

CONNECTICUT LIQUOR CONTROL PUBLIC ACTS

Public Act No. 02-22
AN ACT CONCERNING THE ADVERTISEMENT OF MANUFACTURERS'
REBATES FOR ALCOHOLIC LIQUOR PRODUCTS.

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

Section 1. (NEW) (*Effective July 1, 2002*) (a) For the purposes of this section: (1) "Advertise" means the making of any statement or representation in connection with the solicitation of business in any manner by a retail permittee and includes, but is not limited to, statements and representations published in any newspaper or other publication or statements or representations printed in any catalog, circular or other sales literature or brochure; (2) "manufacturer's rebate" means that amount due and payable in accordance with an offer by a permittee other than a retail permittee to refund to a consumer all or a portion of the purchase price of an alcoholic liquor product; and (3) "net price" means the ultimate price paid by a consumer for an alcoholic liquor product after the consumer has redeemed the manufacturer's rebate offered for the alcoholic liquor product.

(b) A retail permittee may advertise the existence of a manufacturer's rebate or the net price of an alcoholic liquor product provided such permittee makes all of the following disclosures in such advertisement in type that is the same color, style and size: (1) The sales price of the alcoholic liquor product before the manufacturer's rebate; (2) the amount and expiration date of the manufacturer's rebate; and (3) the net price of the alcoholic liquor product. Approved May 6, 2002

Public Act No. 02-25
AN ACT CONCERNING FARM WINE MANUFACTURED IN CONNECTICUT.
AN ACT CONCERNING FARM WINE MANUFACTURED IN CONNECTICUT.

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

Section 1. Subsection (e) of section 30-16 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2002*):

(e) A manufacturer permit for a farm winery shall be in all respects the same as a manufacturer permit, except that the scope of operations of the holder shall be limited to wine and brandies distilled from grape products or other fruit products, including grappa and eau-de-vie. As used in this section, "farm winery" means any place or premises, located on a farm in the state in which wine is manufactured and sold. Such permit shall authorize the sale in bulk by the holder thereof from the premises where the products are manufactured pursuant to such permit and shall authorize the holder thereof to sell from such farm winery premises to a retailer wine manufactured by the farm winery permittee in the original sealed containers of not more than fifteen gallons per container and to sell or deliver such wine or brandy to persons outside the state. Such permit shall also authorize: (1) The offering and tasting of free samples of such wine or brandy to visitors and prospective retail customers for consumption on the premises of the farm winery permittee; (2) the selling at retail from the premises sealed bottles or other sealed containers of such

wine or brandy for consumption off the premises; and (3) the selling at retail from the premises wine by the glass and bottle to visitors on the premises of the farm winery permittee for consumption on the premises, provided a town may, by ordinance or zoning regulation, prohibit any such offering, tasting or selling at retail at premises within such town for which a manufacturer permit for farm winery has been issued. No licensed farm winery may sell any such wine or brandy not manufactured [in] by such winery, except a farm winery may sell wine manufactured by another farm winery located in this state. The farm winery permittee shall produce within the state an average crop of fruit equal to not less than fifty-one per cent of the fruit used in the manufacture of the farm winery permittee's wine. An average crop shall be defined each year as the average yield of the farm winery permittee's two largest annual crops out of the preceding five years, except that during the first seven years from the date of issuance of a farm winery permit, an average crop shall be defined as three tons of grapes for each acre of vineyard farmed by the farm winery permittee. The annual fee for a manufacturer permit for a farm winery shall be two hundred forty dollars. Approved May 6, 2002

For purposes of providing a reference that is current, the above public act has been unofficially incorporated into section 30-16(e) of this book

**Public Act No. 02-82
AN ACT CONCERNING THE LIQUOR CONTROL ACT**

Sec. 5. Section 30-59a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2002*):

The Department of Consumer Protection [shall] may, upon notice from the Division of Special Revenue of the name and address of any person who has had [his] a license suspended or revoked by the Gaming Policy Board or the executive director of the Division of Special Revenue, suspend the permit of such person until such license has been restored to such person. The Department of Consumer Protection shall notify the Division of Special Revenue of the name and address of any permittee or backer whose permit has been suspended or revoked.

For purposes of providing a reference that is current, the above public act has been unofficially incorporated into section 30-59a of this book

**Passed in Special Session: House Bill 6004
CONCERNING JUICE BARS**

Sec. 91. (NEW) (*Effective from passage*) (a) As used in this section, "juice bar or similar facility" means an area in which nonalcoholic beverages are served to minors. The holder of a cafe permit may operate a juice bar or similar facility at a permit premises if the juice bar or similar facility is limited to a room or rooms or separate area within the permit premises wherein there is no sale, consumption, dispensing or presence of alcoholic liquor.

