



Substitute House Bill No. 5330

Public Act No. 22-104

AN ACT CONCERNING CANNABIS ADVERTISING AND THE DEPARTMENT OF CONSUMER PROTECTION'S RECOMMENDATIONS REGARDING VARIOUS REVISIONS TO THE CONSUMER PROTECTION STATUTES.

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

Section 1. Section 30-1 of the 2022 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

For the [interpretation] purposes of this chapter and section 2 of this act, unless the context indicates a different meaning:

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

(2) "Alcohol" (A) means the product of distillation of any fermented liquid [,] that is rectified [either] at least once [or more often, whatever may be the] and regardless of such liquid's origin, [thereof,] and (B) includes synthetic ethyl alcohol which is considered nonpotable.

Substitute House Bill No. 5330

(3) ["Alcoholic liquor" or "alcoholic beverage" includes] "Alcoholic beverage" and "alcoholic liquor" include the four varieties of liquor defined in subdivisions (2), (5), [(18)] (21) and [(19)] (22) of this section (alcohol, beer, spirits and wine) and every liquid or solid, patented or [not] unpatented, containing alcohol, [spirits, wine or] beer, spirits or wine and at least one-half of one per cent alcohol by volume, and capable of being consumed by a human being [for] as a beverage. [purposes.] Any liquid or solid containing more than one of the four varieties so defined [is considered as belonging to that] belongs to the variety which has the [higher] highest percentage of alcohol [,] according to the following order: Alcohol, spirits, wine and beer, except as provided in subdivision [(19)] (22) of this section. [The provisions of this chapter shall not apply to any liquid or solid containing less than one-half of one per cent of alcohol by volume.]

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

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

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

[(6) (A)] (7) "Case price" means the price of a container made of cardboard, wood or any other material [,] and containing units of the same [size and] class and size of alcoholic liquor. [, and (B) a] A case of alcoholic liquor, other than beer, cocktails, cordials, [cocktails, wines

Substitute House Bill No. 5330

and prepared mixed drinks] prepared mixed drinks and wines, shall be in the [number and] quantity and number, or fewer, with the permission of the Commissioner of Consumer Protection, of bottles or units [or bottles] as follows: [(i) Six] (A) Six one thousand seven hundred fifty milliliter bottles, [; (ii)] (B) six one thousand eight hundred milliliter bottles, (C) twelve seven hundred milliliter bottles, (D) twelve seven hundred twenty milliliter bottles, (E) twelve seven hundred fifty milliliter bottles, (F) twelve nine hundred milliliter bottles, (G) twelve one liter bottles, [; (iii)] twelve seven hundred fifty milliliter bottles; (iv)] (H) twenty-four three hundred seventy-five milliliter bottles, [; (v)] (I) forty-eight two hundred milliliter bottles, [; (vi)] (J) sixty one hundred milliliter bottles, [; or (vii)] or (K) one hundred twenty fifty milliliter bottles, except a case of fifty milliliter bottles may be in a [number and] quantity and number as originally configured, packaged and sold by the manufacturer or out-of-state shipper prior to shipment [, provided such] if the number of such bottles [does not exceed] in such case is not greater than two hundred. The commissioner shall not authorize fewer quantities or numbers [or quantities of units or] of bottles or units as specified in this subdivision for any one person or entity more than eight times in any calendar year. For the purposes of this subdivision, "class" has the same meaning as [defined in] provided in 27 CFR 4.21 for wine, 27 CFR 5.22 for spirits [, as defined in 27 CFR 4.21 for wine, and as defined in] and 27 CFR 7.24 for beer.

[(7)] (8) "Charitable organization" means any nonprofit organization that (A) is organized for charitable purposes, [to which has been issued a ruling by] and (B) has received a ruling from the Internal Revenue Service classifying [it] such nonprofit organization as an exempt organization under Section 501(c)(3) of the Internal Revenue Code of 1986, or any subsequent corresponding internal revenue code of the United States, as amended from time to time.

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

Substitute House Bill No. 5330

[(9)] (10) "Coliseum" [means a coliseum, as defined] has the same meaning as provided in section 30-33a.

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

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

(13) "Dining room" means any room or rooms (A) located in premises operating under (i) a hotel permit issued under section 30-21, (ii) a restaurant permit issued under subsection (a) of section 30-22, (iii) a restaurant permit for wine and beer issued under subsection (b) of section 30-22, or (iv) a cafe permit issued under section 30-22a, as amended by this act, and (B) where meals are customarily served to any member of the public who has means of payment and a proper demeanor.

[(12)] (14) "Mead" means fermented honey [,] (A) with or without additions or adjunct ingredients, [or additions,] and (B) regardless of (i) alcohol content, [regardless of process, and regardless of being sparkling, carbonated] (ii) process, and (iii) whether such honey is carbonated, sparkling or still.

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

(16) "Nonprofit club" has the same meaning as provided in section 30-22aa.

(17) "Nonprofit public television corporation" has the same meaning as provided in section 30-37d.

[(14)] (18) (A) "Person" means [natural person, including partners but shall not include corporations, limited liability companies, joint stock

Substitute House Bill No. 5330

companies or other associations of natural persons] an individual, including, but not limited to, a partner.

(B) "Person" does not include a corporation, joint stock company, limited liability company or other association of individuals.

[(15)] (19) (A) "Proprietor" includes all owners of [businesses or clubs, included in subdivision (4) of this section] a business or club, incorporated or unincorporated, that is engaged in manufacturing or selling alcoholic liquor, whether such owners are [individuals, partners, joint stock companies, fiduciaries] persons, fiduciaries, joint stock companies, stockholders of corporations or otherwise. [, but]

(B) "Proprietor" does not include [persons or corporations who are merely creditors of such businesses or clubs, whether as note holders, bond holders, landlords or franchisors] any person who, or corporation that, is merely a creditor, whether as a bond holder, franchisor, landlord or note holder, of a business or club, incorporated or unincorporated, that is engaged in manufacturing or selling alcoholic liquor.

[(16) "Dining room" means a room or rooms in premises operating under a hotel permit, hotel beer permit, restaurant permit, restaurant permit for beer or wine or cafe permit, where meals are customarily served, within the room or rooms, to any member of the public who has means of payment and proper demeanor.]

[(17)] (20) "Restaurant" [means a restaurant, as defined] has the same meaning as provided in section 30-22, as amended by this act.

[(18)] (21) "Spirits" means any beverage that contains alcohol obtained by distillation mixed with drinkable water and other substances in solution, including brandy, rum, whiskey and gin.

[(19)] (22) "Wine" means any alcoholic beverage obtained by [the fermentation of] fermenting the natural sugar content of fruits, such as

Substitute House Bill No. 5330

apples, grapes [or apples] or other agricultural products, containing such sugar, including fortified wines such as port, sherry and champagne.

[(20) "Nonprofit public television corporation" means a nonprofit public television corporation, as defined in section 30-37d.

(21) "Nonprofit club" has the same meaning as provided in section 30-22aa.]

Sec. 2. (NEW) (*Effective from passage*) (a) For the purposes of this section:

(1) "Religious organization" means (A) any religious corporation, society or organization that is formed or recognized under chapter 598 of the general statutes, or (B) any religious organization that is eligible for an exemption under section 12-412 of the general statutes; and

(2) "Sacramental wine" means any wine that is (A) exclusively used for religious or sacramental purposes, and (B) exempt from taxation under regulations adopted by the Commissioner of Revenue Services pursuant to section 12-449 of the general statutes.

(b) A religious wine retailer permit shall allow the holder of such permit to import and sell, at retail, sacramental wine to religious organizations. Such sacramental wine shall not be consumed on the permit premises and any sale of such sacramental wine shall only take place during the hours a religious wine retailer may sell alcoholic liquor under subsection (d) of section 30-91 of the general statutes, as amended by this act. The holder of a religious wine retailer permit issued under this section shall operate at least one retail location in this state, be primarily engaged in the business of selling religious supplies that do not contain alcohol and not hold any other permit issued under chapter 545 of the general statutes. The annual fee for a religious wine retailer permit issued under this section shall be two hundred fifty dollars.

Substitute House Bill No. 5330

(c) The holder of a religious wine retailer permit issued under this section may purchase sacramental wine directly from a manufacturer, out-of-state shipper or wholesaler. All shipments of sacramental wine to the holder of a religious wine retailer permit issued under this section shall be conspicuously labeled "for sacramental or religious purposes only". If the holder of a religious wine retailer permit issued under this section imports into this state a supply of any brand of sacramental wine directly from a manufacturer or out-of-state shipper, such brand need not comply with the provisions of sections 30-63 and 30-64 of the general statutes for such directly imported supply.

Sec. 3. Subsections (a) to (c), inclusive, of section 30-19f of the 2022 supplement to the general statutes are repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) An in-state transporter's permit for alcoholic liquor shall allow the commercial transportation of any alcoholic liquor and, with the approval of the [department, the sale or provision] Department of Consumer Protection, the provision or sale of alcoholic liquor for consumption in a boat engaged in the transportation of passengers for hire [and in] or a motor vehicle in livery service, as permitted by law. One permit shall cover all such boats [and] or vehicles that are under common control, direction, management or ownership. When applying for such approval, the owner of any such boat [and] or vehicle in which the sale or consumption of alcoholic liquor will be available shall specifically identify to the department each such boat [and] or vehicle. [to the department.] The annual fee for an in-state transporter's liquor permit shall be one thousand two hundred fifty dollars for the first boat or vehicle and [there shall be] an additional annual fee of two hundred dollars for each additional boat or vehicle.

(b) No person, corporation, [trust, partnership, incorporated or unincorporated association, and any] incorporated or unincorporated association, partnership, trust or other legal entity except [: (1) The] the

Substitute House Bill No. 5330

holder of an out-of-state shipper's permit issued [pursuant to] under section 30-18 or 30-19, [; (2) the holder of] a manufacturer's permit issued [pursuant to] under section 30-16, other than [the holder of] a manufacturer permit for a farm winery or a manufacturer permit for wine, cider and mead, [; and (3) the holder of] or a wholesaler's permit issued [pursuant to] under section 30-17, shall transport any alcoholic beverages imported into this state unless such person: [holds] (1) Holds an in-state transporter's permit; [and] (2) the tax imposed on such alcoholic liquor [by] under section 12-435 has been paid; and [,] (3) if applicable, the tax imposed on the sale of such alcoholic liquor [pursuant to] under chapter 219 has been paid.

(c) An in-state transporter, when [shipping or] delivering or shipping directly to a consumer in this state wine, cider or mead, [directly to a consumer in this state,] shall: (1) Ensure that the shipping labels on all containers of such products shipped directly to a consumer in this state conspicuously state the following: "CONTAINS ALCOHOL – SIGNATURE OF A PERSON AGE 21 OR OLDER REQUIRED FOR DELIVERY"; (2) obtain the signature of a person [age twenty-one or older] who is at least twenty-one years of age at the address prior to delivery, after requiring the signer to demonstrate that [he or she is age twenty-one or older] the signer is at least twenty-one years of age by providing a valid motor vehicle operator's license or a valid identity card described in section 1-1h; and (3) not ship to any address in the state where the sale of alcoholic liquor is prohibited by local option pursuant to section 30-9.

Sec. 4. Section 30-20 of the 2022 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) For the purposes of this section, "grocery store" (1) means any store that (A) is commonly known as a delicatessen, food store, grocery store or supermarket, and (B) is primarily engaged in the retail sale of

Substitute House Bill No. 5330

various canned goods and dry goods such as coffee, flour, spices, sugar and tea, whether packaged or in bulk, regardless of whether such store sells fresh fruits and vegetables or fresh, prepared or smoked fish, meat and poultry, and (2) does not include any store that is primarily engaged in the retail sale of bakery products, candy, nuts and confectioneries, dairy products, eggs and poultry, fruits and vegetables or seafood.

[(a)] (b) (1) A package store permit shall allow the retail sale of alcoholic liquor in sealed bottles or containers not to be consumed on the permit premises. [, such sales to be made only in sealed bottles or other containers.] The holder of a package store permit may, in accordance with regulations adopted by the Department of Consumer Protection pursuant to the provisions of chapter 54, (A) offer free samples of alcoholic liquor for tasting on the permit premises, (B) conduct fee-based wine education and tasting classes and demonstrations, and (C) conduct tastings or demonstrations provided by a permittee or backer of [a] the package store for a nominal charge to charitable nonprofit organizations. Any offering, tasting, wine education and tasting class or demonstration held on permit premises shall be conducted only during the hours [a] the package store [is permitted to] may sell alcoholic liquor under section 30-91, as amended by this act. No tasting of wine on the permit premises shall be offered from more than ten uncorked bottles at any one time.

(2) No store operating under a package store permit shall sell any commodity other than alcoholic liquor except, [that,] notwithstanding any other provision of law, such store may sell [(1)] (A) cigarettes and cigars, [(2)] (B) publications, [(3)] (C) bar utensils, [which shall include, but need not be] including, but not limited to, corkscrews, beverage strainers, stirrers or other similar items used to consume, or related to the consumption of, alcoholic liquor, [(4)] (D) gift packages of alcoholic liquor shipped into the state by a manufacturer or out-of-state shipper, which gift packages may include [a] nonalcoholic [item in the gift

Substitute House Bill No. 5330

package that may be any item, except food or tobacco products, provided the] items, other than food or tobacco products, if the dollar value of the nonalcoholic items in such gift package does not exceed the dollar value of the alcoholic items [of the] in such gift package, [(5)] (E) complementary fresh fruits used in the preparation of mixed alcoholic beverages, [(6)] (F) cheese, [or] crackers [,] or both, [(7)] (G) olives, [(8)] (H) nonalcoholic beverages, [(9)] (I) concentrates used in the preparation of mixed alcoholic beverages, [(10)] (J) beer and wine-making kits and products related to [beer and wine-making] such kits, [(11)] (K) ice in any form, [(12)] (L) articles of clothing imprinted with advertising related to the alcoholic liquor industry, [(13)] (M) gift baskets or other containers of alcoholic liquor, [(14)] (N) multiple packages of alcoholic liquors, [as defined in subdivision (3) of section 30-1,] provided in all such cases the minimum retail selling price for such alcoholic liquor shall apply, [(15)] (O) lottery tickets authorized by the Department of Consumer Protection, if licensed as an agent to sell such tickets by [said] the department, [(16)] (P) devices and related accessories designed primarily for accessing and extracting a beverage containing alcohol from prepackaged containers, including, but not limited to, pods, pouches or similar containers, but excluding devices, including, but not limited to, household blenders, that are not designed primarily for such purposes, [including, but not limited to, household blenders, (17)] (Q) alcohol-infused confections containing not more than one-half of one per cent of alcohol by weight and which the commissioner has approved for sale [by the commissioner] under section 21a-101, and [(18)] (R) gift baskets containing only containers of alcoholic liquor and commodities authorized for sale under [subdivisions (1) to (17), inclusive, of this subsection] subparagraphs (A) to (Q), inclusive, of this subdivision. A package store permit shall also allow the taking and transmitting of orders for delivery of such merchandise in other states. Notwithstanding any other provision of law, a package store permit shall allow the participation in any lottery ticket promotion or giveaway sponsored by the [Department of Consumer Protection] department.

