 (ii) a restaurant permit issued under subsection (a) of section 30-22, (iii)
70 a restaurant permit for wine and beer issued under subsection (b) of
71 section 30-22, or (iv) a cafe permit issued under section 30-22a, and (B)
72 where meals are customarily served to any member of the public who
73 has means of payment and a proper demeanor.

74 [(13)] (14) "Mead" means fermented honey (A) with or without

75 additions or adjunct ingredients, and (B) regardless of (i) alcohol
76 content, (ii) process, and (iii) whether such honey is carbonated,
77 sparkling or still.

78 [(14)] (15) "Minor" means any person who is younger than twenty-
79 one years of age.

80 [(15)] (16) "Noncommercial entity" means an academic institution,
81 charitable organization, government organization, nonprofit
82 organization or similar entity that is not primarily dedicated to
83 obtaining a commercial advantage or monetary compensation.

84 [(16)] (17) "Nonprofit club" has the same meaning as provided in
85 section 30-22aa.

86 [(17)] (18) (A) "Person" means an individual, including, but not
87 limited to, a partner.

88 (B) "Person" does not include [a corporation, joint stock company,
89 limited liability company or other association of individuals] any
90 business entity.

91 [(18)] (19) (A) "Proprietor" includes all owners of a business or club,
92 incorporated or unincorporated, that is engaged in manufacturing or
93 selling alcoholic liquor, whether such owners are persons, fiduciaries,
94 [joint stock companies] business entities, stockholders of corporations
95 or otherwise.

96 (B) "Proprietor" does not include any person who, or [corporation]
97 business entity that, is merely a creditor, whether as a bond holder,
98 franchisor, landlord or note holder, of a business or club, incorporated
99 or unincorporated, that is engaged in manufacturing or selling alcoholic
100 liquor.

101 [(19)] (20) "Restaurant" has the same meaning as provided in section
102 30-22.

103 [(20)] (21) "Spirits" means any beverage that contains alcohol

104 obtained by distillation mixed with drinkable water and other
105 substances in solution, including brandy, rum, whiskey and gin.

106 [(21)] (22) "Wine" means any alcoholic beverage obtained by
107 fermenting the natural sugar content of fruits, such as apples, grapes or
108 other agricultural products, containing such sugar, including fortified
109 wines such as port, sherry and champagne.

110 Sec. 2. (NEW) (*Effective from passage*) (a) Subject to the provisions of
111 subsection (b) of this section, a franchisor or landlord may, without
112 obtaining approval as a backer, receive profits from the sale of alcoholic
113 liquor from a franchisee or tenant that is permitted to sell alcoholic
114 liquor under the provisions of chapter 545 of the general statutes,
115 provided the franchisor or landlord does not:

116 (1) Control the operations of the permit premises;

117 (2) Direct sales of alcoholic liquor from the permit premises; or

118 (3) Otherwise engage in activities indicating ownership or
119 proprietorship of the franchisee or tenant.

120 (b) The Department of Consumer Protection may require a franchisor
121 or landlord to obtain approval as a backer in order for the franchisor or
122 landlord to receive profits as set forth in subsection (a) of this section. In
123 determining whether to require a franchisor or landlord to receive such
124 approval, the department shall:

125 (1) Consider the percentage of such profits that the franchisor or
126 landlord receives; and

127 (2) Evaluate whether the franchisor or landlord may (A) supervise,
128 hire, retain or discharge persons employed on the permit premises, (B)
129 set menu selections or prices for the permit premises, (C) establish hours
130 or days of operation for the permit premises, (D) decide whether or
131 when a patio may be used in connection with the operations of the
132 permit premises, (E) order or accept alcoholic liquor deliveries for the
133 permit premises, (F) arrange advertising for the permit premises,

134 including, but not limited to, advertising on the Internet or through
135 social media, (G) dictate decorations for the permit premises, (H) access
136 banking accounts related to the permit premises, (I) incur debt on behalf
137 of a backer for the permit, and (J) enter into agreements with other
138 entities on behalf of a backer for the permit.

139 Sec. 3. Section 30-4 of the general statutes is repealed and the
140 following is substituted in lieu thereof (*Effective from passage*):

141 No commissioner of the Liquor Control Commission and no
142 employee of the Department of Consumer Protection who carries out
143 the duties and responsibilities of sections 30-2 to 30-68m, inclusive, and
144 the regulations enacted thereunder may, directly or indirectly,
145 individually or as a member [of a partnership] or owner of a business
146 entity or as a shareholder of a corporation, have any interest whatsoever
147 in dealing in or in the manufacture of alcoholic liquor, nor receive any
148 commission or profit whatsoever from nor have any interest whatsoever
149 in the purchases or sales made by the persons authorized by this chapter
150 to purchase or sell alcoholic liquor. No provision of this section shall
151 prevent any such commissioner or employee from purchasing and
152 keeping in [his] such commissioner's or employee's possession, for [the]
153 personal use [of himself or] by such commissioner or employee,
154 members of [his] such commissioner's or employee's family or guests,
155 any alcoholic liquor which may be purchased or kept by any person by
156 virtue of this chapter.

157 Sec. 4. Section 30-14a of the general statutes is repealed and the
158 following is substituted in lieu thereof (*Effective from passage*):

159 (a) A package store permit issued under subsection (b) of section 30-
160 20 may be renewed by the person to whom [it] such permit was issued
161 or by any person who (1) is a transferee or purchaser of premises
162 operating under a package store permit issued under subsection (b) of
163 section 30-20, and [who] (2) meets the requirements of this chapter
164 concerning eligibility for a liquor permit. Commencing June 8, 1986, the
165 Department of Consumer Protection may issue one package store
166 permit under subsection (b) of section 30-20 for every twenty-five

167 hundred residents of a town as determined by the most recently
168 completed decennial census. The department may authorize the holder
169 of such permit to remove [his] such holder's permit premises to a
170 location in another town provided such removal complies with the
171 provisions of this chapter.

172 (b) (1) The Department of Consumer Protection may (A) refuse to
173 accept any incomplete application for a package store permit under
174 subsection (b) of section 30-20, or (B) establish a deadline by which an
175 applicant for a package store permit under subsection (b) of section 30-
176 20 shall open to the public for continuous operation.

177 (2) If an applicant for a package store permit under subsection (b) of
178 section 30-20 fails to open to the public for continuous operation on or
179 before the deadline established by the Department of Consumer
180 Protection under subparagraph (B) of subdivision (1) of this subsection,
181 the department may deem such applicant's application to have been
182 withdrawn and expired for the purpose of preventing placeholdering. For
183 the purposes of this subdivision, "placeholdering" means (A) applying for
184 the last available package store permit in a town, and (B) failing to open
185 to the public for continuous operation on or before the deadline
186 established by the department under subparagraph (B) of subdivision
187 (1) of this subsection.

188 Sec. 5. Subsection (a) of section 30-17 of the general statutes is
189 repealed and the following is substituted in lieu thereof (*Effective from*
190 *passage*):

191 (a) (1) A wholesaler permit shall allow the bottling of alcoholic liquor
192 and the wholesale sale of alcoholic liquor to permittees in this state and
193 without the state, as may be permitted by law, and the sale of alcoholic
194 liquors to vessels engaged in coastwise or foreign commerce, and the
195 sale of alcohol and alcoholic liquor for industrial purposes to
196 nonpermittees, such sales to be made in accordance with the regulations
197 adopted by the Department of Consumer Protection, and the sale of
198 alcohol and alcoholic liquor for medicinal purposes to hospitals and
199 charitable institutions and to religious organizations for sacramental

200 purposes and the receipt from out-of-state shippers of multiple
201 packages of alcoholic liquor. The holder of a wholesaler permit may
202 apply for and shall thereupon receive an out-of-state shipper's permit
203 for direct importation from abroad of alcoholic liquors manufactured
204 outside the United States and an out-of-state shipper's permit for direct
205 importation from abroad of beer manufactured outside the United
206 States. The annual fee for a wholesaler permit shall be two thousand six
207 hundred fifty dollars.

208 (2) When a holder of a wholesaler permit has had the distributorship
209 of any alcohol, beer, spirits or wine product of a manufacturer or out-
210 of-state shipper for six months or more, such distributorship may be
211 terminated or its geographic territory diminished upon (A) the
212 execution of a written stipulation by the wholesaler and manufacturer
213 or out-of-state shipper agreeing to the change and the approval of such
214 change by the Department of Consumer Protection; or (B) the sending
215 of a written notice by certified or registered mail, return receipt
216 requested, by the manufacturer or out-of-state shipper to the
217 wholesaler, a copy of which notice has been sent simultaneously [by
218 certified or registered mail, return receipt requested,] to the
219 [Department of Consumer Protection] department in a manner
220 prescribed by the Commissioner of Consumer Protection. No such
221 termination or diminishment shall become effective except for just and
222 sufficient cause, provided such cause shall be set forth in such notice
223 and the [Department of Consumer Protection] department shall
224 determine, after hearing, that just and sufficient cause exists. If an
225 emergency occurs, caused by the wholesaler, prior to such hearing,
226 which threatens the manufacturers' or out-of-state shippers' products or
227 otherwise endangers the business of the manufacturer or out-of-state
228 shipper and said emergency is established to the satisfaction of the
229 [Department of Consumer Protection] department, the department may
230 temporarily suspend such wholesaler permit or take whatever
231 reasonable action the department deems advisable to provide for such
232 emergency and the department may continue such temporary action
233 until its decision after a full hearing. The [Department of Consumer
234 Protection] department shall render its decision with reasonable

