
OLR Bill Analysis

sHB 5149

AN ACT CONCERNING CAFE AND PACKAGE STORE PERMITTEES.

SUMMARY

This bill (1) establishes a new cafe permit for wine, beer, and cider that is largely similar to the existing cafe permit and (2) allows package stores to charge for spirits tastings and demonstrations under certain conditions.

Among other things, under the bill, the new cafe permittee may:

1. sell and dispense wine, beer, and cider during the same hours as other permittees for on-premises alcohol consumption and in an outdoor space if fire, zoning, or health regulations allow it;
2. have the permissions of a caterer liquor permittee at no charge;
3. sell and deliver sealed beer, wine, and cider for off-premises consumption, under certain requirements; and
4. hold certain other alcoholic liquor permits.

The bill also (1) sets certain requirements for these permittees, including that they have food available during most of the hours they are open and (2) extends to these permittees specified provisions that apply under existing law to café permittees.

EFFECTIVE DATE: July 1, 2024

CAFE PERMIT FOR WINE, BEER, AND CIDER

The bill establishes a new cafe permit for wine, beer, and cider that is largely similar to the existing cafe permit. The permittee may sell wine, beer, and cider that does not exceed 6% alcohol by volume (ABV) for

on-premises consumption. The annual fee is \$1,000.

Definition of Cafe (§ 2)

Under the bill, a “cafe” is a space:

1. in a suitable and permanent building;
2. kept, used, maintained, advertised, and held to the public as a place where alcoholic liquor and food are served at retail for on-premises consumption;
3. having the adequate number of employees at all times;
4. with no public sleeping accommodations; and
5. that does not necessarily need a kitchen or dining room (i.e., room where meals are usually served to the public for payment).

Allowable Hours (§ 12)

Like other permittees for on-premises consumption, cafe permittees for wine, beer, and cider may only sell, dispense, allow people to consume, or have containers of alcohol during the following hours: generally from 9:00 a.m. to 1:00 a.m. the next morning on Monday through Thursday, from 9:00 a.m. to 2:00 a.m. the next morning for Friday and Saturday, and 10:00 a.m. to 1:00 a.m. the next morning on Sunday. Similarly, they may not be open to, or occupied by, the public during these times.

In addition to the allowable sales hours, it is unlawful for the new cafe permittee to keep the premises open to the public during the hours of 1:00 a.m. to 6:00 a.m. Monday through Friday and 2:00 a.m. to 6:00 a.m. Saturday and Sunday or when the permit is suspended.

Regardless of any other law in the Liquor Control Act, the new cafe permittee may keep the permit premises open to, or occupied by, the public when it is used as a place for film, television, video, or digital production that is eligible for the state film production tax credit. But the permittee is still limited in when he or she may sell, dispense, or allow the consumption of alcohol to the hours above.

Food Requirement (§ 2(b))

The bill requires the cafe permittee for beer, wine, and cider to keep food available during most of the hours it is open for customers to buy and consume on the premises. The permittee can meet this requirement by having food available from outside vendors located on or near their premises that is delivered either directly or through a third party.

The bill does not require food to be sold or purchased with any wine, beer, or cider. Additionally, it prohibits any regulation or standard from being adopted or enforced to require (1) food sales to be substantial or (2) a set ratio of alcohol sales to food sales.

Outdoor Space (§ 2(b))

With the Department of Consumer Protection’s (DCP) prior approval and if fire, zoning, or health regulations allow, a permittee may serve wine, beer, and cider at tables outside in areas that are screened or not screened from public view. If the fire, zoning, or health regulations do not require that an area be enclosed by a fence or wall, DCP may not require it. Any required fence or wall must be taller than 30 inches.