Substitute House Bill No. 5330

The annual fee for a package store permit shall be five hundred thirty-five dollars.

[(b)] (c) A grocery store beer permit may be granted to any grocery store and shall allow the retail sale of beer in standard size containers not to be consumed on the permit premises. [A] The holder of a grocery store beer permit shall post, in a prominent location adjacent to the beer display, the retail price for each brand of beer and [said] such retail price shall include all applicable federal and state taxes, including, but not limited to, the applicable state sales taxes. The annual fee for a grocery store beer permit shall be one hundred seventy dollars, [. For a] or, for a grocery store that has annual sales of food and grocery items of [not less than] at least two million dollars, [the annual fee for a grocery store beer permit shall be] one thousand five hundred dollars.

[(c) "Grocery store" means any store commonly known as a supermarket, food store, grocery store or delicatessen, primarily engaged in the retail sale of all sorts of canned goods and dry goods such as tea, coffee, spices, sugar and flour, either packaged or in bulk, with or without fresh fruits and vegetables, and with or without fresh, smoked and prepared meats, fish and poultry, except that no store primarily engaged in the retail sale of seafood, fruits and vegetables, candy, nuts and confectioneries, dairy products, bakery products or eggs and poultry shall be included in the definition of "grocery store".]

(d) The holder of a package store permit or a grocery store beer permit issued under this section may allow curbside pick-up of previously purchased alcoholic liquor by (1) the consumer who purchased such alcoholic liquor, or (2) the holder of an in-state transporter's permit issued under section 30-19f, as amended by this act, or such holder's agent. Such curbside pick-up shall be limited to the space immediately adjacent to, or in a parking lot abutting, the permit premises. The holder of such package store permit or grocery store beer permit may allow such curbside pick-up only during the hours the

Substitute House Bill No. 5330

package store or grocery store is allowed to sell alcoholic liquor under subsection (d) of section 30-91, as amended by this act, unless a more restrictive municipal ordinance limits such curbside pick-up hours.

Sec. 5. Section 30-46 of the 2022 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) The Department of Consumer Protection may, except as to a store engaged chiefly in the sale of groceries, in its discretion, suspend, revoke or refuse to grant or renew a permit for the sale of alcoholic liquor if [it] the department has reasonable cause to believe [:] that (1) [That] the proximity of the permit premises [will have a detrimental effect upon any church] to any charitable institution supported by private or public funds, church, convent, hospital, public or parochial school, [convent, charitable institution, whether supported by private or public funds, hospital] or veterans' home, or any [camp,] barracks, camp or flying field of the armed forces, [; (2) that such location] will detrimentally impact such institution, church, convent, hospital, school, home, barracks, camp or field, (2) the permit premises is in such proximity to a no-permit town so that it is apparent that the applicant is seeking to obtain the patronage of [such] persons in such town, [;] (3) [that] the number of permit premises in the locality is such that [the] granting [of] a permit is detrimental to the public interest, and, in reaching a conclusion in this respect, the department may consider the character [of, the] and population of, and the number of like permits and [number of] all permits existent in, the particular town and the immediate neighborhood concerned [,] and the effect which a new permit may have on such town or neighborhood or on like permits existent in such town or neighborhood, [;] (4) [that] the place has been conducted as a lewd or disorderly establishment, [;] (5) [that] the backer does not have a right to occupy the permit premises, [;] (6) [that] drive-up sales of alcoholic liquor, other than curbside pick-up allowed under subsection (d) of

Substitute House Bill No. 5330

section 30-20, as amended by this act, are being made at the permit premises, [;] or (7) [that] there is any other reason as provided by state or federal law or regulation which warrants such refusal.

(b) (1) The existence of a coliseum permit issued under section 30-33a shall not be a factor to be taken into consideration under subdivision (3) of subsection (a) of this section.

(2) The provisions of subdivisions (1), (2) and (3) of subsection (a) of this section shall not apply to [the granting] issuance of a coliseum permit under section 30-33a.

Sec. 6. Section 30-51a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

Notwithstanding the provisions of subdivision (6) of section 30-47 and section 30-51, a permittee of premises operating under a grocery store beer permit issued under subsection (c) of section 30-20, as amended by this act, may lease up to fifty per cent of the total square footage of the premises to any person for lawful purposes. The Department of Consumer Protection shall not issue a permit allowing the sale or consumption of alcoholic liquor on any such leased premises, and the sale or consumption of alcoholic liquor [, as defined in subdivision (3) of section 30-1,] shall be unlawful on any such leased premises.

Sec. 7. Subsection (c) of section 30-74 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(c) No permittee or backer who is authorized under this chapter to sell alcoholic liquor at retail for consumption off the permit premises, and no agent or employee of such permittee or backer, may sell or deliver such alcoholic liquor from a drive-up window or similar exterior wall opening except as part of a curbside pick-up authorized under

Substitute House Bill No. 5330

subsection (d) of section 30-20, as amended by this act.

Sec. 8. Section 30-22a of the 2022 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) A cafe permit shall allow the retail sale of alcoholic liquor to be consumed on the premises of a cafe. The holder of a cafe permit shall keep food available for sale to its customers for consumption on the premises during [a] the majority of the hours such premises are open. The availability of food from outside vendors located on or near the premises, who may directly deliver such food or indirectly deliver such food through a third party, shall be deemed compliance with such requirement. The licensed premises shall at all times comply with all the regulations of the local department of health. Nothing herein shall be construed to require that any food be sold or purchased with any alcoholic liquor, nor shall any rule, regulation or standard be promulgated or enforced [requiring that the sale] to require that sales of food be substantial or that the [receipts of the business other than from the sale of] business's receipts from sales of alcoholic liquor equal any set percentage of total receipts from all sales made [therein] on the licensed premises. A cafe permit shall allow, with the prior approval of the Department of Consumer Protection, alcoholic liquor to be served at tables in outside areas that are screened or not screened from public view where permitted by fire, zoning and health regulations. If not required by fire, zoning or health regulations, a fence or wall enclosing such outside areas shall not be required by the Department of Consumer Protection. No fence or wall used to enclose such outside areas shall be less than thirty inches high. Such permit shall also authorize the sale at retail from the premises of sealed containers, supplied by the permittee, of draught beer for consumption off the premises. Such sales shall be conducted only during the hours a package store is permitted to sell alcoholic liquor under the provisions of subsection (d) of section 30-91,

Substitute House Bill No. 5330

as amended by this act. Not more than four liters of such beer shall be sold to any person on any day on which the sale of alcoholic liquor is authorized under the provisions of subsection (d) of section 30-91, as amended by this act. The annual fee for a cafe permit shall be two thousand dollars, except the annual fee for a cafe permit for a prior holder of a tavern permit issued [pursuant to] under section 30-26 shall be eight hundred dollars for the first year, twelve hundred dollars for the second year, one thousand six hundred dollars for the third year and two thousand dollars for each year thereafter.

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

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

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

(d) For purposes of compliance with this section, "cafe" [shall include] includes any location in [the Bradley International Airport] a passenger

Substitute House Bill No. 5330

terminal complex of any airport, as defined in section 15-34, or any location adjacent to and attached by common partition to [said] such complex, which is open to the public [and] or to airline club members or their guests, with or without the sale of food, for consumption on the premises.

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

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

(g) For purposes of compliance with this section, "cafe" [shall include] includes the premises and grounds of a golf country club, defined as: (1) [an] An association of persons, whether incorporated or unincorporated, that has been in existence as a bona fide organization for at least one year prior to applying for a permit issued as provided by this chapter, or that at the time of applying for the permit is in existence as a bona fide organization and has not less than twenty members who have paid annual membership fees or dues and have signed affidavits of their intention to remain members of the association for not less than one year after that time, not including associations organized for any commercial or business purpose the object of which is money profit, which maintains a golf course of not less than eighteen holes and a course length of at least fifty-five hundred yards and a club house with facilities that include locker rooms, a dining room and a lounge; provided the club shall file with the department, upon request, within ten days of February first in each year, a list of the names and residences of its members, and shall similarly file, within ten days of the election of any additional member, his name and address, and provided its

Substitute House Bill No. 5330

aggregate annual membership fees or dues and other income, exclusive of any proceeds of the sale of alcoholic liquor, shall be sufficient to defray the annual rental of its leased or rented premises, or, if the premises are owned by the club, shall be sufficient to meet the taxes, insurance and repairs and the interest on any mortgage thereof; and provided, further, its affairs and management shall be conducted by a board of directors, executive committee or similar body chosen by the members at their annual meeting, and no member or any officer, agent or employee of the club shall be paid or, directly or indirectly, shall receive in the form of salary or other compensation any profits from the disposition or sale of alcoholic liquor to the club or to the members of the club or its guests introduced by members, beyond the amount of such salary as may be fixed and voted at annual meetings by the members or by its directors or other governing body and as reported by the club to the department, within three months after the annual meeting, and as is, in the judgment of the department, reasonable and proper compensation for the services of such member, officer, agent or employee; or (2) an association of persons, whether incorporated or unincorporated, which has been in existence as a bona fide organization for at least one year prior to applying for a permit issued as provided by this chapter, or which at the time of applying for the permit is in existence as a bona fide organization and has not less than twenty members who have paid annual membership fees or dues and is directly or indirectly wholly owned by a corporation which is and continues to be nonprofit and to which the Internal Revenue Service has issued a ruling classifying it as an exempt organization under Section 501(c) of the Internal Revenue Code of 1986, or any subsequent corresponding internal revenue code of the United States, as amended from time to time, which maintains a golf course of not less than eighteen holes and a course length of at least fifty-five hundred yards and a club house with facilities which include locker rooms, a dining room and a lounge; provided the club shall file with the department, upon request, within ten days of February first in each year, a list of the names and residences

Substitute House Bill No. 5330

of its members, and shall similarly file, within ten days of the admission of any additional member, his name and address. The nonprofit corporation shall demonstrate to the commission an ability to pay any operating deficit of the golf country club, exclusive of any proceeds of the sale of alcoholic liquor; and provided, further, the affairs and the management of the nonprofit corporation are conducted by a board of directors, executive committee or similar body at least forty per cent of the members of which are chosen by the members of the nonprofit corporation at their annual meeting and the balance of the members of the board of directors are professionals chosen for their knowledge of the business of the nonprofit corporation, and all moneys earned by the golf country club shall be used to defray its expenses of operation or for charitable purposes, and any balance shall be directly or indirectly remitted to the nonprofit corporation.

[(h) For purposes of compliance with this section, "cafe" shall include the sale and public consumption of alcoholic liquor by passengers with or without meals upon any one designated boat engaged in the transportation of passengers for hire to or from any port in this state.]

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

[(j) ~~(i)~~ For purposes of compliance with this section, "cafe" [shall include] includes a facility designed, constructed and used for corporate

Substitute House Bill No. 5330

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

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

Sec. 9. Section 30-12 of the 2022 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

When any town has so voted upon the question of liquor permits, any liquor permit granted in such town which is not in accordance with such vote shall be void except manufacturer permits and cafe permits issued [pursuant to] under subsections (g) and [(k)] (h) of section 30-22a, as amended by this act.

Substitute House Bill No. 5330

Sec. 10. Subsection (a) of section 30-14 of the 2022 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) [A] Each permit shall be a purely personal privilege that [expires annually, except a permit issued under sections 30-25, 30-35, 30-37b, 30-37d, 30-37g and 30-37h, and] is revocable in the discretion of the Department of Consumer Protection, and subject to appeal, as provided in section 30-55. [A] Except as otherwise provided in the general statutes, including, but not limited to, sections 30-25, as amended by this act, 30-35, 30-37b, 30-37d, 30-37g and 30-37h, each permit shall expire annually. No permit shall [not] constitute property, [nor shall it] be subject to attachment and execution [, nor shall it] or be alienable, except [that it] a permit shall descend to the estate of a deceased permittee by the laws of testate or intestate succession. An airline permit issued under section 30-28a or a cafe permit issued [pursuant to] under subsection [(k)] (h) of section 30-22a, as amended by this act, shall be granted to the airline corporation or railway corporation and not to any person, and the corporation shall be the permittee.

Sec. 11. Section 30-16b of the 2022 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) [From June 4, 2021, until three years after June 4, 2021] During the period beginning June 4, 2021, and ending June 5, 2024, the holder of a permit issued [pursuant to] under section 30-16, 30-21 or 30-22, as amended by this act, [or] subsection [(a), (g), (h) or (i)] (c) or (g) of section 30-22a, as amended by this act, or section 30-22aa may sell for off-premises consumption sealed containers of all [such] alcoholic liquor such permit holder is allowed to sell for on-premises consumption, subject to the requirements of this section and consistent with all local ordinances for the town in which the permit premises are located.

Substitute House Bill No. 5330

(b) Any alcoholic liquor sold for off-premises consumption [pursuant to] under this section shall be accompanied by food prepared on the permit premises for off-premises consumption.

(c) Alcoholic liquor sold for off-premises consumption [pursuant to] under this section may be sold in a container other than the manufacturer's original sealed container, unless sold by a permittee under section 30-16. All such alcoholic liquor [sold for off-premises consumption] shall be given to a consumer in a securely sealed container that prevents consumption without the removal of a tamper-evident lid, cap or seal. A securely sealed container does not include a container with a lid with sipping holes or openings for straws. Each securely sealed container shall be placed in a bag by the permittee's agent or employee prior to removal from the permit premises.

(d) If a permittee is delivering alcoholic liquor and food, such delivery shall be made only by a direct employee of the permittee and not by a third-party vendor or entity, unless such third-party vendor or entity holds an in-state transporter's permit issued under section 30-19f, as amended by this act.