235 promptness following such hearing. Notwithstanding the aforesaid, a
236 manufacturer or out-of-state shipper may appoint one or more
237 additional wholesalers as the distributor for an alcohol, spirits or wine
238 product within such territory, provided such appointment shall not be
239 effective until six months from the date such manufacturer or out-of-
240 state shipper sets forth such intention in written notice to the existing
241 wholesaler by certified or registered mail, return receipt requested, with
242 a copy of such notice simultaneously sent [by certified or registered
243 mail, return receipt requested, to the Department of Consumer
244 Protection] to the department in a manner prescribed by the
245 Commissioner of Consumer Protection. For just and sufficient cause, a
246 manufacturer or out-of-state shipper may appoint one or more
247 additional wholesalers as the distributor for a beer product within such
248 territory provided such manufacturer or out-of-state shipper sets forth
249 such intention and cause in written notice to the existing wholesaler by
250 certified or registered mail, return receipt requested, with a copy of such
251 notice simultaneously sent [by certified or registered mail, return receipt
252 requested, to the Department of Consumer Protection] to the
253 department in a manner prescribed by the Commissioner of Consumer
254 Protection. Such written notice shall include the name of each additional
255 wholesaler appointed as a distributor and provide a detailed description
256 of the just and sufficient cause necessitating such appointment. For the
257 purposes of this section, "just and sufficient cause" means the existence
258 of circumstances which, in the opinion of a reasonable person
259 considering all of the equities of both the wholesaler and the
260 manufacturer or out-of-state shipper warrants a termination or a
261 diminishment of a distributorship as the case may be. For the purposes
262 of this section, "manufacturer or out-of-state shipper" means the
263 manufacturer or out-of-state shipper who originally granted a
264 distributorship of any alcohol, beer, spirits or wine product to a
265 wholesaler, any successor to such manufacturer or out-of-state shipper,
266 which successor has assumed the contractual relationship with such
267 wholesaler by assignment or otherwise, or any other manufacturer or
268 out-of-state shipper who acquires the right to ship such alcohol, beer,
269 spirits or wine into the state.

270 (3) Nothing contained in this section shall be construed to interfere
271 with the authority of the Department of Consumer Protection to retain
272 or adopt reasonable regulations concerning the termination or
273 diminishment of a distributorship held by a wholesaler for less than six
274 months.

275 (4) All hearings held under this section shall be held in accordance
276 with the provisions of chapter 54.

277 Sec. 6. Subsection (b) of section 30-19f of the general statutes is
278 repealed and the following is substituted in lieu thereof (*Effective from*
279 *passage*):

280 (b) No [person, corporation, incorporated or unincorporated
281 association, partnership, trust or other legal entity] person or business
282 entity, except the holder of an out-of-state shipper's permit issued under
283 section 30-18 or 30-19, a manufacturer's permit issued under section 30-
284 16, other than a manufacturer permit for a farm winery or a
285 manufacturer permit for wine, cider and mead, or a wholesaler's permit
286 issued under section 30-17, as amended by this act, shall transport any
287 alcoholic beverages imported into this state unless: [such person: (1)
288 Holds] (1) Such person or business entity holds an in-state transporter's
289 permit issued under this section; (2) the tax imposed on such alcoholic
290 liquor under section 12-435 has been paid; and (3) if applicable, the tax
291 imposed on the sale of such alcoholic liquor under chapter 219 has been
292 paid.

293 Sec. 7. Subsection (d) of section 30-22b of the general statutes is
294 repealed and the following is substituted in lieu thereof (*Effective from*
295 *passage*):

296 (d) "Catering establishment" means any premises that (1) has an
297 adequate, suitable and sanitary kitchen, dining room and facilities to
298 provide hot meals, (2) has no sleeping accommodations for the public,
299 (3) is owned or operated by any [person, firm, association, partnership
300 or corporation that] person who, or business entity that, (A) regularly
301 furnishes for hire on such premises [,] one or more ballrooms, reception

302 rooms, dining rooms, banquet halls or similar places of assemblage for
303 a particular function, occasion or event, or [that] (B) furnishes provisions
304 and services for consumption or use at [such] any function, occasion or
305 event described in subparagraph (A) of this subdivision, and (4)
306 employs an adequate number of employees on such premises at the time
307 of any [such] function, occasion or event described in subparagraph (A)
308 of subdivision (3) of this subsection.

309 Sec. 8. Section 30-35 of the 2024 supplement to the general statutes is
310 repealed and the following is substituted in lieu thereof (*Effective from*
311 *passage*):

312 (a) A temporary liquor permit for a noncommercial entity shall allow
313 the sale of beer, spirits or wine at any fundraising event, outing, picnic
314 or social gathering conducted by a bona fide noncommercial entity, club
315 or golf country club, as described in subsection (g) of section 30-22a,
316 which noncommercial entity, club or golf country club shall be the
317 backer of the permittee under such permit. No for-profit business entity
318 may be the backer of any such permittee. Each temporary liquor permit
319 for a noncommercial entity shall also allow the retail sale of beer, spirits
320 or wine at an in-person or online auction, provided such auction is held
321 as part of a fundraising event to benefit the tax-exempt activities of the
322 noncommercial entity, club or golf country club. All profits from the
323 auction or sale of such beer, spirits or wine shall be retained by the
324 backer or permittee conducting such fundraising event, outing, picnic,
325 social gathering or auction, and no portion of such profits shall be paid,
326 directly or indirectly, to any [individual or other corporation] person or
327 business entity. Such permit shall be issued subject to the approval of
328 the [department] Department of Consumer Protection and shall be
329 effective only for specified dates and times limited by the department.
330 The combined total of fundraising events, outings, picnics, social
331 gatherings or auctions, for which a temporary liquor permit for a
332 noncommercial entity is issued under this section, shall not exceed
333 twelve in any calendar year and the approved dates and times for each
334 such fundraising event, outing, picnic, social gathering or auction shall
335 be displayed on such permit. Each temporary liquor permit for a

336 noncommercial entity issued under this section shall be subject to the
337 hours of sale established in subsection (a) of section 30-91 and the
338 combined total of days for which such permit is issued shall not exceed
339 twenty days in any calendar year. The holder of a temporary liquor
340 permit for a noncommercial entity issued under this section shall
341 display such permit, and the days for which such permit has been
342 issued, in a prominent location adjacent to the entrance to the
343 fundraising event, outing, picnic, social gathering or auction. The fee for
344 a temporary liquor permit for a noncommercial entity shall be fifty
345 dollars per day.

346 (b) The holder of a manufacturer permit issued under section 30-16,
347 a wholesaler permit issued under section 30-17, as amended by this act,
348 [or] an out-of-state shipper's permit for alcoholic liquor issued under
349 section 30-18, an out-of-state retail shipper's permit for wine or out-of-
350 state winery shipper's permit for wine issued under section 30-18a, an
351 out-of-state shipper's permit for beer issued under section 30-19, a
352 package store permit issued under subsection (b) of section 30-20, a
353 restaurant permit issued under section 30-22 or a cafe permit issued
354 under subsection (c) of section 30-22a may offer tastings for, and donate
355 to, the holder of a temporary liquor permit for a noncommercial entity
356 issued under this section any beer, spirits or wine such manufacturer
357 permittee manufactures, for which such wholesaler permittee holds
358 distribution rights or which such package store permittee sells at retail.

359 Sec. 9. Subsection (b) of section 30-39 of the 2024 supplement to the
360 general statutes is repealed and the following is substituted in lieu
361 thereof (*Effective from passage*):

362 (b) (1) Any person desiring a liquor permit or a renewal of such a
363 permit shall make an affirmed application therefor to the Department of
364 Consumer Protection, upon forms to be furnished by the department,
365 showing the name and address of the applicant and of the applicant's
366 backer, if any, the location of the club or place of business which is to be
367 operated under such permit and a financial statement setting forth all
368 elements and details of any business transactions connected with the

369 application. Such application shall include a detailed description of the
370 type of live entertainment that is to be provided. A club or place of
371 business shall be exempt from providing such detailed description if the
372 club or place of business (A) was issued a liquor permit prior to October
373 1, 1993, and (B) has not altered the type of entertainment provided. The
374 application shall also indicate any crimes of which the applicant or the
375 applicant's backer may have been convicted. Applicants shall submit
376 documents, only upon initial application, sufficient to establish that
377 state and local building, fire and zoning requirements and local
378 ordinances concerning hours and days of sale will be met, except that
379 local building and zoning requirements and local ordinances
380 concerning hours and days of sale shall not apply to a cafe permit issued
381 under subsection (d) or (h) of section 30-22a. The State Fire Marshal or
382 the marshal's certified designee shall be responsible for approving
383 compliance with the State Fire Code at Bradley International Airport.
384 Any person desiring a permit provided for in section 30-33b shall file a
385 copy of such person's license with such application if such license was
386 issued by the Department of Consumer Protection. The department
387 may, at its discretion, conduct an investigation to determine (i) whether
388 a permit shall be issued to an applicant or the applicant's backer, or (ii)
389 the suitability of the proposed permit premises. Completion of an
390 inspection pursuant to subsection (f) of section 29-305 shall not be
391 deemed to constitute a precondition to renewal of a permit that is
392 subject to subsection (f) of section 29-305.