Growlers (§ 2(b))

The bill allows permittees to sell at retail sealed containers (supplied by the permittee) of wine and draught beer for off-premises consumption (i.e., growlers). These sales are allowed only during the hours package stores are allowed to sell alcohol (i.e., between 8:00 a.m. and 10:00 p.m. on Monday through Saturday and between 10:00 a.m. and 6:00 p.m. on Sunday, but not on Thanksgiving Day, Christmas, and New Year’s Day). Permittees may sell up to 196 ounces of beer to any person on any day sales are allowed. (The bill does not similarly limit the amount of wine a permittee may sell in a growler.)

Unfinished Wine Bottle Packed to Go (§ 2(c))

The new permit allows a customer to take one unsealed bottle of wine off the premises if the:

1. customer bought a “full course meal” (i.e., diverse foods normally consumed with tableware and that cannot be

- conveniently eaten while standing or walking) to eat on the premises;
2. wine was unsealed on the premises to be consumed with the meal;
 3. customer consumed some of the wine;
 4. permittee or his or her agent or employee securely seals the bottle and places it in a bag before the wine is removed from the premises; and
 5. remaining wine is consumed off the premises.

Permissible Uses as a Caterer Liquor Permittee (§ 2(d))

Unlike the existing cafe permit, but like a restaurant permit, the bill allows a cafe permittee for wine, beer, and cider to have the same allowable uses as a caterer liquor permit at no charge, but subject to the caterer liquor permittee requirements.

By law, caterer liquor permittees may, among other things, sell and serve liquor, beer, spirits, and wine for on-premises consumption, with or without food, at any outside activity, event, or function for which they are hired, for a permit fee of \$440. Among other things, the permittee must notify DCP at least one business day before an event of the event’s date, hours, and location. The notice must be given on a DCP-prescribed form or, if the caterer is unable to do so due to exigent circumstances, by telephone (CGS § 30-37j).

Extension of Cafe Permittee Abilities (§§ 3-5 & 7-11)

The bill also extends to cafe permittees for wine, beer, and cider the same provisions that apply to cafe permittees under existing law. This includes provisions:

1. prohibiting indoor smoking and vaping on permit premises (§§ 3 & 4);
2. allowing them to sell and deliver sealed beer, wine, and cider for off-premises consumption, subject to certain requirements and

- limitations (§ 5);
3. allowing them operate a juice bar or similar facility (i.e., an area to serve nonalcoholic beverages to people under age 21) on the permit premises, subject to certain requirements (§ 7);
 4. allowing canceled permittees to sell or consign beer and wine to a temporary auction permittee for sale at an auction (§ 8);
 5. allowing them to store alcoholic liquor on the premises and at one other secure location that is registered and approved by DCP (§ 9);
 6. exempting them from the law requiring DCP to refuse liquor permits to certain people (e.g., certain law enforcement officials and minors) (§ 10);
 7. allowing them to (a) be a permittee or backer of any other or all of the classes, and (b) hold a seasonal outdoor open-air or an outdoor open-air permit (§ 11); and
 8. prohibiting a manufacturer permittee for beer and his or her spouse or child from being a holder or backer of more than three cafe permits for wine, beer, and cider (§ 11).

§ 6 — SPIRITS CLASSES, DEMONSTRATIONS, AND SAMPLES BY PACKAGE STORE PERMITTEES

The bill allows package store permittees to charge for spirits education and tasting classes and demonstrations. Existing law allows them to provide free spirit samples for tastings, but limits the fee-based classes and demonstrations to wine only.

The bill also limits the amount of spirits that may be provided to customers by prohibiting the permittee or backer (i.e., proprietor) from offering or giving any customer, for sampling or tasting per day, (1) more than one-half ounce of any single spirit or (2) a total of more than two ounces per day. It also prohibits them from providing the tastings at below cost (i.e., posted bottle price plus delivery charge).

As under existing law for wine classes or demonstrations, the spirit classes and demonstrations must be held on the permit premises and held during the hours a package store may sell alcoholic liquor.

COMMITTEE ACTION

General Law Committee

Joint Favorable Substitute

Yea 22 Nay 0 (03/07/2024)