(b) The holder of a cafe permit shall notify and inform local police in advance of specific dates and hours of any scheduled event at which the premises or a portion thereof will be used as a juice bar or similar facility.

(c) Nothing in this section shall exempt the holder of a cafe permit from compliance with any other provisions of the general statutes or regulations of Connecticut state agencies concerning minors, including, but not limited to, the prohibition against the sale of alcoholic liquor to minors. The presence of alcoholic liquor or the sale or dispensing to or consumption of alcoholic liquor by a minor at a juice bar or similar facility is prohibited.

Public Act No. 01-14
AN ACT CONCERNING BEER PACKAGING.

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

(NEW) (a) A permittee issued a permit pursuant to section 30-20 of the general statutes who sells beer not to be consumed on the permit premises may sell bottles or cans of beer only (1) in the original package material in which the bottles or cans of beer were received, (2) as individual bottles or cans, or (3) if repackaged in a manner that is not misleading to a consumer or that does not result in omitting or obscuring any labeling required by statute or regulation.

(b) Nothing in subsection (a) of this section shall prevent a holder of a permit issued pursuant to the provisions of title 30 of the general statutes from making a claim for the replacement of beer delivered in a damaged condition to the holder of such permit by a wholesaler.

Approved May 15, 2001 Effective October 1, 2001

Public Act No. 01-17
AN ACT CONCERNING BOWLING ESTABLISHMENT PERMITS
FOR INTOXICATING LIQUORS.

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

Section 1. Subsection (c) of section 30-91 of the general statutes is repealed and the following is substituted in lieu thereof:

(c) Notwithstanding any provisions of subsections (a) and (b) of this section to the contrary, such sale or dispensing or consumption or presence in glasses in places operating under a bowling establishment permit shall be unlawful before two p.m. on any day, except in that portion of the permit premises which is located in a separate room or rooms entry to which, from the bowling lane area of the establishment, is by

means of a door or doors which shall remain closed at all times except to permit entrance and egress to and from the lane area. Any alcoholic liquor sold or dispensed in a place operating under a bowling establishment permit shall be served in [transparent] containers such as, but not limited to, [clear] plastic or glass. Any town may, by vote of a town meeting or by ordinance, reduce the number of hours during which sales under this subsection shall be permissible.

Sec. 2. Subsection (a) of section 30-37c of the general statutes is repealed and the following is substituted in lieu thereof:

(a) A bowling establishment permit shall allow the retail sale of alcoholic liquor to be consumed on the premises of a commercial bowling establishment containing ten or more lanes. A bowling establishment permit for beer and wine shall allow the retail sale of beer and wine to be consumed on the premises of a commercial bowling establishment containing ten or more lanes. The annual fee for a bowling establishment permit shall be two thousand dollars and for a bowling establishment permit for beer and wine shall be three hundred fifty dollars.

Approved May 15, 2001 Effective October 1, 2001

For purposes of providing a reference that is current, the above public act has been unofficially incorporated into sections 30-91 and 30-37c respectively, of this book

**Public Act No. 01-60
AN ACT CONCERNING OUT-OF-STATE SHIPPER'S PERMITS.**

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

Section 1. Section 30-18 of the general statutes is repealed and the following is substituted in lieu thereof:

An out-of-state shipper's permit for alcoholic liquor other than beer shall allow the sale of such alcoholic liquor to manufacturer and wholesaler permittees in this state as permitted by law. The permit premises of an out-of-state shipper's permit for alcoholic liquor may be located within this state or outside this state. The annual fee for an out-of-state shipper's permit for alcoholic liquor other than beer shall be forty-five dollars for a Connecticut manufacturer or wholesaler holding such a permit and shall be one thousand dollars for any other person holding such a permit.

Sec. 2. Section 30-19 of the general statutes is repealed and the following is substituted in lieu thereof:

An out-of-state shipper's permit for beer shall allow the sale of beer to manufacturer and wholesaler permittees in this state as permitted by law. The permit premises of an out-of-state shipper's permit for beer may be located within this state or outside this state. The annual fee for an out-of-state shipper's permit for beer shall be forty-five dollars for a Connecticut manufacturer or wholesaler holding such a permit and shall be one thousand dollars for any other person holding such a permit.