393 (2) The applicant shall pay to the department a nonrefundable
394 application fee, which fee shall be in addition to the fees prescribed in
395 this chapter for the permit sought. An application fee shall not be
396 charged for an application to renew a permit. The application fee shall
397 be in the amount of ten dollars for the filing of each application for a
398 permit by a nonprofit golf tournament permit under section 30-37g or a
399 temporary liquor permit for a noncommercial entity under section 30-
400 35, as amended by this act; and in the amount of one hundred dollars
401 for the filing of an initial application for all other permits. Any permit
402 issued shall be valid only for the purposes and activities described in
403 the application.

404 (3) The applicant, immediately after filing an application, shall give
405 notice thereof, with the name and residence of the permittee, the type of
406 permit applied for and the location of the place of business for which
407 such permit is to be issued and the type of live entertainment to be
408 provided, all in a form prescribed by the department, by publishing the
409 same in a newspaper having a circulation in the town in which the place
410 of business to be operated under such permit is to be located, at least
411 once a week for two successive weeks, the first publication to be not
412 more than seven days after the filing date of the application and the last
413 publication not more than fourteen days after the filing date of the
414 application. The applicant shall affix, and maintain in a legible condition
415 upon the outer door of the building wherein such place of business is to
416 be located and clearly visible from the public highway, the placard
417 provided by the department, not later than the day following the receipt
418 of the placard by the applicant. If such outer door of such premises is so
419 far from the public highway that such placard is not clearly visible as
420 provided, the department shall direct a suitable method to notify the
421 public of such application. When an application is filed for any type of
422 permit for a building that has not been constructed, such applicant shall
423 erect and maintain in a legible condition a sign not less than six feet by
424 four feet upon the site where such place of business is to be located,
425 instead of such placard upon the outer door of the building. The sign
426 shall set forth the type of permit applied for and the name of the
427 proposed permittee, shall be clearly visible from the public highway and
428 shall be so erected not later than the day following the receipt of the
429 placard. Such applicant shall make a return to the department, under
430 oath, of compliance with the foregoing requirements, in such form as
431 the department may determine, but the department may require any
432 additional proof of such compliance. Upon receipt of evidence of such
433 compliance, the department may hold a hearing as to the suitability of
434 the proposed location. The provisions of this subdivision shall not apply
435 to applications for (A) airline permits issued under section 30-28a, (B)
436 temporary liquor permits for noncommercial entities issued under
437 section 30-35, as amended by this act, (C) concession permits issued
438 under section 30-33, (D) military permits issued under section 30-34, (E)

439 cafe permits issued under subsection (h) of section 30-22a, (F)
440 warehouse permits issued under section 30-32, (G) broker's permits
441 issued under section 30-30, (H) out-of-state shipper's permits for
442 alcoholic liquor issued under section 30-18, (I) out-of-state shipper's
443 permits for beer issued under section 30-19, (J) coliseum permits issued
444 under section 30-33a, (K) nonprofit golf tournament permits issued
445 under section 30-37g, (L) Connecticut craft cafe permits issued under
446 section 30-22d to permittees who held a manufacturer permit for a brew
447 pub or a manufacturer permit for beer issued under subsection (b) of
448 section 30-16 and a brew pub before July 1, 2020, (M) off-site farm
449 winery sales and wine, cider and mead tasting permits issued under
450 section 30-16a, (N) out-of-state retailer shipper's permits for wine issued
451 under section 30-18a, (O) out-of-state winery shipper's permits for wine
452 issued under section 30-18a, (P) in-state transporter's permits for
453 alcoholic liquor issued under section 30-19f, as amended by this act,
454 including, but not limited to, boats operating under such permits, (Q)
455 seasonal outdoor open-air permits issued under section 30-22e, (R)
456 festival permits issued under section 30-37t, (S) temporary auction
457 permits issued under section 30-37u, (T) outdoor open-air permits
458 issued under section 30-22f, and (U) renewals of any permit described
459 in subparagraphs (A) to (T), inclusive, of this subdivision, if applicable.
460 The provisions of this subdivision regarding publication and placard
461 display shall also be required of any applicant who seeks to amend the
462 type of entertainment either upon filing of a renewal application or
463 upon requesting permission of the department in a form that requires
464 the approval of the municipal zoning official.

465 (4) In any case in which a permit has been issued to a partnership, if
466 one or more of the partners dies or retires, the remaining partner or
467 partners need not file a new application for the unexpired portion of the
468 current permit, and no additional fee for such unexpired portion shall
469 be required. Notice of any such change shall be given to the department
470 and the permit shall be endorsed to show correct ownership. When any
471 partnership changes by reason of the addition of one or more persons, a
472 new application with new fees shall be required.

473 Sec. 10. Subsection (a) of section 30-47 of the general statutes is
474 repealed and the following is substituted in lieu thereof (*Effective from*
475 *passage*):

476 (a) The Department of Consumer Protection may, in its discretion,
477 suspend, revoke or refuse to grant or renew a permit for the sale of
478 alcoholic liquor, or impose a fine of not greater than one thousand
479 dollars per violation, if [it] the department has reasonable cause to
480 believe: (1) That the applicant or permittee appears to be financially
481 irresponsible or neglects to provide for [his] the applicant's or
482 permittee's family, or neglects or is unable to pay [his] the applicant's or
483 permittee's just debts; (2) that the applicant or permittee has been
484 provided with funds by any wholesaler or manufacturer or has any
485 forbidden connection with any other class of permittee as provided in
486 this chapter; (3) that the applicant or permittee is in the habit of using
487 alcoholic beverages to excess; (4) that the applicant or permittee has
488 wilfully made any false statement to the department in a material
489 matter; (5) that the applicant or permittee has been convicted of
490 violating any of the liquor laws of this or any other state or the liquor
491 laws of the United States or has been convicted of a felony as such term
492 is defined in section 53a-25, provided any action taken is based upon (A)
493 the nature of the conviction and its relationship to the applicant or
494 permittee's ability to safely or competently perform the duties
495 associated with such permit, (B) information pertaining to the degree of
496 rehabilitation of the applicant or permittee, and (C) the time elapsed
497 since the conviction or release, or has such a criminal record that the
498 department reasonably believes [he] the applicant or permittee is not a
499 suitable person to hold a permit, provided no refusal shall be rendered
500 under this subdivision except in accordance with the provisions of
501 sections 46a-80 and 46a-81; (6) that the applicant or permittee has not
502 been delegated full authority and control of the permit premises and of
503 the conduct of all business on such premises; or (7) that the applicant,
504 applicant's backer, backer or permittee has violated any provision of this
505 chapter or any regulation adopted under this chapter. Any applicant,
506 applicant's backer or backer shall be subject to the same disqualifications
507 as provided in this [section in the case of an applicant for a permit or a

508 permittee] chapter, or any regulation adopted under this chapter, for
509 permittees.

510 Sec. 11. Subsection (a) of section 30-48 of the 2024 supplement to the
511 general statutes is repealed and the following is substituted in lieu
512 thereof (*Effective from passage*):

513 (a) No backer or permittee of one permit class shall be a backer or
514 permittee of any other permit class except in the case of airline permits
515 issued under section 30-28a, boats operating under in-state transporter's
516 permits issued under section 30-19f, as amended by this act, and cafe
517 permits issued under subsections (d) and (h) of section 30-22a, except
518 that: (1) A backer of a hotel permit issued under section 30-21 or a
519 restaurant permit issued under section 30-22 may be a backer of both
520 such classes; (2) a holder or backer of a restaurant permit issued under
521 section 30-22 or a cafe permit issued under subsection (a) of section 30-
522 22a may be a holder or backer of any other or all of such classes; (3) a
523 holder or backer of a restaurant permit issued under section 30-22 may
524 be a holder or backer of a cafe permit issued under subsection (f) of
525 section 30-22a; (4) a backer of a restaurant permit issued under section
526 30-22 may be a backer of a coliseum permit issued under section 30-33a
527 when such restaurant is within a coliseum; (5) a backer of a hotel permit
528 issued under section 30-21 may be a backer of a coliseum permit issued
529 under section 30-33a; (6) a backer of a grocery store beer permit issued
530 under subsection (c) of section 30-20 may be (A) a backer of a package
531 store permit issued under subsection (b) of section 30-20 if such was the
532 case on or before May 1, 1996, and (B) a backer of a restaurant permit
533 issued under section 30-22, provided the restaurant permit premises do
534 not abut or share the same space as the grocery store beer permit
535 premises; (7) a backer of a cafe permit issued under subsection (j) of
536 section 30-22a, may be a backer of a nonprofit theater permit issued
537 under section 30-35a; (8) a backer of a nonprofit theater permit issued
538 under section 30-35a may be a holder or backer of a hotel permit issued
539 under section 30-21 or a coliseum permit issued under section 30-33a;
540 (9) a backer of a concession permit issued under section 30-33 may be a
541 backer of a coliseum permit issued under section 30-33a; (10) a holder of