(e) The sale of alcoholic liquor for off-premises consumption [pursuant to] under this section shall: (1) [be] Be conducted only during the hours a package store is permitted to sell alcoholic liquor under the provisions of subsection (d) of section 30-91, as amended by this act; and (2) if such alcoholic liquor is sold by a permittee under section 30-21 or 30-22, as amended by this act, subsection (c) or (g) of section 30-22a, as amended by this act, or section 30-22aa, comply with all applicable requirements of said sections and the limits imposed under subsection (g) of this section.

(f) A sealed container of alcoholic liquor sold [pursuant to] under this section shall not be deemed an open container, provided the sealed container is unopened, the seal has not been tampered with [,] and the

Substitute House Bill No. 5330

contents of the sealed container have not been partially removed.

(g) The sale of alcoholic liquor for off-premises consumption [pursuant to] under this section by a permittee under section 30-21 or 30-22, as amended by this act, subsection (c) or (g) of section 30-22a, as amended by this act, or section 30-22aa shall comply with the following limits for any one order, per customer: (1) One hundred ninety-six ounces [] for beer; [] (2) one liter [] for spirits; [] and (3) one and one-half liters [] for wine.

(h) The provisions of this section shall not apply to the retail sale of any alcoholic liquor manufactured by a manufacturer permittee under section 30-16 on [its] the manufacturer's permit premises for off-premises consumption, which shall be subject to the requirements of [said] section 30-16, including, but not limited to, the volume limits and hours of sale set forth in [said] section 30-16.

Sec. 12. Subsection (b) of section 30-22c of the 2022 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) The holder of a cafe permit issued [pursuant to] under subsection [(a)] (c) of section 30-22a, as amended by this act, 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.

Sec. 13. Section 30-23a of the 2022 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

No person shall be construed to be a guest of a member of a club [within the intent] for the purposes of section 30-22aa or of a golf country club [within the intent of section 30-24a] for the purposes of

Substitute House Bill No. 5330

subsection (g) of section 30-22a, as amended by this act, until such person's name and address has been entered in the guest book maintained for such purposes on the club or golf country club premises, together with the signature of the member and the date of introduction, provided neither the permittee nor any person employed to dispense alcoholic beverages on such premises, during his working hours on such premises, shall enter such person's name in such book. The [requirement] provisions of this section: (1) [shall] Shall not apply to a member of any nationally chartered veterans' service organization when such member enters a club run by such organization that is not such member's home club, but is affiliated with the same organization, provided such member shall show a membership, travel card or similar identification as a member of such organization upon entry to such club; [L] and (2) may be waived by the Department of Consumer Protection on special occasions upon written application.

Sec. 14. Section 30-24 of the 2022 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

Spouses of members of any club or golf country club which holds a permit under subsection (g) [or (h)] of section 30-22a, as amended by this act, or section 30-22aa may be allowed to participate in all of the privileges of such club or golf country club, by vote of such club's members, and shall not be considered guests for the purposes of the general statutes or provisions of the regulations of Connecticut state agencies adopted by the Department of Consumer Protection.

Sec. 15. Section 30-24b of the 2022 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

Auxiliary members who are spouses of members or surviving spouses of former deceased members of any club specified in

Substitute House Bill No. 5330

[subsections (g) to (i), inclusive,] subsection (g) of section 30-22a, as amended by this act, or section 30-22aa which holds a permit under the provisions of this chapter may be allowed to participate in all the privileges of such club, by vote of such [club] club's members, and shall not be considered guests for purposes of the general statutes or provisions of the regulations of Connecticut state agencies adopted by the Department of Consumer Protection.

Sec. 16. Subsection (a) of section 30-25 of the 2022 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) A special club permit shall allow the sale of alcoholic liquor by the drink, at retail, to be consumed at the grounds of an outdoor picnic conducted by a club or golf country club. Such permits shall be issued only to holders of cafe permits issued [pursuant to subsections (g) to (i), inclusive,] under subsection (g) of section 30-22a, [and] as amended by this act, and club permits issued under section 30-22aa, shall be issued on a daily basis subject to the hours of sale in section 30-91, as amended by this act, and shall be the same as provided therein for clubs and golf country clubs. The exception established in subsection (a) of section 30-48, as amended by this act, that applies to boats operating under an in-state transporter's permit issued under section 30-19f, as amended by this act, and cafe permits issued [pursuant to subsections (j) and (k)] under subsection (h) of section 30-22a, as amended by this act, [that is set forth in section 30-48] shall apply to such a special club permit. No such club or golf country club shall be granted more than four such special club permits during any one calendar year.

Sec. 17. Subsection (b) of section 30-39 of the 2022 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) (1) Any person desiring a liquor permit or a renewal of such a

Substitute House Bill No. 5330

permit shall make an affirmed application therefor to the Department of Consumer Protection, upon forms to be furnished by the department, showing the name and address of the applicant and of the applicant's backer, if any, the location of the club or place of business which is to be operated under such permit and a financial statement setting forth all elements and details of any business transactions connected with the application. Such application shall include a detailed description of the type of live entertainment that is to be provided. A club or place of business shall be exempt from providing such detailed description if the club or place of business (A) was issued a liquor permit prior to October 1, 1993, and (B) has not altered the type of entertainment provided. The application shall also indicate any crimes of which the applicant or the applicant's backer may have been convicted. Applicants shall submit documents sufficient to establish that state and local building, fire and zoning requirements and local ordinances concerning hours and days of sale will be met, except that local building and zoning requirements and local ordinances concerning hours and days of sale shall not apply to a cafe permit issued [pursuant to] under subsection (d) or (h) of section 30-22a, as amended by this act. The State Fire Marshal or the marshal's certified designee shall be responsible for approving compliance with the State Fire Code at Bradley International Airport. Any person desiring a permit provided for in section 30-33b shall file a copy of such person's license with such application if such license was issued by the Department of Consumer Protection. The department may, at its discretion, conduct an investigation to determine whether a permit shall be issued to an applicant.

(2) The applicant shall pay to the department a nonrefundable application fee, which fee shall be in addition to the fees prescribed in this chapter for the permit sought. An application fee shall not be charged for an application to renew a permit. The application fee shall be in the amount of ten dollars for the filing of each application for a permit by a charitable organization under section 30-37b, including a

Substitute House Bill No. 5330

nonprofit public television corporation under section 30-37d, a nonprofit golf tournament permit under section 30-37g, a temporary permit under section 30-35 or a special club permit [; and for all other permits] under section 30-25, as amended by this act; and in the amount of one hundred dollars for the filing of an initial application for all other permits. Any permit issued shall be valid only for the purposes and activities described in the application.

(3) The applicant, immediately after filing an application, shall give notice thereof, with the name and residence of the permittee, the type of permit applied for and the location of the place of business for which such permit is to be issued and the type of live entertainment to be provided, all in a form prescribed by the department, by publishing the same in a newspaper having a circulation in the town in which the place of business to be operated under such permit is to be located, at least once a week for two successive weeks, the first publication to be not more than seven days after the filing date of the application and the last publication not more than fourteen days after the filing date of the application. The applicant shall affix, and maintain in a legible condition upon the outer door of the building wherein such place of business is to be located and clearly visible from the public highway, the placard provided by the department, not later than the day following the receipt of the placard by the applicant. If such outer door of such premises is so far from the public highway that such placard is not clearly visible as provided, the department shall direct a suitable method to notify the public of such application. When an application is filed for any type of permit for a building that has not been constructed, such applicant shall erect and maintain in a legible condition a sign not less than six feet by four feet upon the site where such place of business is to be located, instead of such placard upon the outer door of the building. The sign shall set forth the type of permit applied for and the name of the proposed permittee, shall be clearly visible from the public highway and shall be so erected not later than the day following the receipt of the

Substitute House Bill No. 5330

placard. Such applicant shall make a return to the department, under oath, of compliance with the foregoing requirements, in such form as the department may determine, but the department may require any additional proof of such compliance. Upon receipt of evidence of such compliance, the department may hold a hearing as to the suitability of the proposed location. The provisions of this subdivision shall not apply to applications for (A) airline permits issued under section 30-28a, (B) charitable organization permits issued under section 30-37b, (C) temporary permits issued under section 30-35, (D) special club permits issued under section 30-25, as amended by this act, (E) concession permits issued under section 30-33, (F) military permits issued under section 30-34, (G) cafe permits issued [pursuant to] under subsection [(j) or (k)] (h) of section 30-22a, as amended by this act, (H) warehouse permits issued under section 30-32, (I) [brokers'] broker's permits issued under section 30-30, (J) out-of-state [shippers'] shipper's permits for alcoholic liquor [and] issued under section 30-18, (K) out-of-state [shippers'] shipper's permits for beer [, (K)] issued under section 30-19, (L) coliseum permits [, (L)] issued under section 30-33a, (M) nonprofit golf tournament permits [, (M)] issued under section 30-37g, (N) nonprofit public television corporation permits [, (N)] issued under section 30-37d, (O) Connecticut craft cafe permits [by] issued under section 30-22d, as amended by this act, to permittees who held a manufacturer permit for a brew pub or a manufacturer permit for a beer and brew pub [prior to] before July 1, 2020, [and (O)] (P) off-site farm winery sales and wine, cider and mead tasting permits issued under section 30-16a, (Q) out-of-state retailer shipper's permits for wine issued under section 30-18a, (R) out-of-state winery shipper's permits for wine issued under section 30-18a, (S) in-state transporter's permits for alcoholic liquor issued under section 30-19f, as amended by this act, including, but not limited to, boats operating under such permits, (T) seasonal outdoor open-air permits issued under section 30-22e, as amended by this act, and (U) renewals of any [such permits] permit described in subparagraphs (A) to (T), inclusive, of this subdivision, if

Substitute House Bill No. 5330

applicable. The provisions of this subdivision regarding publication and placard display shall also be required of any applicant who seeks to amend the type of entertainment either upon filing of a renewal application or upon requesting permission of the department in a form that requires the approval of the municipal zoning official.

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

Sec. 18. Section 30-45 of the 2022 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

The Department of Consumer Protection shall refuse permits for the sale of alcoholic liquor to the following persons: (1) Any state marshal, judicial marshal, judge of any court, prosecuting officer or member of any police force; [(2) a minor, and] (2) any minor; (3) any constable who (A) performs criminal law enforcement duties and is considered a peace officer by town ordinance pursuant to the provisions of subsection (a) of section 54-1f, [any constable who] or (B) is certified under the provisions of sections 7-294a to 7-294e, inclusive, [who] and performs criminal law enforcement duties pursuant to the provisions of subsection (c) of section 54-1f; [or] and (4) any special constable appointed pursuant to section 7-92. This section shall not apply to any out-of-state [shippers' permits, cafe permits issued pursuant to subsection (j) of section 30-22a and airline permits] shipper's permit issued under section 30-18, 30-18a or 30-19, any cafe permit issued under section 30-22a, as amended by this act, any boat operating under any in-

Substitute House Bill No. 5330

state transporter's permit issued under section 30-19f, as amended by this act, or any airline permit issued under section 30-28a. As used in this section, "minor" means a minor, as defined in section 1-1d or as defined in section 30-1, as amended by this act, whichever age is older.

Sec. 19. Subsection (a) of section 30-48 of the 2022 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) No backer or permittee of one permit class shall be a backer or permittee of any other permit class except in the case of airline permits issued under section 30-28a, boats operating under in-state transporter's permits issued under section 30-19f, as amended by this act, and cafe permits issued [pursuant to subsection (d), (j) or (k)] under subsections (d) and (h) of section 30-22a, as amended by this act, [and] except that: (1) A backer of a hotel permit issued under section 30-21 or a restaurant permit issued under section 30-22, as amended by this act, may be a backer of both such classes; (2) a holder or backer of a restaurant permit issued under section 30-22, as amended by this act, or a cafe permit issued [pursuant to] under subsection (a) of section 30-22a, as amended by this act, may be a holder or backer of any other or all of such classes; (3) a holder or backer of a restaurant permit issued under section 30-22, as amended by this act, may be a holder or backer of a cafe permit issued [pursuant to] under subsection (f) of section 30-22a, as amended by this act; (4) a backer of a restaurant permit issued under section 30-22, as amended by this act, may be a backer of a coliseum permit issued under section 30-33a when such restaurant is within a coliseum; (5) a backer of a hotel permit issued under section 30-21 may be a backer of a coliseum permit issued under section 30-33a; (6) a backer of a grocery store beer permit issued under subsection (c) of section 30-20, as amended by this act, may be (A) a backer of a package store permit issued under subsection (b) of section 30-20, as amended by this act, if such was the case on or before May 1, 1996, and (B) a backer of a restaurant permit

Substitute House Bill No. 5330

issued under section 30-22, as amended by this act, provided the restaurant permit premises do not abut or share the same space as the grocery store beer permit premises; (7) a backer of a cafe permit issued [pursuant to] under subsection [(m)] (j) of section 30-22a, as amended by this act, may be a backer of a nonprofit theater permit issued under section 30-35a; (8) a backer of a nonprofit theater permit issued under section 30-35a may be a holder or backer of a hotel permit issued under section 30-21 or a coliseum permit issued under section 30-33a; (9) a backer of a concession permit issued under section 30-33 may be a backer of a coliseum permit issued under section 30-33a; (10) a holder of an out-of-state winery shipper's permit for wine issued under section 30-18a may be a holder of an in-state transporter's permit issued under section 30-19f, as amended by this act, or an out-of-state entity wine festival permit issued [pursuant to] under section 30-37m, or of both such permits; (11) a holder of an out-of-state shipper's permit for alcoholic liquor [other than beer] issued under section 30-18 or an out-of-state winery shipper's permit for wine issued under section 30-18a may be a holder of an in-state transporter's permit issued under section 30-19f, as amended by this act; (12) a holder of a manufacturer permit for a farm winery [or the holder of] issued under subsection (c) of section 30-16 or a manufacturer permit for wine, cider and mead issued under subsection (d) of section 30-16 may be a holder of an in-state transporter's permit issued under section 30-19f, as amended by this act, a wine festival permit issued [pursuant to] under section 30-37l, a farmers' market sales permit issued [pursuant to] under subsection (a) of section 30-37o, an off-site farm winery sales and tasting permit issued [pursuant to] under section 30-16a or [of] any combination of such permits; (13) a holder of a manufacturer permit for beer issued under subsection (b) of section 30-16 may be a holder of a farmers' market sales permit issued [pursuant to] under subsection (a) of section 30-37o; (14) the holder of a manufacturer permit for spirits, [a manufacturer permit for beer, a manufacturer permit for] beer, a farm winery or [a manufacturer permit for] wine, cider and mead, issued under

Substitute House Bill No. 5330

subsection (a), (b), (c) or (d), respectively, of section 30-16, may be a holder of a Connecticut craft cafe permit issued under section 30-22d, as amended by this act, a restaurant permit or a restaurant permit for wine and beer issued under section 30-22, as amended by this act; and (15) the holder of a restaurant permit [or] issued under section 30-22, as amended by this act, a cafe permit issued under section 30-22a, as amended by this act, or an in-state transporter's permit issued under section 30-19f, as amended by this act, may be the holder of a seasonal outdoor open-air permit issued [pursuant to] under section 30-22e, as amended by this act. Any person may be a permittee of more than one permit. No holder of a manufacturer permit for [a brew pub] beer issued under subsection (b) of section 30-16 and no spouse or child of such holder may be a holder or backer of more than three restaurant permits issued under section 30-22, as amended by this act, or cafe permits issued under section 30-22a, as amended by this act.