Approved May 31, 2001 Effective October 1, 2001

For purposes of providing a reference that is current, the above public act has been unofficially incorporated into sections 30-18 and 30-19 respectively, of this book

**Public Act No. 01-92
AN ACT CONCERNING THE USE OF TRANSACTION SCAN DEVICES BY
SELLERS OF ALCOHOLIC LIQUOR AND TOBACCO AND THE IMPORTATION OF
ALCOHOLIC LIQUOR.**

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

Section 1. Section 30-86 of the general statutes is repealed and the following is substituted in lieu thereof:

(a) As used in this section:

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

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

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

(4) "Transaction scan device" means any commercial device or combination of devices used at a point of sale that is capable of deciphering in an electronically readable format the information encoded on the magnetic strip or bar code of a driver's license or an identity card.

(b) Any permittee or any servant or agent of a permittee who sells or delivers alcoholic liquor to any minor, or to any intoxicated person, or to any habitual drunkard, knowing the person to be such an habitual drunkard, shall be subject to the penalties of section 30-113. Any person who sells, ships, delivers or gives any such liquors to such minor, by any means, including, but not limited to, the Internet or any other on-line computer network, except on the order of a practicing physician, shall be fined not more than one thousand five hundred dollars or imprisoned not more than eighteen months, or both. The provisions of this section shall not apply (1) to a sale, shipment or delivery made to a person over age eighteen who is an employee or permit holder under section 30-90a and where such sale, shipment or delivery is made in the course of such person's employment or business, (2) to a sale, shipment or delivery made in good faith to a minor who practices any deceit in the procurement of an identity card issued in accordance with the provisions of section 1-1h, who uses or exhibits any such identity card belonging to any other person or who uses or exhibits any such identity card that has been altered or tampered with in any way, or (3) to a shipment or delivery made to a minor by a

parent, guardian or spouse of the minor, provided such parent, guardian or spouse has attained the age of twenty-one and provided such minor possesses such alcoholic liquor while accompanied by such parent, guardian or spouse.

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

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

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

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

(2) No permittee or permittee's agent or employee shall use a transaction scan device for a purpose other than the purposes specified in subsection (c) of this section or subsection (d) of section 53-344, as amended by this act.

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

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

(5) Any person who violates this subsection shall be subject to a civil penalty of not more than one thousand dollars.

(e) (1) In any prosecution of a permittee or permittee's agent or employee for selling alcoholic liquor to a minor in violation of subsection (b) of this section, it shall be an affirmative defense that all of the following occurred: (A) A cardholder attempting to

purchase or receive alcoholic liquor presented a driver's license or an identity card; (B) a transaction scan of the driver's license or identity card that the cardholder presented indicated that the license or card was valid; and (C) the alcoholic liquor was sold, given away or otherwise distributed to the cardholder in reasonable reliance upon the identification presented and the completed transaction scan.

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

Sec. 3. Subsection (a) of section 30-77 of the general statutes is repealed and the following is substituted in lieu thereof:

(a) Any person who, without a permit therefor, except as provided in section 30-37 or subsection (b) of section 12-436, the provisions of which shall not be construed as requiring an individual to be physically present at the point of purchase of alcoholic beverages to import such alcoholic beverages, or contrary to the provisions of this chapter and the regulations of the Department of Consumer Protection with respect to the class of permit held by [him] such person, manufactures or, by sample, by soliciting or procuring orders, or otherwise, sells or delivers, or offers or exposes for sale or delivery, or owns or keeps with intent to sell or deliver, or who ships, transports or imports into this state, any alcoholic liquor, shall be subject to the penalties prescribed in section 30-113; provided nothing in this section shall prohibit any common carrier, warehouseman or other lien holder, or any officer acting under legal process, or any insurance company that acquires the same as the result of fire, flood or water damage, from exercising [his or its] the right of such person or such entity to sell alcoholic liquor under a lien or such process or such acquisition, with the permission of the department. The provisions of this section shall not apply to the delivery to a permittee under this chapter of alcoholic liquor which is legally authorized. The provisions of this section shall not apply to the shipment into this state of ethyl alcohol intended for use or used for scientific, mechanical and industrial uses, for use in hospitals and public institutions, for medicinal purposes in the manufacture of patented, proprietary, medicinal, pharmaceutical, antiseptic, toilet, scientific, chemical, mechanical and industrial preparations or products not sold as a beverage for human consumption, nor to the shipment of wine to be used in the manufacture of patented, proprietary or pharmaceutical preparations or products or in the manufacture of fruit preserves. No such shipment shall be made except with the approval of the department and only in such manner as the department prescribes. The department shall notify the Commissioner of Revenue Services of the approval of any such shipment.

Approved June 6, 2001 Effective October 1, 2001

For purposes of providing a reference that is current, the above public act has been unofficially incorporated into sections 30-86 and 30-77 respectively, of this book