542 an out-of-state winery shipper's permit for wine issued under section
543 30-18a may be a holder of an in-state transporter's permit issued under
544 section 30-19f, as amended by this act; (11) a holder of an out-of-state
545 shipper's permit for alcoholic liquor issued under section 30-18 or an
546 out-of-state winery shipper's permit for wine issued under section 30-
547 18a may be a holder of an in-state transporter's permit issued under
548 section 30-19f, as amended by this act; (12) a holder of a manufacturer
549 permit for a farm winery issued under subsection (c) of section 30-16 or
550 a manufacturer permit for wine, cider and mead issued under
551 subsection (d) of section 30-16 may be a holder of an in-state
552 transporter's permit issued under section 30-19f, as amended by this act,
553 an off-site farm winery sales and tasting permit issued under section 30-
554 16a or any combination of such permits; (13) the holder of a
555 manufacturer permit for spirits, beer, a farm winery or wine, cider and
556 mead, issued under subsection (a), (b), (c) or (d), respectively, of section
557 30-16 may be a holder of a Connecticut craft cafe permit issued under
558 section 30-22d, a restaurant permit or a restaurant permit for wine and
559 beer issued under section 30-22 or a farmers' market sales permit issued
560 under section 30-37o; (14) the holder of a restaurant permit issued under
561 section 30-22, a cafe permit issued under section 30-22a, or an in-state
562 transporter's permit issued under section 30-19f, as amended by this act,
563 may be the holder of a seasonal outdoor open-air permit issued under
564 section 30-22e or an outdoor open-air permit issued under section 30-
565 22f; [and] (15) the holder of a festival permit issued under section 30-37t
566 may be the holder or backer of one or more of such other classes; (16)
567 the holder of an out-of-state shipper's permit for alcoholic liquor other
568 than beer issued under section 30-18, an out-of-state winery shipper's
569 permit for wine issued under section 30-18a or an out-of-state shipper's
570 permit for beer issued under section 30-19 may be the holder of an out-
571 of-state retailer shipper's permit for wine issued under section 30-18a;
572 and (17) the holder of a restaurant permit issued under section 30-22
573 may be a holder of a Connecticut craft cafe permit issued under section
574 30-22d, provided the permit premises are located at two different
575 addresses. Any person may be a permittee of more than one permit. No
576 holder of a manufacturer permit for beer issued under subsection (b) of

577 section 30-16 and no spouse or child of such holder may be a holder or
578 backer of more than three restaurant permits issued under section 30-22
579 or cafe permits issued under section 30-22a.

580 Sec. 12. Section 30-51a of the general statutes is repealed and the
581 following is substituted in lieu thereof (*Effective from passage*):

582 Notwithstanding the provisions of subdivision (6) of subsection (a)
583 of section 30-47, as amended by this act, and section 30-51, as amended
584 by this act, a permittee of premises operating under a grocery store beer
585 permit issued under subsection (c) of section 30-20 may lease up to fifty
586 per cent of the total square footage of the premises to any person for
587 lawful purposes. The Department of Consumer Protection shall not
588 issue a permit allowing the sale or consumption of alcoholic liquor on
589 any such leased premises, and the sale or consumption of alcoholic
590 liquor shall be unlawful on any such leased premises.

591 Sec. 13. Section 30-51 of the general statutes is repealed and the
592 following is substituted in lieu thereof (*Effective from passage*):

593 No permit may be issued for the sale of alcoholic liquor in any
594 building, a portion of which will not be used as the permit premises,
595 unless the application therefor is accompanied by an affidavit signed
596 and affirmed by the applicant, stating that access from the portion of the
597 building that will not be used as the permit premises to the portion of
598 the building that will be used as the permit premises is effectually
599 ~~[closed]~~ separate, unless the Department of Consumer Protection
600 endorses upon such application that it has dispensed with such affidavit
601 for reasons considered by it good and satisfactory and also endorses
602 thereon such reasons. ~~[If any way]~~ No new means of access ~~[from the~~
603 ~~other portion of such building to the portion used as]~~ into the permit
604 premises ~~[is]~~ shall be opened, after such permit is issued, without the
605 written consent of the Department of Consumer Protection endorsed on
606 such permit. ~~[, such permit shall thereupon become and be forfeited,~~
607 ~~with or without notice from the Department of Consumer Protection,~~
608 ~~and shall be null and void. If such applicant or]~~ If any permittee or any
609 backer thereof opens, causes to be opened, ~~[permits]~~ allows to be opened

610 or allows to remain open, at any time during the term for which such
611 permit is issued, any [way] new means of access from any portion of a
612 building not part of the permit premises [to any other portion of such
613 building that is] into the permit premises, without the written consent
614 of the Department of Consumer Protection endorsed on such permit,
615 such [persons] permittee or [backers] backer shall be subject to the
616 penalties provided in section 30-113. The Department of Consumer
617 Protection shall require every applicant for a permit to sell alcoholic
618 liquor to state under oath whether any portion of the building in which
619 it is proposed to carry on such business will not be used as the permit
620 premises; and, if so, the Department of Consumer Protection shall
621 appoint a suitable person to examine the premises and to see that any
622 and all access between the portion so to be used for the sale of alcoholic
623 liquor and the portion not so used is effectually [closed] separate, and
624 may designate the manner of such [closing] separation, and, if
625 necessary, order seals to be placed so that such way of access cannot be
626 opened without breaking the seals, and the breaking or removal of such
627 seals or other methods of preventing access, so ordered and provided,
628 shall be prima facie evidence of a violation of this section. The above
629 provisions shall not apply to any premises operating under a hotel
630 permit.

631 Sec. 14. Section 30-55 of the general statutes is repealed and the
632 following is substituted in lieu thereof (*Effective from passage*):

633 (a) The Department of Consumer Protection may, in its discretion,
634 revoke, suspend or place conditions on any permit or provisional permit
635 or impose a fine of not greater than one thousand dollars per violation,
636 upon cause found after hearing, provided [ten days'] written notice of
637 such hearing has been given to the permittee, [setting forth, with the
638 particulars required in civil pleadings, the charges upon which such
639 proposed revocation, suspension, condition or fine is predicated. Any
640 appeal from such order of revocation, suspension, condition or fine shall
641 be taken in accordance with the provisions of section 4-183] applicant,
642 backer or proposed backer in accordance with the provisions of chapter
643 54.

644 (b) The surrender of a permit or provisional permit for cancellation,
645 the withdrawal of an application or the expiration of a permit shall not
646 prevent the [department] Department of Consumer Protection from
647 suspending or revoking any such permit pursuant to the provisions of
648 this section.

649 Sec. 15. Section 30-58a of the general statutes is repealed and the
650 following is substituted in lieu thereof (*Effective from passage*):

651 The Department of Consumer Protection, in [its] the department's
652 discretion and subject to such regulations as [it] the department may
653 adopt, may accept from any applicant, applicant's backer, backer or
654 permittee [or backer] an offer in compromise in such an amount as may
655 in the discretion of the department be proper under the circumstances
656 in lieu of the suspension of any permit previously imposed by the
657 department. Any sums of money so collected by the department shall
658 be paid forthwith into the State Treasury for the general purposes of the
659 state.

660 Sec. 16. Section 30-60 of the general statutes is repealed and the
661 following is substituted in lieu thereof (*Effective from passage*):

662 Any applicant for a permit or for the renewal of a permit for the
663 manufacture or sale of alcoholic liquor whose application is refused or
664 any applicant or permittee whose permit is denied, revoked or
665 suspended by the Department of Consumer Protection or any ten
666 residents who have filed a remonstrance pursuant to the provisions of
667 section 30-39, as amended by this act, and who are aggrieved by the
668 granting of a permit by the department may appeal therefrom in
669 accordance with section 4-183. Appeals shall be privileged in respect to
670 the assignment thereof. If said court decides, upon the trial of such
671 appeal, that the appellant is a suitable person to sell alcoholic liquor and
672 that the place named in [his] the appellant's application is a suitable
673 place, within the class of permit applied for or revoked, and renders
674 judgment accordingly, a copy of such judgment shall be forthwith
675 transmitted by the clerk of said court to the department, and the
676 department shall thereupon issue a permit to such appellant to sell such

677 alcoholic liquor at such place for the remainder of the permit year, and
678 the fee to be paid therefor, unless the application is for the renewal of
679 the permit, in which case the full fee shall be paid, shall bear the same
680 proportion to the full permit fee for a year as the unexpired portion of
681 the year from the time when such permit was granted bears to the full
682 year. If the court decides on such trial that the applicant is not a suitable
683 person to sell alcoholic liquor or that the place named in the application
684 is not a suitable place, and renders judgment accordingly, a copy of such
685 judgment shall be forthwith transmitted by the clerk of said court to the
686 department and the department shall not issue a permit to such
687 applicant or shall rescind the granting of a permit, as the case may be. If
688 said court upholds the decision of the department upon the trial of such
689 appeal, or modifies such decision in whole or in part and renders
690 judgment accordingly, a copy of such judgment shall be forthwith
691 transmitted by the clerk of said court to the department and, if a renewal
692 fee has been paid within the time during which such appeal has been
693 pending, the department shall thereupon certify to the Treasurer a
694 deduction from such fee of a sum which shall bear the same proportion
695 to the full permit fee for a year as the portion of the year from the time
696 when such renewal would have become effective to the time when such
697 judgment was rendered bears to the full year, and the amount of such
698 deduction shall be paid in accordance with the provisions of section 30-
699 5, and the remainder of such fee shall be paid by the state to the
700 applicant.

701 Sec. 17. Section 30-62a of the general statutes is repealed and the
702 following is substituted in lieu thereof (*Effective from passage*):

703 (a) The Department of Consumer Protection, subject to such
704 regulations as said department [shall] may adopt, may permit more
705 than one consumer bar in any premises for which a permit has been
706 issued under this part for the retail sale of alcoholic liquor to be
707 consumed on [the] such premises. A consumer bar is a counter, with or
708 without seats, at which a patron may purchase and consume or
709 purchase alcoholic liquor. The fee for each additional consumer bar shall
710 be one hundred ninety dollars per annum.