Sec. 20. Subsection (c) of section 30-48a of the 2022 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(c) Membership in any organization which is or may become the holder of a [cafe] club or nonprofit club permit issued [pursuant to subsection (h) of section 30-22a] under section 30-22aa shall not constitute acquisition of an interest in a retail permit.

Sec. 21. Section 30-53 of the 2022 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

Each permit granted or renewed by the Department of Consumer Protection shall be of no effect until a duplicate thereof has been filed by the permittee with the town clerk of the town within which the club or place of business described in such permit is situated; provided the place of filing [of] for (1) a cafe permit issued [pursuant to] under

Substitute House Bill No. 5330

subsection [(j) or (k)] (h) of section 30-22a, as amended by this act, or a boat operating under an in-state transporter's permit issued under section 30-19f, as amended by this act, shall be the office of the town clerk of the town of New Haven, and (2) an airline [permits,] permit issued under section 30-28a shall be the office of the town clerk of the town of Hartford. The fee for such filing shall be twenty dollars.

Sec. 22. Section 30-54 of the 2022 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

Every permittee, other than a corporation holding a cafe permit issued [pursuant to] under subsection [(k)] (h) of section 30-22a, as amended by this act, or an airline permit issued under section 30-28a, shall cause [his or her] such permittee's permit or a duplicate thereof to be framed and hung in plain view in a conspicuous place in any room where the sales so permitted are to be carried on.

Sec. 23. Subsections (a) to (e), inclusive, of section 30-91 of the 2022 supplement to the general statutes are repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) The sale, [or the] dispensing, [or] consumption or [the] presence in glasses or other receptacles suitable to [permit] allow for the consumption of alcoholic liquor by an individual in places operating under hotel permits issued under section 30-21, restaurant permits issued under section 30-22, as amended by this act, cafe permits issued under section 30-22a, as amended by this act, Connecticut craft cafe permits issued under section 30-22d, as amended by this act, club permits issued under section 30-22aa, restaurant permits for catering establishments issued under section 30-22b, coliseum permits issued under section 30-33a, nonprofit public museum permits issued under section 30-37a, manufacturer permits for beer, a farm winery or wine, cider and mead issued under subsection (b), (c) or (d), respectively, of

Substitute House Bill No. 5330

section 30-16, casino permits issued under section 30-37k, caterer liquor permits issued under section 30-37j and charitable organization permits issued under section 30-37b shall be unlawful on: (1) Monday, Tuesday, Wednesday, Thursday and Friday between the hours of one o'clock a.m. and nine o'clock a.m.; (2) Saturday between the hours of two o'clock a.m. and nine o'clock a.m.; (3) Sunday between the hours of two o'clock a.m. and ten o'clock a.m.; (4) Christmas, except (A) for alcoholic liquor that is served where food is also available during the hours otherwise permitted by this section for the day on which Christmas falls, and (B) by casino permittees at casinos, as defined in section 30-37k; and (5) January first between the hours of three o'clock a.m. and nine o'clock a.m., except that on any Sunday that is January first the prohibitions of this section shall be between the hours of three o'clock a.m. and ten o'clock a.m.

(b) Any town may, by vote of a town meeting or by ordinance, reduce the number of hours during which sales under subsection (a) of this section, except sales [pursuant to] under a cafe permit issued [pursuant to] under subsection (d) of section 30-22a, as amended by this act, shall be permissible. In all cases when a town, either by vote of a town meeting or by ordinance, has acted on the sale of alcoholic liquor or the reduction of the number of hours when such sale is permissible, such action shall become effective on the first day of the month succeeding such action and no further action shall be taken until at least one year has elapsed since the previous action was taken.

(c) Notwithstanding any provisions of subsections (a) and (b) of this section, such sale, [or] dispensing, [or] consumption or presence in glasses in places operating under a cafe permit issued [pursuant to] under subsection (f) of section 30-22a, as amended by this act, shall be unlawful before eleven a.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

Substitute House Bill No. 5330

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 cafe permit issued [pursuant to] under subsection (f) of section 30-22a, as amended by this act, shall be served in containers such as, but not limited to, 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.

(d) The sale or dispensing of alcoholic liquor for off-premises consumption in places operating under package store permits [, drug store permits] issued under subsection (b) of section 30-20, as amended by this act, druggist permits issued under section 30-36, manufacturer permits [for beer or] issued under section 30-16, grocery store beer permits issued under subsection (c) of section 30-20, as amended by this act, or religious wine retailer permits issued under section 2 of this act shall be unlawful on Thanksgiving Day, New Year's Day and Christmas; and such sale or dispensing of alcoholic liquor for off-premises consumption in places operating under package store permits, [drug store] druggist permits, manufacturer permits for beer, [and] grocery store beer permits and religious wine retailer permits shall be unlawful on Sunday before ten o'clock a.m. and after six o'clock p.m. and on any other day before eight o'clock a.m. and after ten o'clock p.m. Any town may, by a vote of a town meeting or by ordinance, reduce the number of hours during which such sale shall be permissible.

(e) (1) In the case of any premises operating under a cafe permit [,] issued under subsection (c) of section 30-22a, as amended by this act, or a Connecticut craft cafe permit issued under section 30-22d, as amended by this act, and wherein, under the provisions of this section, the sale of alcoholic liquor is forbidden on certain days or hours of the day, or during the period when [a cafe] such permit is suspended, it shall likewise be unlawful to keep such premises open to, or permit [it] such

Substitute House Bill No. 5330

premises to be occupied by, the public on such days or hours.

(2) In the case of any premises operating under a cafe permit, it shall be unlawful to keep such premises open to, or permit such premises to be occupied by, the public between the hours of one o'clock a.m. and six o'clock a.m. on Monday, Tuesday, Wednesday, Thursday and Friday and between the hours of two o'clock a.m. and six o'clock a.m. on Saturday and Sunday or during any period of time when such permit is suspended, provided the sale, [or the] dispensing or consumption of alcohol on such premises operating under such cafe permit shall be prohibited beyond the hours authorized for the sale, [or] dispensing or consumption of alcohol for such premises under this section.

(3) Notwithstanding any provision of this chapter, in the case of any premises operating under a cafe permit, it shall be lawful for such premises to be open to, or be occupied by, the public when such premises is being used as a site for film, television, video or digital production eligible for a film production tax credit pursuant to section 12-217jj, provided the sale, [or the] dispensing or consumption of alcohol on such premises operating under such cafe permit shall be prohibited beyond the hours authorized for the sale, [or the] dispensing or consumption of alcohol for such premises under this section.

Sec. 24. Subsection (e) of section 30-22 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(e) "Restaurant" means space [,] that (1) is located in a suitable and permanent building, (2) is kept, used, maintained, advertised and held out to the public to be a place where hot meals are regularly served, [but which] (3) has no sleeping accommodations for the public, [and which shall be provided with] (4) has an adequate and sanitary kitchen and dining room, [and] (5) employs at all times an adequate number of employees, and (6) if such space has no effective separation between a

Substitute House Bill No. 5330

barroom and a dining room, includes at least four hundred square feet of dining space, and seating for at least twenty persons, in the dining room.

Sec. 25. Section 30-22d of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) For the purposes of this section, "craft cafe" means a space that (1) is located in a suitable and permanent building, (2) is kept, used, maintained, advertised and held out to the public to be a place where alcoholic liquor and food are served at retail for consumption on the premises, (3) at all times has employed therein an adequate number of employees, (4) does not include public sleeping accommodations, and (5) need not necessarily have a dining room or kitchen.

[[a)] (b) A Connecticut craft cafe permit shall allow the retail sale of alcoholic liquor manufactured in this state to be consumed on the premises of such craft cafe. The holder of such permit shall also hold a manufacturer permit issued under section 30-16, and shall keep food available during [a] the majority of the hours such permit premises are open [pursuant to] under this subsection for sale to, and consumption by, customers on [the] such permit premises. The availability of food from outside vendors located on or near the permit premises, [shall be deemed compliance with] delivered either directly by such outside vendors or indirectly through a third party, is sufficient to satisfy such requirement. The permit premises shall at all times comply with all regulations of the local department of health. Nothing [herein] in this section shall be construed to require that any food be sold or purchased with any alcoholic liquor, [nor shall any] and no rule, regulation or standard shall be promulgated or enforced [requiring] to require that [the sale] sales of food be substantial or that the business's receipts [of the business other than from the sale] from sales of alcoholic liquor equal any set percentage of total receipts from all sales made [therein] on the permit premises. A Connecticut craft cafe permit shall allow, with

Substitute House Bill No. 5330

[the prior approval of] the Department of Consumer [Protection] Protection's prior approval and if allowed under fire, zoning and health regulations, alcoholic liquor to be served at tables in outside areas that are screened or not screened from public view, [where permitted by fire, zoning and health regulations. If not required by] If fire, zoning or health regulations [,] do not require that such areas be enclosed by a fence or wall, [enclosing such outside areas shall not be required by the Department of Consumer Protection] the department shall not require that such areas be so enclosed. No such fence or wall [used to enclose such outside areas] shall be less than thirty inches high. [Such] A Connecticut craft cafe permit shall also authorize the sale, at retail from the permit premises [of] for consumption off the permit premises, of sealed containers supplied by the permittee of draught beer, [for consumption off the premises.] Such sales shall be conducted only during the hours that the holder of a manufacturer permit for beer issued under subsection (b) of section 30-16 is permitted to sell alcoholic liquor under the provisions of subsection (d) of section 30-91, as amended by this act. Not more than nine gallons of such beer shall be sold to any person on any day on which the sale of alcoholic liquor is authorized under the provisions of subsection (a) of section 30-91, as amended by this act. The annual fee for [a] each Connecticut craft cafe permit shall be three hundred dollars.

[(b) As used in subsection (a) of this section, "craft cafe" means space in a suitable and permanent building, kept, used, maintained, advertised and held out to the public to be a place where alcoholic liquor and food is served for sale at retail for consumption on the premises but that does not necessarily serve hot meals, as specified in subsection (a) of this section, but shall have employed therein at all times an adequate number of employees. "Cafe" does not include sleeping accommodations for the public and need not necessarily have a kitchen or dining room.]

Substitute House Bill No. 5330

(c) The holder of a Connecticut craft cafe permit may purchase, for resale on such permit holder's premises, alcoholic liquor [for resale on such permit holder's premises] from the holder of a manufacturer permit for: (1) [Manufacturer permit for spirits issued pursuant to] Spirits issued under subsection (a) of section 30-16; [, (2) manufacturer permit for] (2) beer issued [pursuant to] under subsection (b) of section 30-16; [, (3) manufacturer permit for] (3) a farm winery issued [pursuant to] under subsection (c) of section 30-16; [,] or (4) [manufacturer permit for] wine, cider and mead issued [pursuant to] under subsection (d) of section 30-16. The holder of a Connecticut craft cafe permit shall not purchase the same type of alcoholic liquor such permit holder manufactures from any holder of a manufacturer permit specified in subdivision (1), (2) or (3) of this subsection. The sale of such alcoholic liquor shall not [be] comprise more than twenty per cent of the Connecticut craft cafe permit holder's gross annual sales of all alcoholic liquor sold for [on-premise] on-premises consumption.

Sec. 26. Subsection (c) of section 30-22e of the 2022 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(c) The seasonal outdoor open-air permit shall be effective either April first to September thirtieth, inclusive, or May first to October thirty-first, inclusive, of the same year. Such permit shall be issued by the Department of Consumer Protection subject to the limitations on hours of operation for a restaurant permittee, as specified in section 30-91, as amended by this act. [Any] No such permit shall [not] be renewable, and the [issuance of] department shall not issue a provisional seasonal outdoor open-air permit, [is prohibited.] Any backer of the permittee may [only] apply for only one [such] seasonal outdoor open-air permit per calendar year. The provisions of subdivision (3) of subsection (b) and subsection (c) of section 30-39, as amended by this act, do not apply to [such permit] seasonal outdoor

Substitute House Bill No. 5330

open-air permits. The annual fee for [a] each seasonal outdoor open-air permit shall be two thousand dollars.

Sec. 27. Section 30-35b of the 2022 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

[A ninety-day provisional permit shall allow the retail sale or manufacture of alcoholic liquor by any] The Department of Consumer Protection or Liquor Control Commission may, in the department's or commission's discretion, issue to any applicant, who makes a sworn application for a liquor permit under section 30-39, as amended by this act, and such applicant's backer, if any, a ninety-day provisional permit allowing such applicant and [his or her backer, if any, who has made application for a liquor permit pursuant to section 30-39 and may be issued at the discretion of the Liquor Control Commission or the Department of Consumer Protection] backer to manufacture or sell, at retail, alcoholic liquor. If such applicant or [such applicant's backer, if any,] backer causes any delay in the investigation conducted by the [Department of Consumer Protection] department pursuant to [said] section 30-39, as amended by this act, [the] such ninety-day provisional permit shall immediately cease [immediately. Only] to be effective. The department or commission shall issue only one [such] ninety-day provisional permit [shall be issued] to any such applicant and [his or her] applicant's backer [, if any,] for each location of the club or place of business which is to be operated under such permit. [and such] Such ninety-day provisional permit shall be nonrenewable, but may be extended due to delays not caused by the applicant. [Such] The department or commission shall not extend such permit [shall not be extended] beyond one year from the filing date, as defined in section 30-39, as amended by this act. The nonrefundable fee for such ninety-day provisional permit shall be five hundred dollars.