711 (b) The Department of Consumer Protection, subject to such
712 regulations as said department may adopt, may permit more than one
713 consumer service bar in any premises for which a permit has been
714 issued under this part for the retail sale of alcoholic liquor to be
715 consumed on such premises. A consumer service bar is a counter,
716 without seats, at which a patron may purchase alcoholic liquor, but for
717 which the primary function is to facilitate the purchase of food.
718 Alcoholic liquor may be served to a patron across the consumer service
719 bar, but no patron shall sit or consume alcoholic liquor or food at the
720 consumer service bar. Minors may stand at a consumer service bar for
721 the purpose of ordering and receiving food. No premises shall have both
722 a self-pour endorsement and a consumer service bar endorsement.

723 Sec. 18. Section 30-78 of the general statutes is repealed and the
724 following is substituted in lieu thereof (*Effective from passage*):

725 (a) All alcoholic liquor which is intended by the owner or keeper
726 thereof to be manufactured or sold in violation of law shall, together
727 with the vessels in which such liquor is contained, be a nuisance and
728 subject to confiscation by the Commissioner of Consumer Protection or
729 the commissioner's authorized agent. The Department of Consumer
730 Protection may dispose of any intoxicating liquor, acquired in
731 connection with the administration of this chapter, by public or private
732 sale in such manner and upon such terms as it deems practical and, in
733 cases where sale is impracticable, by delivering [it] such intoxicating
734 liquor to any state institution which has use therefor. All proceeds from
735 such sale shall be paid into the State Treasury to the credit of the General
736 Fund.

737 (b) (1) If, during an inspection or investigation of a permittee, the
738 Commissioner of Consumer Protection or the commissioner's
739 authorized agent has probable cause to believe that the permittee is in
740 possession of, or there exists on the permit premises, any item listed in
741 subdivision (2) of this subsection, the commissioner or the
742 commissioner's authorized agent may affix to such item a tag or other
743 appropriate marking to indicate that such item is, or is suspected to be,

744 in violation of this chapter and has been embargoed, provided the
745 commissioner or the commissioner's authorized agent gives advance
746 written notice to the permittee disclosing such violation, or suspected
747 violation, and embargo.

748 (2) Subject to the provisions of this subsection, the commissioner or
749 the commissioner's authorized agent may embargo the following items
750 if such items are discovered as part of an inspection or investigation
751 described in subdivision (1) of this subsection:

752 (A) Any unauthorized gambling device, illegitimate lottery ticket, or
753 illegal gambling or bookmaking equipment;

754 (B) Any driver's license or identification card that is used by any
755 person, other than the person to whom such driver's license or
756 identification card was issued, to unlawfully (i) enter, or attempt to
757 enter, the permit premises, or (ii) purchase, or attempt to purchase,
758 alcoholic liquor;

759 (C) Any imitation of a driver's license or identification card that is
760 used by any person to unlawfully (i) enter, or attempt to enter, the
761 permit premises, or (ii) purchase, or attempt to purchase, alcoholic
762 liquor;

763 (D) Any drug, as defined in section 20-571, that is offered or made
764 available for sale by any person who is not authorized to offer such drug
765 or make such drug available for sale;

766 (E) Any high-THC hemp product, as defined in section 21a-240;

767 (F) Any synthetic cannabinoid, as defined in section 21a-240; and

768 (G) Any tobacco products that are sold without a stamp or by any
769 person other than a dealer, as said terms are defined in section 12-285.

770 (3) No person shall remove or dispose of any embargoed item, by sale
771 or otherwise, unless such person obtains advance written consent from
772 the commissioner or the commissioner's authorized agent for such

773 removal or disposal.

774 (4) Not later than fifteen days after a permittee receives a written
775 notice under subdivision (1) of this subsection, the permittee may
776 submit to the department a written request for a hearing to remove the
777 embargo. The commissioner shall cause such hearing to be held not later
778 than forty-five days after the department receives the permittee's
779 written request for a hearing, and such hearing shall be conducted
780 pursuant to chapter 54. If the embargo is removed, neither the
781 commissioner nor the state shall be held liable for any damages incurred
782 for any injury sustained due to such embargo if the commissioner, the
783 commissioner's designee or a court of competent jurisdiction finds that
784 there was probable cause to impose such embargo.

785 (c) (1) In addition to any embargo imposed under subsection (b) of
786 this section, the Commissioner of Consumer Protection or the
787 commissioner's authorized agent may confiscate the following items if
788 such items are present on any permit premises:

789 (A) Any driver's license or identification card that is used by any
790 person, other than the person to whom such driver's license or
791 identification card was issued, to unlawfully (i) enter, or attempt to
792 enter, the permit premises, or (ii) purchase, or attempt to purchase,
793 alcoholic liquor; and

794 (B) Any imitation of a driver's license or identification card that is
795 used by any person to unlawfully (i) enter, or attempt to enter, the
796 permit premises, or (ii) purchase, or attempt to purchase, alcoholic
797 liquor.

798 (2) To effectuate any confiscation authorized under subdivision (1) of
799 this subsection, the commissioner or commissioner's authorized agent
800 shall provide to the permittee a written inventory of the items that the
801 commissioner or the commissioner's authorized agent has confiscated,
802 along with a narrative description of the basis for such confiscation.

803 (3) Not later than two days after the commissioner or the

804 commissioner's authorized agent completes any confiscation authorized
805 under subdivision (1) of this subsection, the commissioner or the
806 commissioner's authorized agent shall submit to the law enforcement
807 agency having jurisdiction over the permit premises a written notice
808 disclosing that such confiscation occurred.

809 (4) Not later than fifteen days after the commissioner or the
810 commissioner's authorized agent completes any confiscation authorized
811 under subdivision (1) of this subsection, the permittee may submit to
812 the department a written request for a hearing to revoke the
813 confiscation. The commissioner shall cause such hearing to be held not
814 later than forty-five days after the department receives the permittee's
815 written request for a hearing, and such hearing shall be conducted
816 pursuant to chapter 54. If the confiscation is revoked, neither the
817 commissioner nor the state shall be held liable for any damages incurred
818 for any injury sustained due to such confiscation if the commissioner,
819 the commissioner's designee or a court of competent jurisdiction finds
820 that there was probable cause to make such confiscation.

821 Sec. 19. Section 30-86 of the general statutes is repealed and the
822 following is substituted in lieu thereof (*Effective from passage*):

823 (a) As used in this section:

824 (1) "Cardholder" means any person who presents a driver's license or
825 an identity card to a permittee or permittee's agent or employee, to
826 purchase or receive alcoholic liquor from such permittee or permittee's
827 agent or employee;

828 (2) "Identity card" means an identification card issued in accordance
829 with the provisions of section 1-1h;

830 (3) "Transaction scan" means the process by which a permittee or
831 permittee's agent or employee checks, by means of a transaction scan
832 device, the validity of a driver's license or an identity card; and

833 (4) "Transaction scan device" means any commercial device or
834 combination of devices used at a point of sale that is capable of

835 deciphering in an electronically readable format the information
836 encoded on the magnetic strip or bar code of a driver's license or an
837 identity card.

838 (b) (1) Any permittee or any servant or agent of a permittee who sells
839 or delivers alcoholic liquor to any minor or any intoxicated person, or to
840 any habitual drunkard, knowing the person to be such [an] a habitual
841 drunkard, shall be subject to the penalties of section 30-113.

842 (2) Any person who sells, ships, delivers or gives alcoholic liquor to
843 a minor, by any means, including, but not limited to, the Internet or any
844 other on-line computer network, except on the order of a practicing
845 physician, shall be fined not more than three thousand five hundred
846 dollars or imprisoned not more than eighteen months, or both.

847 (3) The provisions of this subsection shall not apply (A) to a sale,
848 shipment or delivery made to a person over age eighteen who is an
849 employee or permit holder under section 30-90a and where such sale,
850 shipment or delivery is made in the course of such person's employment
851 or business, (B) to a sale, shipment or delivery made in good faith to a
852 minor who practices any deceit in the procurement of an identity card
853 issued in accordance with the provisions of section 1-1h, who uses or
854 exhibits any such identity card belonging to any other person or who
855 uses or exhibits any such identity card that has been altered or tampered
856 with in any way, or (C) to a shipment or delivery made to a minor by a
857 parent, guardian or spouse of the minor, provided such parent,
858 guardian or spouse has attained the age of twenty-one and provided
859 such minor possesses such alcoholic liquor while accompanied by such
860 parent, guardian or spouse.

861 (4) Nothing in this subsection shall be construed to burden a person's
862 exercise of religion under section 3 of article first of the Constitution of
863 the state in violation of subsection (a) of section 52-571b.

864 (c) (1) A permittee or permittee's agent or employee may perform a
865 transaction scan to check the validity of a driver's license or identity card
866 presented by a cardholder as a condition for selling, giving away or

867 otherwise distributing alcoholic liquor to the cardholder.

868 (2) If the information deciphered by the transaction scan performed
869 under subdivision (1) of this subsection fails to match the information
870 printed on the driver's license or identity card presented by the
871 cardholder, or if the transaction scan indicates that the information so
872 printed is false or fraudulent, neither the permittee nor any permittee's
873 agent or employee shall sell, give away or otherwise distribute any
874 alcoholic liquor to the cardholder.