Sec. 28. Section 30-81 of the 2022 supplement to the general statutes

Substitute House Bill No. 5330

is repealed and the following is substituted in lieu thereof (*Effective from passage*):

No person who is [, by statute or regulation,] declared, under any provision of the general statutes or the regulations of Connecticut state agencies, to be an unsuitable person to hold a permit to sell alcoholic liquor shall be allowed to have a financial interest in any [such permit] business that is permitted to sell alcoholic liquor under any provision of the general statutes or the regulations of Connecticut state agencies. Except as provided in section 30-90a, no minor shall be employed [in any premises operating under a cafe permit in any capacity or] in handling any alcoholic liquor upon, [in] delivering any alcoholic liquor to [,] or [in] carrying or conveying any alcoholic liquor from [,] any permit premises.

Sec. 29. Section 30-90 of the 2022 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

Any permittee who, [by himself, his] either personally or through such permittee's servant or agent, [permits] allows any minor or any person to whom the sale or gift of alcoholic liquor has been [forbidden according to] prohibited by law to loiter on [his] the permit premises where [such] alcoholic liquor is kept for sale, or who allows any minor, other than a person [over age eighteen who is] who is at least eighteen years of age and an employee or permit holder under section 30-90a or a minor accompanied by [his] the minor's parent or guardian, to be in any room where alcoholic liquor is served at any bar, shall be subject to the penalties [of] described in section 30-113. For barrooms consisting of only one room and for permit premises without effective separation between a barroom and a dining room, [no] an unaccompanied minor may remain on the permit premises while waiting for and consuming food prepared on such permit premises. No minor may sit or stand at a consumer bar without being accompanied by a parent, guardian or

Substitute House Bill No. 5330

spouse.

Sec. 30. Section 20-578 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) Information received by the department, the commission or the Department of Public Health, through filed reports or inspection or as otherwise authorized under chapters 418, [and] 420b, 420c and 420f and sections 20-570 to 20-630, inclusive, shall not be disclosed publicly in such a manner as to identify individuals or institutions, except: (1) In a proceeding involving the question of licensure or the right to practice; [.] and (2) in a proceeding where the commission has voted in favor of formal disciplinary action against a pharmacist or pharmacy licensed pursuant to this chapter, when such disciplinary action is related to an error in the dispensing of medication. Nothing in this section shall be construed to prohibit the commissioner from disclosing information gained through the inspection of pharmacies and outlets holding permits for the sale of nonlegend drugs if the commissioner considers such disclosure to be in the interest of public health.

(b) Notwithstanding the provisions of subsection (a) of this section, section 21a-265 and chapter 55, the Commissioners of Consumer Protection and Public Health and the authorized agents of said commissioners, in carrying out their duties under subsection (a) of this section, may: (1) Exchange information relating to a license or registration issued by their respective agencies; [.] or (2) exchange investigative information relating to violations of this chapter with each other, [with] the Chief State's Attorney and [with] any agencies charged with [the enforcement of] enforcing the pharmacy or drug laws of the United States, this state [and all] or other jurisdictions.

Sec. 31. Subsection (a) of section 20-621a of the 2022 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

Substitute House Bill No. 5330

(a) As used in this section: [L] (1) ["long-term care pharmacy"] "Long-term care pharmacy" (A) means a pharmacy licensed under section 20-594, or registered as a nonresident pharmacy under section 20-627, that stores and dispenses legend drugs and legend devices to patients or residents of licensed nursing homes, rest homes, residential care homes or other supervised residential facilities and from which related pharmaceutical care services are provided, and (B) includes pharmacies located both inside and outside of such facilities but does not include those that are part of a licensed hospital; [L] (2) "nursing home" has the same meaning as provided in section 19a-490; [L] and (3) "automated prescription dispensing machine" has the same meaning as provided in section 20-571. A long-term care pharmacy may operate an automated prescription dispensing machine in a nursing home in accordance with a protocol approved in writing by the Department of Consumer Protection, until such time as regulations are adopted pursuant to subsection (b) of this section. The annual fee to operate an automated prescription dispensing machine shall be one hundred dollars per machine.

Sec. 32. Section 21a-248 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) A licensed manufacturer or wholesaler may sell and dispense controlled drugs to any of the following-named persons, but in the case of schedule II drugs only on an official written order or electronically through the Drug Enforcement Agency's Controlled Substance Ordering System: (1) To a manufacturer, wholesaler or pharmacist; (2) to a physician, dentist or veterinarian; (3) to a person in charge of a hospital, incorporated college or scientific institution, but only for use by or in that hospital, incorporated college or scientific institution for medical or scientific purposes; (4) to a person in charge of a laboratory, but only for use in that laboratory for scientific and medical purposes; and (5) to any registrant as defined in subdivision (47) of section 21a-

Substitute House Bill No. 5330

240.

(b) A licensed manufacturer or wholesaler may sell controlled drugs only to registrants when permitted under federal and state laws and regulations.

(c) An official [written] order for any schedule I or II drug shall be signed [in triplicate] by the person giving such order or by [his] such person's authorized agent and [the original] such order shall be presented to the person who sells or dispenses the drug or drugs named therein as provided by federal [laws] law. If such order is accepted by such person, each party to the transaction shall preserve [his] such party's copy of such order for a period of three years in such a way so as to be readily accessible for inspection by any public officer or employee engaged in the enforcement of this chapter.

(d) The manufacturer or wholesaler shall keep records of all sales and dispensing of controlled drugs and shall comply fully with applicable provisions of the federal controlled drug laws and the federal food and drug laws, and the state food, drug and cosmetic laws in such sale or dispensing of controlled drugs.

(e) Possession or control of controlled drugs obtained as authorized by this section shall be lawful only if obtained in the regular course of the business, occupation, profession, employment or duty of the possessor.

(f) A person in charge of a hospital, incorporated college or scientific institution, or of a laboratory, or in the employ of this state or of any other state, or of any political subdivision thereof, and a master or other proper officer of a ship or aircraft, who obtains controlled drugs under the provisions of this section or otherwise, shall not administer, or dispense, or otherwise use such drugs within this state, except within the scope of [his] such person's, master's or officer's employment or

Substitute House Bill No. 5330

official duty, and then only for scientific or medicinal purposes or for the purposes of research or analysis and subject to the provisions of this chapter.

Sec. 33. Section 28-32 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) For purposes of this section and section 28-32a:

(1) (A) "Drugs" means [(A)] (i) substances recognized as drugs in the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States [,] or official National Formulary, or any supplement to any of said publications, [; (B)] (ii) substances intended for use in [the diagnosis, cure, mitigation, treatment or prevention of] curing, diagnosing, mitigating, preventing or treating disease in [man] humans or other animals, [; (C)] (iii) substances, other than food, intended to affect the structure or any function of the body of [man] humans or other animals, [; and [(D)] (iv) substances intended for use as a component of any article specified in [subparagraph (A), (B) or (C)] subparagraph (A)(i), (A)(ii) or (A)(iii) of this subdivision.

(B) "Drugs" does not include devices or their components, parts or accessories. [;]

(2) (A) "Controlled drugs" means those drugs which contain any quantity of a substance which has been designated as subject to the federal Controlled Substances Act, or which has been designated as a depressant or stimulant drug pursuant to federal food and drug laws, or which has been designated by the Commissioner of Consumer Protection pursuant to section 21a-243 as having a stimulant, depressant or hallucinogenic effect upon the higher functions of the central nervous system and as having a tendency to promote abuse or psychological or physiological dependence, or both. Such controlled drugs are classifiable as amphetamine-type, barbiturate-type, cannabis-type,

Substitute House Bill No. 5330

cocaine-type, hallucinogenic, morphine-type and other stimulant and depressant drugs.

(B) "Controlled drugs" does not include alcohol, nicotine or caffeine.
[;]

(3) (A) "Controlled substance" means a drug, substance or immediate precursor in schedules I to V, inclusive, of the Connecticut controlled substance scheduling regulations adopted pursuant to section 21a-243.

(B) "Controlled substance" does not include alcohol, nicotine or caffeine.

(4) "Medical devices" means apparatuses, contrivances and instruments, including their accessories, components and parts, intended (A) for use in curing, diagnosing, mitigating, preventing or treating disease in humans or other animals, or (B) to affect the structure or any function of the body of humans or other animals.

(b) Upon declaration of an emergency by the Governor or the Governor's authorized representative having authority to declare emergencies, a hospital pharmacy, pharmacy or registrant authorized by state or federal law to be in possession of controlled substances may, in accordance with applicable federal regulations, policies and guidelines and with prior approval of the Commissioner of Consumer Protection, transfer or distribute drugs, [or] controlled drugs or medical devices to a licensed pharmacy, a registrant authorized by state or federal law to be in possession of controlled substances, or a location authorized by the commissioner. Such registrant shall record the transfer accurately and in compliance with all state and federal statutes and regulations and shall report the transfer, in writing, to the commissioner.

Sec. 34. Section 21a-79 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

Substitute House Bill No. 5330

(a) For the purposes of this section: [(1) "consumer commodity" and "unit of a consumer commodity" have]

(1) "Alcoholic liquor" has the same meaning as provided in section 30-1, as amended by this act;

(2) "Carbonated soft drink container" means an individual, separate sealed glass, metal or plastic bottle, can, carton or jar containing a carbonated liquid soft drink that is sold separately or in packages of not more than twenty-four individual containers;

(3) "Consumer commodity" has the same meaning as provided in section 21a-73, except that [consumer commodity] "consumer commodity" does not include alcoholic liquor [, as defined in subdivision (3) of section 30-1,] or a carbonated soft drink container; [(2) "carbonated soft drink container" means an individual, separate, sealed glass, metal or plastic bottle, can, jar or carton containing a carbonated liquid soft drink sold separately or in packages of not more than twenty-four individual containers; (3) "universal product coding"]

(4) "Electronic pricing system" means a system that utilizes, by means of a scanner, universal product coding bar codes in combination with a cash register to record and total a consumer's purchases;

(5) "Electronic shelf labeling system" means an electronic system that utilizes an electronic device which (A) is attached to a shelf, or at any other point of sale, immediately above or below an item, (B) clearly and conspicuously displays to consumers the price and unit price of a consumer commodity, and (C) reads the same data as an electronic cash register scanning system;

(6) "End cap display" means a location in a retail sales area that is at the immediate end of an aisle;

(7) "Unit of a consumer commodity" has the same meaning as

Substitute House Bill No. 5330

provided in section 21a-73; and

(8) "Universal product coding" means any system of coding that entails electronic pricing. [; (4) an electronic shelf labeling system is an electronic system that utilizes an electronic device attached to the shelf or at any other point of sale, immediately below or above the item, that conspicuously and clearly displays to the consumer the unit price and the price of the consumer commodity. Such electronic shelf labeling system reads the exact same data as the electronic cash register scanning system; and (5) an electronic pricing system is a system that utilizes the universal product coding bar code by means of a scanner in combination with the cash register to record and total a customer's purchases.]

(b) (1) (A) Any person who, or association, corporation, firm [.] or partnership [, association or corporation] that, [utilizes] uses universal product coding [in totaling] to total a retail [customer's] consumer's purchases shall mark, or cause to be marked, each consumer commodity that bears a [Universal Product Code] universal product code with [its] such consumer commodity's retail price.

(B) Any person who, or association, corporation, firm [.] or partnership [, association or corporation] that, [utilizes] uses an electronic pricing system [in totaling] to total a retail consumer's purchases shall provide [each] to such consumer [with] an item-by-item digital display, plainly visible to [the] such consumer as each universal [pricing] product code is scanned, of the price of each carbonated soft drink container or consumer commodity, [or carbonated soft drink container,] or both, which such consumer has selected for purchase [by such consumer prior to accepting] before such person, association, corporation, firm or partnership accepts payment from such consumer for such carbonated soft drink container or consumer commodity, or [container] both. The provisions of this subparagraph [do] shall not be construed to apply to any person who, or association, corporation, firm [.] or partnership [, association or corporation] that, is operating in a

Substitute House Bill No. 5330

retail sales area of not more than ten thousand square feet.

(2) The provisions of subparagraph (A) of subdivision (1) of this subsection shall not apply if [:] (A) [The] the Commissioner of Consumer Protection, by regulation, allows for the [utilization] use of electronic shelf labeling systems, [;] (B) [a retailer is granted] the commissioner grants to a person, association, corporation, firm or partnership approval to [utilize] use an electronic shelf labeling system, [by the commissioner;] (C) the [retailer has demonstrated] person, association, corporation, firm or partnership demonstrates, to the commissioner's satisfaction, [of the commissioner] that such electronic shelf labeling system is supported by an electronic pricing system that [utilizes] uses universal product coding [in totaling] to total a retail [customer's] consumer's purchases, [;] and (D) [the retailer] such person, association, corporation, firm or partnership has received the commissioner's approval for such an electronic pricing system. [by the commissioner.]

(3) The provisions of subparagraph (A) of subdivision (1) of this subsection shall not apply to a person, association, corporation, firm or partnership if [:] (A) [The retailer has met] the conditions [of] established in subdivision (2) of this subsection [;] have been satisfied, and (B) the [retailer] person, association, corporation, firm or partnership has received the Commissioner of Consumer Protection's permission [by the commissioner] to suspend implementation of the electronic pricing system for a period, not to exceed thirty days, [in order to allow the retailer] to enable such person, association, corporation, firm or partnership, or an agent acting on behalf of [the retailer] such person, association, corporation, firm or partnership, to [reset,] remodel, repair, reset or otherwise modify such electronic pricing system at the retail establishment.

(4) The provisions of subparagraph (A) of subdivision (1) of this subsection shall not apply to a person, association, corporation, firm or partnership if [:] (A) [The retailer] the person, association, corporation,

Substitute House Bill No. 5330

firm or partnership applies for, and [is approved for] the Commissioner of Consumer Protection approves, an exemption [by the Commissioner of Consumer Protection] for such person, association, corporation, firm or partnership, (B) [the retailer] such person, association, corporation, firm or partnership demonstrates, to the commissioner's satisfaction, [of the commissioner] that [the retailer] such person, association, corporation, firm or partnership has achieved price scanner accuracy of at least ninety-eight per cent, as determined by the latest version of the National Institute of Standards and Technology Handbook 130, "Examination Procedures for Price Verification", as adopted by The National Conference on Weights and Measures, [",] (C) [the retailer] such person, association, corporation, firm or partnership pays an application fee, to be used to offset annual inspection costs, of three hundred fifteen dollars, if the premises consists of less than twenty thousand square feet of retail space, [and] or six hundred twenty-five dollars, if the premises consists of at least twenty thousand square feet [or more] of retail space, (D) [the retailer] such person, association, corporation, firm or partnership makes available a consumer price test scanner that is approved by the commissioner and located prominently in an easily accessible location for each twelve thousand square feet of retail floor space, or fraction thereof, and (E) price accuracy inspections resulting in less than ninety-eight per cent price scanner accuracy are reinspected, without penalty, and [the retailer] such person, association, corporation, firm or partnership pays a two-hundred-fifty-dollar reinspection fee.

(5) Notwithstanding any provision of this subsection, consumer commodities that are offered for sale and [that are] located on an end cap display within the retail sales area [are] shall not be subject to the requirements [specified under] established in this subsection, provided any information that would otherwise have been made available to a consumer pursuant to this section is clearly and conspicuously posted on or adjacent to such end cap. [For purposes of this subdivision, "end

Substitute House Bill No. 5330

cap display" means the location in the retail sales area that is at the immediate end of an aisle.]

(6) Consumer commodities that are advertised in a publicly circulated printed form as being offered for sale at a reduced retail price for a minimum seven-day period need not be individually marked at such reduced retail price, provided such consumer commodities are individually marked with their regular retail price and a conspicuous sign [is] adjacent to such consumer commodities [, which sign] discloses [:] (A) [The] such reduced retail price and [its] the unit price [;] of such consumer commodities, and (B) a statement disclosing that [the item] the cashier will [be] electronically [priced] price such consumer commodities at [the] such reduced price. [by the cashier.]

(7) [If] (A) Except as provided in subparagraph (B) of this subdivision, if a consumer commodity is offered for sale and [its] the consumer commodity's electronic price is higher than the posted price, then one item of such consumer commodity, up to a value of twenty dollars, shall be given to the consumer at no cost to the consumer. A conspicuous sign shall adequately disclose to the consumer that in the event the electronic price is higher than the posted retail price, one item of such consumer commodity shall be given to the [customer] consumer at no cost to the consumer.

(B) The provisions of subparagraph (A) of this subdivision shall not apply to a person, association, corporation, firm or partnership in cases where the person, association, corporation, firm or partnership (i) improperly fails to redeem a digital or paper coupon which, if properly redeemed, would reduce the price of a consumer commodity, or (ii) fails to remove a sign adjoining a consumer commodity and disclosing a time-limited reduced price for the consumer commodity after the time period specified for such reduced price has expired.

(8) If a consumer presents a digital or paper coupon which, if

Substitute House Bill No. 5330

properly redeemed, would reduce the price of a consumer commodity and the person, association, corporation, firm or partnership fails to properly redeem such coupon, such person, association, corporation, firm or partnership shall provide to the consumer a refund in an amount that is equal to the value of such coupon. If a person, association, corporation, firm or partnership offers a consumer commodity for sale at a reduced price for a specified time period, and a sign disclosing such reduced price remains adjacent to the consumer commodity following expiration of such time period, the person, association, corporation, firm or partnership shall only require a consumer to pay the reduced price disclosed in such sign for such consumer commodity.

(c) (1) The Commissioner of Consumer Protection may adopt regulations, in accordance with the provisions of chapter 54, concerning the marking of prices, and use of universal product coding, on each unit of a consumer commodity.

(2) The Commissioner of Consumer Protection may adopt regulations, in accordance with the provisions of chapter 54, designating not more than twelve consumer commodities that need not be marked in accordance with the provisions of subdivision (1) of subsection (b) of this section and specifying the method of providing adequate disclosure to consumers to ~~[insure]~~ ensure that the electronic pricing of the designated consumer commodities is accurate. The commissioner may also establish, by regulation, methods to protect consumers against electronic pricing errors of such designated consumer commodities and to ~~[insure]~~ ensure that the electronic prices of such designated consumer commodities are accurate. Among the methods that the commissioner may consider are conditions similar to those set forth in subdivision (5) of subsection (b) of this section.

(d) The Commissioner of Consumer Protection, after providing notice and conducting a hearing in accordance with the provisions of chapter 54, may issue a warning citation to, or impose a civil penalty of

Substitute House Bill No. 5330

not more than one hundred dollars for the first offense and not more than five hundred dollars for each subsequent offense on, any person [,] who, or association, corporation, firm [,] or partnership [, association or corporation] that, violates any provision of subsection (b) of this section, or any regulation adopted pursuant to subsection (c) of this section. Any person who, or association, corporation, firm [,] or partnership [, association or corporation] that, violates any provision of subsection (b) of this section, or any regulation adopted pursuant to subsection (c) of this section, shall be fined not more than two hundred dollars for the first offense and not more than one thousand dollars for each subsequent offense. Each violation with respect to all units of a particular consumer commodity on any single day shall be deemed a single offense.

Sec. 35. Section 21a-79b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) For the purposes of this section, "consumer commodity" has the same meaning as provided in section [21a-73, except that "consumer commodity" does not include alcoholic liquor, as defined in subdivision (3) of section 30-1, or a carbonated soft drink container] 21a-79, as amended by this act.

(b) (1) Notwithstanding the provisions of section 21a-79, as amended by this act, and except as provided in subdivision (2) of this subsection, if a retailer offers to a consumer a consumer commodity, including, but not limited to, [fruits] any fruit or [vegetables] vegetable weighed at the point of sale, [is offered for sale by a retailer] and [its] the price of the consumer commodity to the consumer at the point of sale is [higher] greater than the [posted or] advertised or posted retail price for such consumer commodity, [then] such retailer shall give such consumer commodity [, up to a value of twenty dollars, shall be given] to [the] such consumer, at no cost to such consumer, if the value of such consumer commodity is not more than twenty dollars. [A conspicuous]

Substitute House Bill No. 5330

Retailers shall post a sign, [shall] in a conspicuous location, which adequately [disclose] discloses to [the consumer] consumers that in the event [such] the retail price of a consumer commodity is [higher] greater than the [posted or] advertised or posted retail price [,] for the consumer commodity, the retailer shall give such consumer commodity [shall be given] to the [customer] consumer at no cost to the consumer.

(2) The provisions of subdivision (1) of this subsection shall not apply to a retailer if the retailer (A) improperly fails to redeem a digital or paper coupon which, if properly redeemed, would reduce the price of a consumer commodity, or (B) fails to remove a sign adjoining a consumer commodity and disclosing a time-limited reduced price for the consumer commodity after the time period specified for such reduced price has expired.

(c) Notwithstanding the provisions of section 21-79 and except as provided in subsection (b) of this section, if a consumer presents a digital or paper coupon which, if properly redeemed, would reduce the price of a consumer commodity, including, but not limited to, any fruit or vegetable weighed at the point of sale, and the retailer fails to properly redeem such coupon, such retailer shall provide to the consumer a refund in an amount that is equal to the value of such coupon. If a retailer offers a consumer commodity, including, but not limited to, any fruit or vegetable weighed at the point of sale, for sale at a reduced price for a specified time period, and a sign disclosing such reduced price remains adjacent to the consumer commodity after expiration of such time period, the retailer shall only require a consumer to pay the reduced price disclosed in such sign for such consumer commodity.

[(c)] (d) The Commissioner of Consumer Protection, after providing notice and conducting a hearing in accordance with the provisions of chapter 54, may issue a warning citation to, or impose a civil penalty of not more than one hundred dollars for the first offense and not more

Substitute House Bill No. 5330

than five hundred dollars for each subsequent offense on, any person who, or association, corporation, firm [,] or partnership [, association or corporation] that, violates any provision of subsection (b) or (c) of this section. Each violation with respect to all units of a particular consumer commodity on any single day shall be deemed a single offense.

[(d)] (e) The provisions of this section do not apply to any person, association, corporation, firm [,] or partnership [, association or corporation] operating in a retail sales area of not more than ten thousand square feet.

Sec. 36. Section 42-133ff of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) For the purposes of this section:

(1) (A) "Agent" (i) means any person who (I) arranges for the distribution of services by another person, or (II) leases, rents or sells tangible or intangible personal, real or mixed property, or any other article, commodity or thing of value, on behalf of another person, and (ii) includes, but is not limited to, (I) any person who is duly appointed as an agent by a common carrier, (II) any person who sells transportation, travel or vacation arrangements on behalf of another person who is engaged in the business of furnishing transportation, travel or vacation services, and (III) any member of a cruise line association that operates exclusively as an agent for cruise lines to sell cruise travel products or services.

(B) "Agent" does not mean (i) a common carrier, (ii) an employee of a common carrier, or (iii) any person engaged in the business of furnishing transportation, travel or vacation services.

(2) "Charge card" (A) means any card, device or instrument that (i) is issued, with or without a fee, to a holder and requires the holder to pay the full outstanding balance due on such card, device or instrument at

Substitute House Bill No. 5330

the end of each standard billing cycle established by the issuer of such card, device or instrument, and (ii) may be used by the holder in a transaction to receive services or lease, purchase or rent tangible or intangible personal, real or mixed property, or any other article, commodity or thing of value, and (B) includes, but is not limited to, any software application that (i) is used to store a digital form of such card, device or instrument, and (ii) may be used in a transaction to receive such services or lease, purchase or rent any such property, article, commodity or thing.

(3) "Credit card" (A) means any card, device or instrument that (i) is issued, with or without a fee, to a holder, and (ii) may be used by the holder in a transaction to receive services or lease, purchase or rent tangible or intangible personal, real or mixed property, or any other article, commodity or thing of value on credit, regardless of whether such card, device or instrument is known as a credit card, credit plate or by any other name, and (B) includes, but is not limited to, any software application that (i) is used to store a digital form of such card, device or instrument, and (ii) may be used in a transaction to receive such services or lease, purchase or rent any such property, article, commodity or thing on credit.

(4) (A) "Debit card" (i) means any card, code, device or other means of access, or any combination thereof, that (I) is authorized or issued for use to debit an asset account held, directly or indirectly, by a financial institution, and (II) may be used in a transaction to receive services or lease, purchase or rent tangible or intangible personal, real or mixed property, or any other article, commodity or thing of value regardless of whether such card, code, device, means or combination is known as a debit card, and (ii) includes, but is not limited to, (I) any software application that is used to store a digital form of such card, code, device or other means of access, or any combination thereof, that may be used in a transaction to receive such services or lease, purchase or rent any

Substitute House Bill No. 5330

such property, article, commodity or thing, and (II) any cards, codes, devices or other means of access, or any combination thereof, commonly known as automated teller machine cards and payroll cards.

(B) "Debit card" does not mean (i) a check, draft or similar paper instrument, or (ii) any electronic representation of such check, draft or instrument.

(5) "Person" means any natural person, corporation, incorporated or unincorporated association, limited liability company, partnership, trust or other legal entity.

(6) "Surcharge" means any additional charge or fee that increases the total amount of a transaction for the privilege of using a particular form of payment.

(7) (A) "Transaction" means distribution by one person to another person of any service, or the lease, rental or sale by one person of any tangible or intangible personal, real or mixed property, or any other article, commodity or thing of value to another person, for a certain price.

(B) "Transaction" does not mean payment of any (i) fees, costs, fines or other charges to a state agency authorized by the Secretary of the Office of Policy and Management under section 1-1j, (ii) taxes, penalties, interest and fees allowed by the Commissioner of Revenue Services in accordance with section 12-39r, (iii) taxes, penalties, interest and fees, or other charges, to a municipality in accordance with section 12-141a, (iv) fees, costs, fines or other charges to the Judicial Branch in accordance with section 51-193b, or (v) sum pursuant to any other provision of the general statutes or regulation of Connecticut state agencies.

[(a)] (b) No [seller] person may impose a surcharge [on a buyer who elects to use any method of payment, including, but not limited to, cash, check, credit card or electronic means, in] on any [sales] transaction.

Substitute House Bill No. 5330

[(b) Any seller who accepts or offers to accept a bank credit card bearing a trade name as a means of payment shall accept any bank credit card bearing such trade name presented by a cardholder, notwithstanding the identity of the card issuer. For the purposes of this subsection, "bank credit card" means any credit card issued by a bank, savings bank, savings and loan association or credit union.]

(c) (1) Nothing in this section shall prohibit any [seller] person from offering a discount [to a buyer] on any transaction to induce [such buyer to pay] payment by cash, check, debit card [, check] or similar means rather than by charge card or credit card. No person may offer any such discount unless such person posts a notice disclosing such discount. Such person shall clearly and conspicuously (A) post such notice on such person's premises if such person conducts transactions in-person, (B) display such notice on the Internet web site or digital payment application before completing any online transaction or transaction that is processed by way of such digital payment application, and (C) verbally provide such notice before completing any oral transaction, including, but not limited to, any telephonic transaction.

(2) In furtherance of the legislative findings contained in section 42-133j, no existing or future agreement or contract [or agreement] shall prohibit a gasoline distributor or retailer [or distributor] from offering a discount to a buyer based upon the method [of payment by] such buyer uses to pay for such gasoline. Any provision in such [contract or] agreement or contract prohibiting such [retailer or] distributor or retailer from offering such discount is void and without effect [as] because such provision is contrary to public policy.

[(d) Nothing in this section shall prohibit any seller from conditioning acceptance of a credit card on a buyer's minimum purchase. Each seller shall disclose any such minimum purchase policy orally or in writing at the point of purchase. For the purposes of this subsection, "at the point of purchase" includes, but is not limited to, at or on a cash register and

Substitute House Bill No. 5330

in an advertisement or menu.

(e) No provider of travel services may impose a surcharge on or reduce the commission paid to a travel agent who acts as an agent for such provider if the buyer uses a credit card to purchase such provider's travel services. A violation of any provision of this subsection shall be deemed an unfair or deceptive trade practice under subsection (a) of section 42-110b. As used in this subsection, "provider of travel services" means a person, firm or corporation engaged in the business of furnishing travel, transportation or vacation services, but does not include a travel agent, and "travel agent" means a person, firm, corporation or other entity that (1) is (A) a duly appointed agent of a common carrier, or (B) a member of a cruise line association and operates exclusively as an agent for cruise lines in the sale of cruise travel products or services, and (2) offers or sells travel, transportation or vacation arrangements as an agent for a provider of travel services, but does not include a common carrier or an employee of a common carrier.]

(d) No person shall condition acceptance of a charge card or credit card for a transaction on a requirement that the transaction be in a minimum amount unless such person discloses such requirement. Such person shall clearly and conspicuously (1) post such notice on such person's premises if such person conducts transactions in-person, (2) display such notice on the Internet web site or digital payment application before completing any online transaction or transaction processed by way of such digital payment application, and (3) verbally provide such notice before completing any oral transaction, including, but not limited to, any telephonic transaction.