875 (3) Subdivision (1) of this subsection does not preclude a permittee or
876 permittee's agent or employee from using a transaction scan device to
877 check the validity of a document presented as identification other than
878 a driver's license or an identity card, if the document includes a bar code
879 or magnetic strip that may be scanned by the device, as a condition for
880 selling, giving away or otherwise distributing alcoholic liquor to the
881 person presenting the document.

882 (d) (1) No permittee or permittee's agent or employee shall
883 electronically or mechanically record or maintain any information
884 derived from a transaction scan, except the following: (A) The name and
885 date of birth of the person listed on the driver's license or identity card
886 presented by a cardholder; and (B) the expiration date and identification
887 number of the driver's license or identity card presented by a
888 cardholder.

889 (2) No permittee or permittee's agent or employee shall use a
890 transaction scan device for a purpose other than the purposes specified
891 in subsection (c) of this section, subsection (d) of section 53-344 or
892 subsection (e) of section 53-344b.

893 (3) No permittee or permittee's agent or employee shall sell or
894 otherwise disseminate the information derived from a transaction scan
895 to any third party for any purpose, including, but not limited to, any
896 marketing, advertising or promotional activities, except that a permittee
897 or permittee's agent or employee may release that information pursuant
898 to a court order.

899 (4) Nothing in subsection (c) of this section or this subsection relieves
900 a permittee or permittee's agent or employee of any responsibility to
901 comply with any other applicable state or federal laws or rules
902 governing the sale, giving away or other distribution of alcoholic liquor.

903 (5) Any person who violates this subsection shall be subject to any
904 penalty set forth in section 30-55, as amended by this act.

905 (e) (1) In any prosecution of a permittee or permittee's agent or
906 employee for selling alcoholic liquor to a minor in violation of
907 subsection (b) of this section, it shall be an affirmative defense that all of
908 the following occurred: (A) A cardholder attempting to purchase or
909 receive alcoholic liquor presented a driver's license or an identity card;
910 (B) a transaction scan of the driver's license or identity card that the
911 cardholder presented indicated that the license or card was valid; and
912 (C) the alcoholic liquor was sold, given away or otherwise distributed
913 to the cardholder in reasonable reliance upon the identification
914 presented and the completed transaction scan.

915 (2) In determining whether a permittee or permittee's agent or
916 employee has proven the affirmative defense provided by subdivision
917 (1) of this subsection, the trier of fact in such prosecution shall consider
918 that reasonable reliance upon the identification presented and the
919 completed transaction scan may require a permittee or permittee's agent
920 or employee to exercise reasonable diligence and that the use of a
921 transaction scan device does not excuse a permittee or permittee's agent
922 or employee from exercising such reasonable diligence to determine the
923 following: (A) Whether a person to whom the permittee or permittee's
924 agent or employee sells, gives away or otherwise distributes alcoholic
925 liquor is twenty-one years of age or older; and (B) whether the
926 description and picture appearing on the driver's license or identity card
927 presented by a cardholder are those of the cardholder.

928 (f) Any minor who participates in an investigation or enforcement
929 action initiated by, or operated in conjunction with, the Department of
930 Consumer Protection pursuant to this chapter shall be considered a state
931 officer, afforded the legal protections set forth in section 4-165 and

932 indemnified by the state under section 5-141d for any action taken
933 pursuant to a directive by the department related to such minor's
934 participation in such investigation or action.

935 Sec. 20. Subsection (a) of section 30-86a of the general statutes is
936 repealed and the following is substituted in lieu thereof (*Effective from*
937 *passage*):

938 (a) For the purposes of section 30-86, as amended by this act, any
939 permittee shall require any person whose age is in question to fill out
940 and sign a statement in the following form on one occasion when each
941 such person makes a purchase:

942, 20..

943 I, ..., hereby represent to ..., a permittee of the Connecticut
944 Department of Consumer Protection, that I am over the age of 21 years,
945 having been born on ..., 19.. or 20.., at This statement is made to
946 induce said permittee to sell or otherwise furnish alcoholic beverages to
947 the undersigned. I understand that title 30 of the general statutes
948 prohibits the sale of alcoholic liquor to any person who is not twenty-
949 one years of age.

950 I understand that I am subject to a fine of one hundred dollars for the
951 first offense and not more than two hundred fifty dollars for each
952 subsequent offense for wilfully misrepresenting my age for the
953 purposes set forth in this statement.

954 (Name)

955 (Address)

956 Such statement once taken shall be applicable both to the particular
957 sale in connection with which such statement was taken, as well as to all
958 future sales at the same premises, and shall have full force and effect
959 under subsection (b) of this section as to every subsequent sale or
960 purchase. Such statement shall be printed upon appropriate forms to be
961 furnished by the [permittees] permittee and approved by the

962 Department of Consumer Protection [and] or electronically displayed
963 by the permittee on an electronic device that is capable of allowing the
964 person whose age is in question to electronically fill out and sign such
965 statement. If such statement is filled out and signed in paper form, such
966 statement shall be kept on file on the permit premises, alphabetically
967 indexed, in a suitable file box, and shall be open to inspection by the
968 [Department of Consumer Protection] department or any of [its] the
969 department's agents or inspectors at any reasonable time. If such
970 statement is filled out and signed in electronic form, such statement
971 shall be stored in an electronic medium that is immediately accessible
972 from the permit premises, alphabetically indexed, and shall be in an
973 electronic format that is accessible to the department or any of the
974 department's agents or inspectors at any reasonable time. Any person
975 who makes any false statement on a form signed by [him] such person
976 as required by this section shall be fined not more than one hundred
977 dollars for the first offense and not more than two hundred fifty dollars
978 for each subsequent offense.

979 Sec. 21. Section 30-90 of the general statutes is repealed and the
980 following is substituted in lieu thereof (*Effective from passage*):

981 Any permittee who, either personally or through such permittee's
982 servant or agent, allows any minor, intoxicated person or [any] person
983 to whom the sale or gift of alcoholic liquor has been prohibited by law
984 to loiter on the permit premises where alcoholic liquor is kept for sale,
985 or who allows any minor, other than a person who is at least eighteen
986 years of age and an employee or permit holder under section 30-90a or
987 a minor accompanied by the minor's parent or guardian, or intoxicated
988 person to be in any room where alcoholic liquor is served at any bar,
989 shall be subject to the penalties described in section 30-113. For
990 barrooms consisting of only one room and for permit premises without
991 effective separation between a barroom and a dining room, an
992 unaccompanied minor or intoxicated person may remain on the permit
993 premises while waiting for and consuming food prepared on such
994 permit premises. No minor may sit or stand at a consumer bar without
995 being accompanied by a parent, guardian or spouse.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	30-1
Sec. 2	<i>from passage</i>	New section
Sec. 3	<i>from passage</i>	30-4
Sec. 4	<i>from passage</i>	30-14a
Sec. 5	<i>from passage</i>	30-17(a)
Sec. 6	<i>from passage</i>	30-19f(b)
Sec. 7	<i>from passage</i>	30-22b(d)
Sec. 8	<i>from passage</i>	30-35
Sec. 9	<i>from passage</i>	30-39(b)
Sec. 10	<i>from passage</i>	30-47(a)
Sec. 11	<i>from passage</i>	30-48(a)
Sec. 12	<i>from passage</i>	30-51a
Sec. 13	<i>from passage</i>	30-51
Sec. 14	<i>from passage</i>	30-55
Sec. 15	<i>from passage</i>	30-58a
Sec. 16	<i>from passage</i>	30-60
Sec. 17	<i>from passage</i>	30-62a
Sec. 18	<i>from passage</i>	30-78
Sec. 19	<i>from passage</i>	30-86
Sec. 20	<i>from passage</i>	30-86a(a)
Sec. 21	<i>from passage</i>	30-90

Statement of Legislative Commissioners:

In Section 6(b), "individual" was changed to "person" for internal consistency; in Section 6(b)(1), "individual" was changed to "person" for internal consistency, and "section 30-19f, as amended by this act" was changed to "this section" for consistency with standard drafting conventions; in Section 7(d)(3), "individual" was changed to "person" for internal consistency; in Section 8(a), "individual or [other corporation]" was changed to "[individual or other corporation] person or" for internal consistency; and in Section 17(a), "the premises" was changed to "[the] such premises" for internal consistency.

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:

Agency Affected	Fund-Effect	FY 25 \$	FY 26 \$
Resources of the General Fund	GF - Potential Revenue Gain	See Below	See Below

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill makes various changes regarding liquor regulation resulting in the potential revenue gain described below.

Section 10 allows the Department of Consumer Protection to impose a fine of up to \$1,000 for various liquor permittee violations resulting in a potential revenue gain to the state to the extent these violations occur.

Section 14 expands certain disciplinary actions (including a fine of up to \$1,000) to applicants, backers, and proposed backers of liquor permits resulting in a potential revenue gain to the state to the extent violations occur.

Section 17 allows multiple consumer service bars in any premise that already has a retail liquor permit resulting in a potential revenue gain to the state to the extent this permit is applied for. The fee for a consumer service bar is \$190 per year.

The bill also makes various unrelated changes to the Liquor Control Act resulting in no fiscal impact to the state or municipalities.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of violations and consumer service bars.