(e) No person may reduce the amount of any commission paid to an agent for such person in a transaction because a charge card or credit card was used to provide payment as part of such transaction.

Substitute House Bill No. 5330

(f) A violation of any provision of this section shall be deemed an unfair or deceptive trade practice under subsection (a) of section 42-110b. The Commissioner of Consumer Protection may impose an additional civil penalty for any violation of this section. The amount of such additional civil penalty shall not exceed five hundred dollars per violation. Payments of such additional civil penalty shall be deposited in the consumer protection enforcement account established in section 21a-8a.

(g) The Commissioner of Consumer Protection may adopt regulations, in accordance with the provisions of chapter 54, to implement the provisions of this section.

Sec. 37. (NEW) (*Effective July 1, 2022*) Any contractor who is licensed under chapter 393 of the general statutes and engaged to perform work on a private residence, and any person who owns or controls a business that is engaged to perform work on, or render services concerning, a private residence through persons licensed under chapter 393 of the general statutes to perform such work or render such services, shall include in the invoice or work order for such work or services, provided such invoice or work order is not signed by the consumer and therefore may constitute a contract, when complete: (1) The full legal name and license number of such licensed contractor or the licensed contractor of record for such business for such work or services, which licensed contractor or licensed contractor of record is liable for the work of any individual who performs work on such contractor's behalf related to the invoiced work or services; (2) such licensed contractor's address or, in the case of a business, the business's address and phone number; (3) a description of such work or services; (4) the labor and material costs of such work or services; (5) the date or dates on which such work was performed or services were rendered; and (6) the complete name of each licensee who performed such work or rendered such services. For the purposes of this section, "private residence" has the same meaning as

Substitute House Bill No. 5330

provided in section 20-419 of the general statutes.

Sec. 38. Section 16a-17 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) As used in this section and sections [16a-17] 16a-18 to 16a-20, inclusive:

[(1) "Fuel" includes electricity, natural gas, petroleum products, coal and coal products, wood fuels, radioactive materials and any other resource yielding energy;]

[(2)] (1) "Creating a fuel shortage" means the diminution by contrivance or artificial means of the supply of fuel to a point below that needed to meet consumer demands adequately; [.] and

(2) "Fuel" includes coal and coal products, electricity, natural gas, petroleum products, radioactive materials, wood fuels and any other resource yielding energy.

(b) As used in sections 16a-21, as amended by this act, 16a-22a and 16a-22k:

(1) "Associated equipment" means a gas line, gas regulator, [gas line,] sacrificial anode, interconnecting hardware and [such] any other equipment that is necessary [for the installation and operation of] to install and operate a propane tank;

(2) "Automatic delivery" means the delivery of heating fuel to a consumer by a dealer [pursuant to] under a system determined by the dealer of calculating the consumer's heating fuel needs [of the consumer,] based on the consumer's [consumption of] heating fuel consumption;

(3) "Cash" (A) means [legal tender,] a certified or cashier's check, commercial money order, legal tender or equivalent of such [legal

Substitute House Bill No. 5330

tender,] check, [or] money order [. Cash also] or legal tender, and (B) includes a guaranteed payment on behalf of a consumer by a government or community action agency, provided no discount is taken for the charge as billed;

(4) "Commissioner" means the Commissioner of Consumer Protection;

(5) "Consumer" means a direct purchaser of heating fuel from a heating fuel dealer [, when such fuel is the primary source of heat for residential heating or domestic hot water to] for one or more dwelling units within a structure having not more than four dwelling units;

(6) "Gallon" means an accepted unit of measure consisting of two hundred thirty-one cubic inches, for all liquid or gaseous heating fuel, subject to modifications allowed under regulations adopted pursuant to section 43-42;

(7) "Heating fuel" means any petroleum-based fuel, including any petroleum product regulated pursuant to chapter 250, used as the primary source of residential heating or domestic hot water; [, including petroleum products regulated pursuant to chapter 250;]

(8) "Heating fuel dealer" or "dealer" means any individual or group of individuals who, or a cooperative, corporation, firm, limited liability company or partnership [, corporation, cooperative or limited liability company] that, offers [the retail sale of] to sell, at retail, heating fuel to a consumer;

(9) "Lessee" means a natural person who rents or leases personal property under a consumer rental or lease agreement;

(10) "Lessor" means a heating fuel dealer who regularly provides the use of personal property through consumer rental or lease agreements and to whom rent is paid at a fixed interval for the use of such property;

Substitute House Bill No. 5330

(11) "Notice of termination of automatic delivery" means a notice by a consumer to a dealer providing automatic delivery in which the consumer requests that the dealer [to] terminate such automatic delivery; and

(12) "Purchase price" or "commercially reasonable price" means a price that does not exceed the fair market value of [the] a propane tank and associated equipment, as applicable.

Sec. 39. Subsection (b) of section 16a-21 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) If a consumer complaint is being mediated or investigated by the commissioner, the heating fuel dealer, if it owns the tank and has exclusive fill requirements, may not deny the consumer deliveries of heating fuel, [from October first to March thirty-first, inclusive] or fuel for cooking or power generation, because of the existence of the mediation or investigation, provided the heating fuel dealer remains the exclusive supplier of [heating] such fuel and the consumer pays cash for such fuel upon delivery.

Sec. 40. Subsection (a) of section 16a-23m of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) As used in this section, sections 16a-23n to 16a-23s, inclusive, and section 16a-23v:

(1) "Budget plan" means a type of contract offering heating fuel [,] that may be paid for in advance of, on or after delivery and is paid for in not less than three installment payments over a period of at least one hundred twenty days, [or more,] provided the amount required to be paid as the first payment under such contract is not greater than fifty per cent of the remaining amount due under [the plan] such contract;

Substitute House Bill No. 5330

(2) "Capped price plan" means [an agreement where] a contract which provides that the cost to the consumer [of] for heating fuel shall not increase above a specified price per gallon and the consumer shall pay less than [the] such specified price under circumstances specified in such contract;

(3) "Commissioner" means the Commissioner of Consumer Protection;

(4) "Consumer" means a direct purchaser of heating fuel from a heating fuel dealer [, when such fuel is the primary source of heating fuel for residential heating or domestic hot water to] for one or more dwelling units within a structure having not more than four dwelling units;

(5) "Forwards contract" means an agreement between two parties to buy or sell an asset at a certain future time for a certain price;

(6) "Futures contract" means a standardized, transferable, exchange-traded agreement that requires delivery of heating fuel at a specified price on a specified future date;

(7) "Gallon" means an accepted unit of measure consisting of two hundred thirty-one cubic inches, for all liquid or gaseous heating fuel, subject to modifications allowed under regulations adopted pursuant to section 43-42;

(8) "Guaranteed price plan", also known as "guaranteed plan", "fixed price", "full price", "lock in", "capped", "price cap", or other similar terminology, when used to describe a contract, means a type of contract that is not paid in advance of delivery, offering heating fuel at a guaranteed future price or at a maximum future price;

(9) "Heating fuel" means any petroleum-based fuel, including any petroleum product regulated pursuant to chapter 250, used as a primary

Substitute House Bill No. 5330

source of residential heating or domestic hot water; [, including petroleum products regulated pursuant to chapter 250;]

(10) "Heating fuel dealer" or "dealer" means any individual or group of individuals who, or a [firm, partnership, corporation,] cooperative, [or] corporation, firm, limited liability company or partnership that, offers [the retail sale of] to sell, at retail, heating fuel to consumers;

(11) "Heating oil" means a [predominantly liquefied] petroleum product, including a petroleum product known as #1 oil (kerosene), #2 oil (heating oil), #4 oil, bio fuel or any bio fuel blended with conventionally refined fossil fuel commodities, that (A) is predominantly liquid at ambient temperatures, [that is] (B) is sold as a commodity, [and] (C) is a primary source of residential heating or domestic hot water, [including products known as #2 oil (heating oil), #1 oil (kerosene), #4 oil, bio fuels, or any bio fuel blended with conventionally refined fossil fuel commodities] and [that] (D) meets the requirements of the American Society for Testing and Materials Standard D396, as amended from time to time;

(12) "Maintain" means retention of the balance, measured in gallons or other accepted units of measure, of heating fuel that remains to be delivered to consumers who are party to a guaranteed price plan contract;

(13) "Physical supply contract" means an agreement for wet barrels or gallons of heating fuel that [has been] is secured by a heating fuel dealer;

(14) "Prepaid guaranteed price plan", also known as "buy ahead", "prebuy", "prebought" or other similar terminology, when used to describe a contract, means a type of contract offering heating fuel at a guaranteed price, paid for in advance of delivery, but does not include a budget plan;

Substitute House Bill No. 5330

(15) "Propane" or "liquefied petroleum gas (LPG)" means a petroleum product that (A) meets [ASTM] American Society for Testing and Materials specification D1835, as amended from time to time, [and] (B) is composed predominantly of [any of the following hydrocarbons or mixtures thereof: Propane, propylene,] butanes (normal butane or isobutane), [and] butylenes, propane, propylene or any mixture thereof, and (C) is intended for use, among other things, as a fuel for residential heating; and

(16) "Surety bond" means a bond, issued by a licensed insurance company or banking institution, as surety for a dealer and obligating [the] surety to the commissioner, in a sum certain, in guaranty of the dealer's full and faithful performance [by the dealer] of prepaid guaranteed price plan contracts entered into pursuant to this chapter.

Sec. 41. Section 16a-23o of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

Any person, firm or corporation required to register as a [home heating oil or propane gas] heating fuel dealer pursuant to section 16a-23m, as amended by this act, that offers plumbing or heating work service shall submit evidence, deemed satisfactory by the Commissioner of Consumer Protection, when registering, that such person, firm or corporation subcontracts with or employs only persons licensed or registered pursuant to chapter 393 to perform such work. Such person, firm or corporation shall attest, when applying for registration as a heating fuel dealer pursuant to section 16a-23m, as amended by this act, that all plumbing or heating work service shall be performed in accordance with the provisions of chapter 393. Anyone registered under this section who offers such plumbing or heating services shall display the state license number of the subcontractor or employee performing such work for the registrant on all commercial vehicles used in their business and shall display such number in a conspicuous manner on all printed advertisements, bid proposals, contracts, invoices and

Substitute House Bill No. 5330

stationery used in the business.

Sec. 42. Section 20-334d of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) As used in this section:

(1) "Accredited continuing professional education" means any education of an electrician or plumber that is (A) designed to maintain professional competence in the [pursuit,] practice, pursuit and standards of electrical work or plumbing and piping work, [and that is] (B) approved by the commissioner, and [is] (C) provided (i) by an agency, institution or organization [, institution or agency that is] that has been approved by the commissioner, and (ii) in-person or through an online technology platform that includes real-time video with audio, requires participants to periodically confirm their active engagement during the educational training session and enables participants to interact with instructors in real time during the entire educational training session;

(2) "Certificate of continuing education" means a document [issued to an electrician or plumber by an organization, institution or agency] that (A) an agency, institution or organization that has been approved by the commissioner [that] and offers accredited continuing professional education [, which (A)] issues to an electrician or plumber, (B) certifies that an electrician or plumber has satisfactorily completed a specified number of continuing education hours, and [(B)] (C) bears the (i) name of such agency, institution or organization, [institution or agency, the] (ii) title of the program, [the] (iii) dates during which the program was conducted, [the] (iv) number of continuing education hours satisfactorily completed, and [the] (v) signature of the director of such [organization, institution or agency or the signature of the] agency, institution or organization or of such director's authorized agent; and

Substitute House Bill No. 5330

(3) "Commissioner" means the Commissioner of Consumer Protection.

(b) The commissioner, with the advice and assistance of the Electrical Work Board established pursuant to subsection (b) of section 20-331, shall adopt regulations, in accordance with chapter 54, to: (1) [establish] Establish additional requirements for accredited continuing professional education for electricians licensed pursuant to sections 20-330 to 20-341, inclusive; (2) establish qualifying criteria for accredited continuing professional education programs and establish qualifying criteria for acceptable certificates of continuing education; and (3) provide for the waiver of required accredited continuing professional education for electricians for good cause. Such regulations shall require not less than four hours per year of accredited continuing professional education for such electricians, except upon request of the Electrical Work Board, the commissioner may increase such hours to a maximum of seven hours.

(c) The commissioner, with the advice and assistance of the Plumbing and Piping Work Board established pursuant to subsection (d) of section 20-331, shall adopt regulations, in accordance with chapter 54, to: (1) [establish] Establish additional requirements for accredited continuing professional education for plumbers licensed pursuant to sections 20-330 to 20-341, inclusive, which regulations shall require not more than a total of seven hours of accredited continuing professional education every two years, except in the event of significant changes to the building code, as approved by the International Code Council, that relate to plumbing, the commissioner, at such commissioner's discretion, may require more than a total of seven hours of accredited continuing professional education every two years; (2) establish qualifying criteria for accredited continuing professional education programs and establish qualifying criteria for acceptable certificates of continuing education; and (3) provide for the waiver of required

Substitute House Bill No. 5330

accredited continuing professional education for plumbers for good cause.

(d) Notwithstanding the provisions of subsection (c) of this section, any person who has been issued a P-6, P-7, W-8 or W-9 license pursuant to section 20-334a and the regulations of Connecticut state agencies shall not be required to meet the continuing education requirements established pursuant to subsection (c) of this section.

(e) Notwithstanding the provisions of subsections (a) to (d), inclusive, of this section, all accredited continuing professional education offered under the provisions of this section shall: (1) Limit class size to (A) fifty attendees if such accredited continuing professional education is offered in-person, or (B) twenty-five attendees if such accredited continuing professional education is offered through an online technology platform; (2) not be offered or held at the place of business of a licensed plumbing contractor if such accredited continuing professional education is for plumbers and offered in-person; and (3) not be offered or held at the place of business of a licensed electrical contractor if such accredited continuing professional education is for electricians and offered in-person. A provider of an accredited continuing professional education course shall retain an audio-visual recording of such course for a period of not less than thirty days after completion of such course. Recordings shall be made available to the department upon the department's request for such recordings.

Sec. 43. Section 20-500 of the 2022 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

As used in this section and sections [20-500] 20-501 to 20-529e, inclusive, unless the context otherwise requires:

(1) "Appraisal" means the practice of developing, in conformance

Substitute House Bill No. 5330

with the USPAP, an opinion of the value of real property. [in conformance with the USPAP.]

(2) "Appraisal Foundation" means the not-for-profit corporation referred to in Section 1121 of Title XI of FIRREA.