OLR Bill Analysis**sHB 5234****AN ACT CONCERNING THE DEPARTMENT OF CONSUMER PROTECTION'S RECOMMENDATIONS REGARDING ALCOHOLIC LIQUOR REGULATION.**

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§ 11 — HOLDING TWO PERMITS

Allows (1) certain out-of-state shipper permittees to also hold an out-of-state retailer shipper's permit for wine and (2) a restaurant permittee to hold a Connecticut Craft Cafe permit

§ 13 — PORTION OF BUILDING USED AS PERMIT PREMISES

Allows permittees where a portion of the building is not used as a permit premises to separate the portion rather than have it effectively closed

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Allows, rather than requires, DCP to adopt regulations on consumer bars; allows DCP to adopt regulations to allow more than one consumer service bar (i.e., place where food is primarily ordered)

§ 18 — NUISANCE AND EMBARGOING OR CONFISCATING CERTAIN ITEMS

Allows DCP to (1) confiscate alcoholic liquor that has been deemed a nuisance and (2) embargo and confiscate certain items during an investigation or inspection (e.g., unauthorized gambling device, unauthorized pharmaceuticals)

§ 19 — IMMUNITY FOR MINORS PARTICIPATING IN ENFORCEMENT ACTIONS

Indemnifies and grants immunity to minors who participate in DCP alcohol-related investigations and enforcement actions

§ 20 — STATEMENT OF PURCHASER'S AS AGE

Updates a required statement by alcohol purchasers whose age is in question and provides an electronic alternative to permittees

§ 21 — LOITERING

Generally prohibits permittees from allowing intoxicated people from loitering on permit premises

SUMMARY

This bill makes various unrelated changes to the Liquor Control Act. Among other things, the bill allows the Department of Consumer Protection (DCP) to:

1. (a) refuse to accept an incomplete package store application or (b) establish a deadline for when a package store must open to the public for continuous operation;
2. investigate an applicant's backer and the suitability of a proposed permit premises;
3. impose additional fines;
4. allow more than one consumer service bar (i.e., place where food is primarily ordered); and
5. (a) confiscate alcoholic liquor that has been deemed a nuisance, and (b) embargo and confiscate certain items during an investigation or inspection (e.g., unauthorized gambling devices, unauthorized pharmaceuticals).

Additionally, the bill:

1. generally allows a franchisor or landlord to receive profits from alcoholic liquor sales from a franchisee or tenant;
2. indemnifies and grants immunity to minors who participate in DCP alcohol-related investigations and enforcement actions;
3. updates a required statement that an alcohol purchaser whose age is in question must fill out and provides an electronic alternative to permittees;
4. generally prohibits permittees from allowing intoxicated people from loitering on permit premises; and
5. makes various minor, technical, and conforming changes (e.g., correcting internal references (§ 12)).

EFFECTIVE DATE: Upon passage

§§ 1, 3 & 6-8 — BUSINESS ENTITIES

Explicitly subjects specified types of business entities to the Liquor Control Act's provisions by defining them as "business entities" for purposes of the act; makes conforming changes

Definitions (§ 1)

The bill explicitly subjects specified types of business entities to the Liquor Control Act's provisions by defining them as "business entities" for purposes of the act. Under the bill, a "business entity" is any incorporated or unincorporated association, corporation, firm, joint stock company, limited liability company (LLC), limited liability partnership (LLP), partnership, trust, or other legal entity.

Generally, the new definition clarifies that the Liquor Control Act applies to certain types of entities (e.g., limited liability companies) that are not specifically included in the act's definitions under current law. The bill makes conforming changes to other (1) definitions in the Liquor Control Act (e.g., adding business entities to the definition of "proprietor") and (2) prohibitions and requirements in the act, as described below.

Prohibition of DCP Commissioner and Certain Employees in Alcoholic Liquor Market (§ 3)

Current law prohibits the DCP commissioner and its employees who have certain enforcement duties and responsibilities related to the Liquor Control Act from directly or indirectly having an interest in a partnership that deals or manufactures alcoholic liquor. The bill expands the prohibition to include being a member or owner of a business entity that deals or manufactures alcoholic liquor. As under existing law, being a corporation shareholder is allowed.

In-State Transporter Permits (§ 6)

The bill specifically prohibits all business entities from transporting alcoholic beverages into the state without an in-state transporter permit, among other tax requirements. Current law already specifically prohibits corporations, incorporated or unincorporated associations, partnerships, trusts, or other legal entities from doing so.

Catering Establishment (§ 7)

The bill expands the business types that may own or operate a catering establishment by specifically allowing joint stock companies,

LLCs, LLPs, trusts, and other legal entities to do so. By law, a catering establishment may serve alcoholic liquor at a function, occasion, or event on its premises under certain conditions.

Temporary Permit for Noncommercial Entity (§ 8)

Under current law, the backer or permittee conducting a fundraising event, outing, picnic, social gathering, or auction must keep all profits from an auction or sale of beer, spirits, or wine, and no profits may be paid to any individual or corporation. The bill expands this prohibition to include all business entities.

§ 2 — FRANCHISOR OR LANDLORD PROFITS

Generally allows a franchisor or landlord to receive profits from alcoholic liquor sales from a franchisee or tenant

The bill generally allows a franchisor or landlord to receive profits from alcoholic liquor (e.g., beer, wine, and spirits) sales from a franchisee or tenant that may sell alcoholic liquor. The franchisor or landlord may do so if he or she does not:

1. control the permit premises' operations;
2. direct sales of alcoholic liquor from the permit premises; or
3. otherwise engage in activities indicating ownership or proprietorship of the franchisee or tenant.

Under the bill, DCP may require a franchisor or tenant to get approval as a backer to receive these profits. In determining whether to give approval as a backer, DCP must consider the percentage of the profits the franchisor or landlord receives and evaluate whether the franchisor or landlord may:

1. supervise, hire, retain, or discharge those employed on the permit premises;
2. set menu selections or prices or establish hours or days of operations for the permit premises;
3. decide whether or when a patio may be used on the permit

- premises;
4. order or accept alcoholic liquor deliveries for the permit premises;
 5. arrange advertising for the permit premises, including advertising on the Internet or through social media;
 6. dictate decorations for the permit premises;
 7. access banking accounts related to the permit premises;
 8. incur debt on behalf of a permit backer; and
 9. enter into agreements with other entities on a backer's behalf.

§ 4 — PACKAGE STORE APPLICATIONS AND OPENING DEADLINE

Allows DCP to refuse to accept an incomplete package store application and to establish a deadline for when a package store must open to the public for continuous operation

The bill allows DCP to (1) refuse to accept any incomplete package store permit application or (2) establish a deadline for when a package store permit applicant must open to the public for continuous operation.

Under the bill, if a package store applicant does not meet the DCP-established deadline, the department may deem the application withdrawn and expired to prevent placeholder (i.e., applying for the last available package store permit in a town and failing to open before the deadline). By law, DCP may issue one package store permit for every 2,500 residents as determined by the most recent census.

§ 5 — WHOLESALER TERMINATION OR ADDITIONAL APPOINTMENT NOTICE

Allows DCP to prescribe how the copy of a notice it receives is sent when a manufacturer or out-of-state shipper permittee wants to terminate or diminish a wholesaler's territory or appoint an additional one

Under current law, if a manufacturer or out-of-state shipper permittee wants to terminate or diminish a wholesaler's territory or appoint an additional one, it must send written notice by certified or registered mail, return receipt requested, to the wholesaler, and a copy

must be simultaneously sent to DCP. The bill instead allows DCP to prescribe how the notice is sent.

Under the bill, the actions where this is applicable are when a manufacturer or out-of-state shipper permittee seeks to:

1. terminate or diminish a wholesaler permittee's territory after six months or more or
2. appoint one or more additional wholesalers to distribute within the territory (a) alcohol, spirits, or wine or (b) beer.

The bill requires that the additional beer wholesaler notice include the name of each additional wholesaler and give a detailed description of the just and sufficient cause necessitating the appointment.

§ 8 — DONATIONS

Expands the permittees that may donate to a noncommercial entity permittee and allows all of them to offer tastings

Existing law allows a manufacturer permittee, a wholesaler permittee, or package store permittee to donate to a temporary liquor permittee for a noncommercial entity, any beer, spirits, or wine they manufacture, distribute, or sell, respectively.

The bill expands the permittees that may donate and allows all of them to offer tastings for the noncommercial entity permittee. The expanded permits include those for restaurants, cafes, out-of-state retail shippers, and out-of-state shipper's for alcoholic liquor, for wine, and for beer.

§ 9 — APPLICATION-RELATED INVESTIGATIONS

Allows DCP to investigate an applicant's backer and the suitability of a proposed permit premises

The bill allows DCP to investigate (1) whether a permit should be issued to an applicant's backer (i.e., proprietor) or (2) the suitability of the proposed permit premises. Existing law allows DCP to investigate whether a permit should be issued to an applicant.

§§ 10 & 14-16 — PENALTIES AND DCP AUTHORITY

Allows DCP to impose additional fines; extends certain existing penalties to applicants and certain backers (e.g., disciplinary actions on the permit, fines, compromise instead of suspension); and allows applicants whose permit application is denied to appeal

DCP Reasonable Belief of Certain Actions (§ 10)

The bill allows DCP to impose a fine of up to \$1,000 for instances when the department reasonably believes an applicant or permittee has committed certain actions (e.g., used alcohol in excess, willfully made false statements in a material matter, or was convicted of violating liquor laws). Existing law allows DCP to suspend, revoke, or refuse to grant or renew a permit for these actions.

Under current law, a backer is subject to the same disqualifications as a permit applicant or permittee for these actions. The bill expands the actions to any disqualifications under the Liquor Control Act and its regulations and applies it to an applicant's backer.

Various DCP Disciplinary Actions (§ 14)

Existing law allows DCP to revoke, suspend, or place conditions on any permit or provisional permit or impose a fine of up to \$1,000 per violation for cause as determined by a hearing. The bill extends these disciplinary actions to an applicant, backer, or proposed backer.

Current law requires the department to give 10 days' written notice of the hearing, setting the particulars required in the civil pleadings and the charges for the proposed disciplinary action. The bill instead requires that the notice be provided in keeping with the Uniform Administrative Procedure Act (UAPA). Among other things, the UAPA requires that the parties be given reasonable notice that includes a short and plain statement of the matters asserted.

Under the bill, withdrawing an application does not prevent DCP from suspending or revoking the permit. (It is unclear how DCP could suspend or revoke the permit if an application is withdrawn and no permit is issued.)

Compromise in Lieu of Suspension (§ 15)

The bill allows DCP to accept an offer to compromise, in a certain

amount considering the circumstances, instead of suspending the permit from an applicant and his or her backer. Existing law allows the department to make this offer to a permittee or backer.

Appeals for Denied Permits (§ 16)

Under existing law, applicants for a permit whose application is refused may appeal the decision under the UAPA procedures. The bill also allows an applicant whose permit is denied to do so.

§ 11 — HOLDING TWO PERMITS

Allows (1) certain out-of-state shipper permittees to also hold an out-of-state retailer shipper's permit for wine and (2) a restaurant permittee to hold a Connecticut Craft Cafe permit

By law, with certain exceptions, permittees of one class (i.e., tier) are not allowed to be a permittee of another class (CGS § 30-48(a)).

The bill creates additional exceptions by allowing the following:

1. an out-of-state shipper's permittee for alcoholic liquor other than beer, an out-of-state winery shipper's permittee for wine, or an out-of-state shipper's permittee for beer to also hold of an out-of-state retailer shipper's permit for wine; and
2. a restaurant permittee to also hold a Connecticut craft cafe permit if the permit premises are located at two different addresses.

§ 13 — PORTION OF BUILDING USED AS PERMIT PREMISES

Allows permittees where a portion of the building is not used as a permit premises to separate the portion rather than have it effectively closed

Current law allows an alcoholic liquor permittee to use a building where a portion is not used as the permit premises only if the applicant signs an affidavit affirming that access from the other part of the building to the permit premises is effectually closed, unless DCP allows otherwise. The bill instead requires that the respective portions be separate. It correspondingly allows DCP to (1) examine the premises to see that the portion is effectively separate and (2) designate the manner of the separation. (Under current law, the department may do these things with respect to closings.)

Under current law, if a new way of accessing the permit premises is opened after the permit is issued and without DCP's consent endorsed on the permit, the permit is forfeited and is null and void, with or without notice. The bill eliminates the permit forfeiture penalty. As under existing law, permittees and backers that open a new unauthorized means of access are subject to the general permit penalty provision that allows DCP to revoke, suspend, or place conditions on a permit or impose a fine of up to \$1,000 per violation after a hearing for which written notice must be given (CGS §§ 30-55 & -113).

§ 17 — CONSUMER BARS AND CONSUMER SERVICE BARS

Allows, rather than requires, DCP to adopt regulations on consumer bars; allows DCP to adopt regulations to allow more than one consumer service bar (i.e., place where food is primarily ordered)

Current law requires DCP to adopt regulations to allow more than one consumer bar in any premises where on-premises alcohol consumption is allowed. The bill instead makes adopting regulations permissive. By law, a consumer bar is a counter, with or without seats, where a patron may consume or purchase alcoholic liquor.

The bill also allows DCP to adopt regulations to allow more than one consumer service bar in any premises where on-premises alcohol consumption is allowed. A consumer service bar is a counter without seats where a patron can buy alcoholic liquor, but its main function is for buying food.

The bill allows alcoholic liquor to be served to a patron across the consumer service bar but prohibits a patron from sitting or consuming the alcohol or food at the bar. It allows minors (i.e., those under age 21) to stand at the consumer service bar to order and receive food.

The bill prohibits a premises from having both a self-pour endorsement and a consumer service bar endorsement.

§ 18 — NUISANCE AND EMBARGOING OR CONFISCATING CERTAIN ITEMS

Allows DCP to (1) confiscate alcoholic liquor that has been deemed a nuisance and (2) embargo and confiscate certain items during an investigation or inspection (e.g., unauthorized gambling device, unauthorized pharmaceuticals)

Nuisance

The bill allows the DCP commissioner or his authorized agent to confiscate alcoholic liquor that has been deemed a nuisance (i.e., alcoholic liquor, along with its container, that the owner or keeper intends to be illegally manufactured or sold).

Embargo

The bill allows the DCP commissioner or his authorized agent, during an inspection or investigation of a permittee, to embargo (i.e., affix a tag or other appropriate markings) certain items that violate or are suspected to violate the Liquor Control Act. The commissioner or agent must give prior written notice to the permittee disclosing the violation, or suspected violation, and embargo. The commissioner or agent may do so if he or she has probable cause to believe that the permittee possesses the embargoed item, or it is on the permit premises.

The bill allows DCP to embargo the following:

1. unauthorized gambling devices, illegitimate lottery tickets, or illegal gambling or bookmaking equipment;
2. driver's licenses or identification cards or imitations that a person uses, other than the person's own driver's license or identification card, to unlawfully (a) enter, or try to enter, the premises, or (b) purchase, or attempt to purchase, alcoholic liquor;
3. pharmaceutical drugs offered or made available for sale by any unauthorized individual;
4. high-THC hemp products or synthetic cannabinoids (presumably, if the permittee had an intent to sell); and
5. tobacco products sold without a stamp or by any person other than an authorized dealer.

The bill prohibits anyone from removing or disposing of any embargoed item, by sale or otherwise, unless the commissioner or his authorized agent first give written consent to do so.

Confiscation

In addition to any embargo, the bill allows the DCP commissioner or his authorized agent to confiscate any driver's license or identification card or their imitations for the same reasons as for being embargoed. The commissioner or agent must give the permittee a written inventory of the items that have been confiscated along with a narrative description for the confiscation.

Within two days after any confiscation, the commissioner or agent must submit to the law enforcement agency with jurisdiction over the permit premises a written notice disclosing the confiscation.

Hearing

Under the bill, within 15 days after a permittee receives written notice of the violation, embargo, or confiscation, the permittee may submit a written request to DCP for a hearing to remove the embargo or revoke the confiscation. The commissioner must hold a hearing within 45 days after the department receives the request, and the hearing must be held in accordance with the UAPA.

Liability

Under the bill, if the embargo is removed or confiscation is revoked, neither the commissioner or the state may be held liable for any damages incurred for any injury sustained because of the embargo, as long as a court with proper jurisdiction finds there was probable cause to impose the embargo or make the confiscation.

§ 19 — IMMUNITY FOR MINORS PARTICIPATING IN ENFORCEMENT ACTIONS

Indemnifies and grants immunity to minors who participate in DCP alcohol-related investigations and enforcement actions

The bill grants immunity from personal liability to minors who participate in alcohol-related investigations or enforcement actions

initiated by, or operated in conjunction with, DCP. It does so by deeming them to be state officers under statutes relating to immunity and indemnification for state officers and employees.

Under the bill, the minors are not liable for damage or injury that is caused by actions they take at DCP's direction related to the investigation or enforcement action as long as they are not wanton, reckless, or malicious (CGS § 4-165).

The bill also requires the state save harmless and indemnify these minors from financial loss and expense from a claim, demand, suit, or judgment from alleged negligence or deprivation of a person's civil rights, or other acts or omissions causing damage or injury. This provision applies as long as the minor did not act wantonly, recklessly, or maliciously (CGS § 5-141d).

§ 20 — STATEMENT OF PURCHASER'S AS AGE

Updates a required statement by alcohol purchasers whose age is in question and provides an electronic alternative to permittees

The bill updates a required statement from alcohol purchasers whose age is in question. It does so by (1) revising the statutory form to include those born in the 2000s and (2) providing an electronic alternative to permittees.

Existing law requires permittees to print these statements and furnish them to DCP for approval. The bill also allows the permittee to electronically display these forms on electronic devices capable of allowing the person whose age is in question to electronically complete and sign the statement. Under the bill, a statement that is completed and signed electronically must be stored in an electronic medium immediately accessible from the permit premises, alphabetically indexed, and in an electronic format that is accessible to DCP or any of its agents or inspectors at any reasonable time.

By law, paper statements must be kept on file on the permit premises, alphabetically indexed, in a suitable file box and available for inspection at any reasonable time.

§ 21 — LOITERING

Generally prohibits permittees from allowing intoxicated people from loitering on permit premises

Existing law prohibits alcoholic liquor permittees or their employees from allowing certain groups of people (e.g., minors) to loiter on the permit premises or be in the room where alcoholic liquor is kept or served. The bill extends this prohibition to an intoxicated person.

It also extends to an intoxicated person existing law's exemption that allows unaccompanied minors to stay on the permit premises while waiting for and consuming food prepared on the permit premises. This exemption applies to barrooms with only one room and premises with no effective separation between a barroom and dining room.

COMMITTEE ACTION

General Law Committee

Joint Favorable Substitute

Yea 22 Nay 0 (03/07/2024)