(3) "Appraisal management company" means any person, [partnership,] association, corporation, limited liability company or [corporation] partnership that performs appraisal management services, ["Appraisal management company"] but does not include:

(A) An appraiser that enters into [a] an oral or written [or oral] agreement with another appraiser for the performance of an appraisal, which is signed by both appraisers upon completion;

(B) An appraisal management company that is a subsidiary owned and controlled by a financial institution regulated by a federal financial institution regulatory agency; [For the purposes of this subdivision, "financial institution" means a bank, as defined in section 36a-2, an out-of-state bank, as defined in section 36a-2, an institutional lender, any subsidiary or affiliate of such bank, out-of-state bank or institutional lender, or other lender licensed by the Department of Banking;]

(C) A department or [unit of a financial institution subject to regulation by an agency or department of the United States government or an agency of this state that only receives appraisal requests from an employee of such financial institution] division of an entity that provides appraisal management services exclusively to such entity; or

(D) Any local, state or federal agency or department thereof.

(4) "Appraisal management services" means; [any of the following:]

(A) The administration of an appraiser panel;

(B) The recruitment of certified appraisers to be part of an appraiser

Substitute House Bill No. 5330

panel, including, but not limited to, the negotiation of fees to be paid to, and services to be provided by, [such] the certified appraisers for their participation on [such] the appraiser panel; or

(C) The receipt of an appraisal request or order, or an appraisal review request or order, and the delivery of such request or order to an appraiser panel.

(5) "Appraiser panel" means a network of appraisers who are certified in accordance with the requirements established by the commission by regulation, [who] are independent contractors of an appraisal management company and [who] have:

(A) Responded to an invitation, request or solicitation from an appraisal management company to perform appraisals (i) requested or ordered through [such] the appraisal management company, or (ii) directly for [such] the appraisal management company on a periodic basis as assigned by [the] such appraisal management company; and

(B) Been selected and approved by [such] the appraisal management company.

(6) "Bank" has the same meaning as provided in section 36a-2.

[(6)] (7) "Certified appraiser" means a person who has satisfied the minimum requirements for a category of certification established by the commission by regulation. Such minimum requirements shall be consistent with guidelines established by the Appraisal Qualification Board of the Appraisal Foundation. The categories of certification shall include [, but may be modified by the commission thereafter,] one category denoted as "certified residential appraiser" and another denoted as "certified general appraiser". The commission may modify such categories of certification.

[(7)] (8) "Commission" means the Connecticut Real Estate Appraisal

Substitute House Bill No. 5330

Commission appointed under the provisions of section 20-502.

[(8)] (9) "Commissioner" means the Commissioner of Consumer Protection.

[(9)] (10) "Compliance manager" means a person who holds an appraiser certification in at least one state and [who] is responsible for overseeing the implementation of, and compliance with, procedures for an appraisal management company to:

(A) Verify that a person being added to the appraiser panel of the appraisal management company holds a license in good standing in accordance with section 20-509;

(B) Maintain detailed records of each appraisal request or order the appraisal management company receives and of the appraiser who performs such appraisal; and

(C) Review on a periodic basis the work of all appraisers performing appraisals for the appraisal management company to ensure that such appraisals are being conducted in accordance with the USPAP.

[(10)] (11) "Controlling person" means a person who has not had an appraiser license, [or a] similar license or appraiser certificate denied, refused [to be renewed] renewal, suspended or revoked in any state and: [who:]

(A) Is [an owner, officer or director of a partnership,] a director, officer or owner of an association, corporation, limited liability company or [corporation] partnership offering or seeking to offer appraisal management services in this state;

(B) Is employed by an appraisal management company and has the authority to enter into agreements or contracts [or agreements] for the performance of appraisal management services or appraisals, or is

Substitute House Bill No. 5330

appointed or authorized by such appraisal management company to enter into such agreements or contracts; [or agreements;] or

(C) May exercise authority over, or direct the management or policies of, an appraisal management company.

[(11)] (12) "Engaging in the real estate appraisal business" means the act or process of estimating the value of real estate for a fee or other valuable consideration.

(13) "Financial institution" means a bank, out-of-state bank or institutional lender, an affiliate or subsidiary of a bank, out-of-state bank or institutional lender or another lender licensed by the Department of Banking.

[(12)] (14) "FIRREA" means the Financial Institutions, Reform, Recovery and Enforcement Act of 1989, P.L. 101-73, 103 Stat. 183.

(15) "Out-of-state bank" has the same meaning as provided in section 36a-2.

[(13)] (16) "Person" means an individual.

[(14)] (17) "Provisional appraiser" means a person engaged in the business of estimating the value of real estate for a fee or other valuable consideration under the supervision of a certified real estate appraiser and who meets the minimum requirements, if any, established by the commission by regulation for provisional appraiser status.

[(15)] (18) "Provisional license" means a license issued to a provisional appraiser.

[(16)] (19) "Real estate appraiser" or "appraiser" means a person engaged in the business of estimating the value of real estate for a fee or other valuable consideration.

Substitute House Bill No. 5330

[(17)] (20) "USPAP" means the Uniform Standards of Professional Appraisal Practice issued by the Appraisal Standards Board of the Appraisal Foundation pursuant to Title XI of FIRREA.

Sec. 44. Section 20-670 of the 2022 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

As used in sections 20-670 to [20-680] 20-681, inclusive, as amended by this act, and section 45 of this act:

(1) "Certificate" means a certificate of registration issued under section 20-672.

(2) "Commissioner" means the Commissioner of Consumer Protection or any person designated by the commissioner to administer and enforce the provisions of sections 20-670 to [20-680] 20-681, inclusive, as amended by this act, and section 45 of this act.

(3) "Companion services" means nonmedical, basic supervision services to ensure the safety and well-being [and safety] of a person in [such] the person's home.

[(4)] "Employee" means any person employed by, or who enters into a contract to perform services for, a homemaker-companion agency, including, but not limited to, temporary employees, pool employees and persons treated by such agency as independent contractors.]

(4) "Covenant not to compete" means any agreement or contract that restricts the right of an individual to provide companion services, home health services or homemaker services (A) in any geographic area of the state for any period of time, or (B) to a specific individual.

(5) "Comprehensive background check" means a background investigation of a prospective employee performed by a homemaker-

Substitute House Bill No. 5330

companion agency, that includes [:] (A) [A] a review of any application materials prepared or requested by the homemaker-companion agency and completed by the prospective employee, [:] (B) an in-person or video-conference interview of the prospective employee, [:] (C) verification of the prospective employee's Social Security number, [:] (D) if the [position] prospective employee has applied for a position within the homemaker-companion agency that requires licensure on the part of [the] such prospective employee, verification that the required license is in good standing, [:] (E) a check of the registry established and maintained pursuant to section 54-257, [:] (F) a local and national criminal background check of criminal matters of public record based on the prospective employee's name and date of birth that includes a search of a multistate and multijurisdiction criminal record locator or other similar commercial nationwide database with validation, and a search of the United States Department of Justice National Sex Offender Public Website, conducted by a third-party consumer reporting agency or background screening company that is accredited by the Professional Background Screening Association and in compliance with the federal Fair Credit Reporting Act, [:] (G) if the prospective employee has resided in this state for less than three years prior to the date of [the] such prospective employee's application with the homemaker-companion agency, a review of criminal conviction information from the state or states where such prospective employee resided during such three-year period, [:] and (H) a review of any other information that the homemaker-companion agency deems necessary in order to evaluate the suitability of the prospective employee for the position.

[(6) "Homemaker services" means nonmedical, supportive services that ensure a safe and healthy environment for a person in such person's home, such services to include assistance with personal hygiene, cooking, household cleaning, laundry and other household chores.]

(6) "Employee" means any person employed by, or who enters into a

Substitute House Bill No. 5330

contract to perform services for, a homemaker-companion agency, including, but not limited to, pool employees, temporary employees and persons the homemaker-companion agency treats as independent contractors.

(7) (A) "Homemaker-companion agency" means [(A)] any (i) public or private organization that employs one or more persons and is engaged in the business of providing companion services or homemaker services, or [(B) any] (ii) registry.

(B) "Homemaker-companion agency" [shall] does not include (i) a home health care agency, as defined in subsection (d) of section 19a-490, or (ii) a home health aide agency, as defined in subsection (e) of section 19a-490.

(8) "Homemaker services" means nonmedical and supportive services, including assistance with cooking, household cleaning, laundry, personal hygiene and other household chores, that ensure a healthy and safe environment for a person in the person's home.

(9) "Immediate family member" means a child by adoption, blood or marriage or a grandchild, grandparent, parent, sibling or spouse.

[(8)] (10) "Registry" means any person or entity engaged in the business of supplying or referring an individual to, or placing an individual with, a consumer for the purpose of enabling the individual to provide to the consumer companion services or homemaker [or companion services provided by such individual, when the] services, provided such individual [providing such services is either] is (A) directly compensated, in whole or in part, by the consumer, or (B) [treated, referred to or] considered, referred to or treated by such person or entity as an independent contractor.

[(9)] (11) "Service plan" means a written document, provided by a homemaker-companion agency to a person utilizing companion

Substitute House Bill No. 5330

services or homemaker services provided by such agency, that specifies the anticipated [scope, type, frequency and duration of homemaker or] duration, frequency, scope and type of the companion services or homemaker services that are to be provided by such agency for the benefit of [the] such person.

Sec. 45. (NEW) (*Effective from passage*) (a) No person, other than an immediate family member, who is an agent, corporate officer or employee of a homemaker-companion agency, or has an ownership interest in a homemaker-companion agency, shall act as an agent under a power of attorney for any person who has contracted with the homemaker-companion agency to receive companion services or homemaker services.

(b) A person receiving companion services or homemaker services may petition the Commissioner of Consumer Protection for an exemption from subsection (a) of this section, and the commissioner may grant such exemption for good cause shown.

Sec. 46. Section 20-338d of the 2022 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) For the purposes of this section, "owner" and "private residence" have the same meanings as provided in section 20-419.

[(a)] (b) No written contract to perform work on a private residence [, as defined in section 20-419,] by a contractor licensed pursuant to this chapter or any person who owns or controls a business engaged to provide the work or services licensed under the provisions of this chapter by persons licensed for such work, shall be valid or enforceable against an owner [, as defined in section 20-419,] unless [it: (1) Is in writing; (2) is] such contract: (1) Is signed by the owner and the contractor or business; [(3)] (2) contains the entire agreement between

Substitute House Bill No. 5330

the owner and the contractor or business; [(4)] (3) contains the date of the transaction; [(5)] (4) contains the name and address of the contractor and the contractor's license number or, in the case of a business, the name of the business owner, partner or limited liability member and the phone number and address of the business, partnership or limited liability company; [(6)] (5) contains the name and license number of any licensees performing the work, provided the name and the license number of a licensee may be amended in writing during the term of the contract; [(7)] (6) contains a notice [of] disclosing the owner's cancellation rights in accordance with the provisions of chapter 740 and subject to the exception set forth in subsection (c) of this section; and [(8)] (7) contains a starting date and completion date.

(c) Notwithstanding the provisions of chapter 740, no owner shall cancel a written contract that is subject to the provisions of subsection (b) of this section if: (1) Such contract was executed for the purpose of making emergency or immediate repairs that were necessary to protect persons, personal property or real property; and (2) prior to executing such contract, the owner provided to the contractor or business owner a written statement, dated and signed by the owner, describing the situation requiring such emergency or immediate repairs and expressly acknowledging that the owner waives the right to cancel such contract in accordance with the provisions of chapter 740.

(d) Each contractor or business owner that enters into a written contract that is subject to the provisions of subsection (b) of this section shall deliver and provide to each owner who is a party to such contract, free of charge, a copy of such contract at the time such contract is executed. If such contract is amended, such contractor or business owner shall provide to each owner who is a party to such contract, free of charge, a copy of such amendment at the time such contract is amended.

[(b)] (e) Each change in the terms and conditions of a written contract

Substitute House Bill No. 5330

[specified in] that is subject to the provisions of subsection [(a)] (b) of this section shall be in writing and shall be signed by the owner and contractor or business, except that the commissioner may, by regulations adopted pursuant to chapter 54, dispense with the necessity for complying with such requirement.

Sec. 47. Section 20-681 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

[For purposes of this section "covenant not to compete" means any contract or agreement that restricts the right of an individual to provide homemaker, companion or home health services (1) in any geographic area of the state for any period of time, or (2) to a specific individual.] Any covenant not to compete is against public policy and shall be void and unenforceable.

Sec. 48. Subsection (c) of section 21a-10 of the 2022 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(c) For any Department of Consumer Protection license, certificate, registration or permit that requires the holder to complete continuing education requirements, the continuing education requirements shall be completed within the annual or biannual period that begins and ends three months prior to the renewal date for the applicable license, certificate, registration or permit, except for licenses issued pursuant to [chapter] chapters 389 and 400;

Sec. 49. Section 21a-151 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

For the purposes of this section and sections 21a-152 to [21a-160] 21a-159, inclusive, as amended by this act:

(1) "Bakery" means a building or part of a building, including, but not

Substitute House Bill No. 5330

limited to, a hotel, private institution, restaurant, establishment operating doughnut-frying equipment or other similar place, where bread, cakes, cookies, crackers, crullers, doughnuts, [crullers] macaroni, pies, [cookies, crackers,] spaghetti [, macaroni] or other food products, including, but not limited to, canned or frozen baked goods, are made, either wholly or in part of flour or meal, [including frozen or canned baked goods. "Bakery" includes, but is not limited to, any restaurant, hotel, private institution, establishment operating doughnut-frying equipment or other similar place that offers such food products] or offered for sale.

(2) "Food manufacturing establishment" means a building or part of a building where food is [prepared] canned, cooked, cut, dehydrated, frozen, milled or repacked for sale to other establishments for human consumption. [For purposes of this subdivision, "prepared" means a process of canning, cooking, freezing, dehydrating, milling, repacking or cutting.] Premises that are used solely for the retail sale or storage of prepackaged food, and facilities, as described in sections 21a-24a and 22-6r and chapters 417, 419a, 422, 423, 430, 431 and 491, shall not be considered food manufacturing establishments.

(3) "Food warehouse" means a building or part of a building where food is stored for wholesale distribution, provided such building or part of such building is used primarily for the importation, storage or distribution of packaged food and not for other activities for which a license is required pursuant to section 21a-152, as amended by this act. Premises licensed pursuant to [said] section 21a-152, as amended by this act, and facilities, as described in sections 21a-24a and 22-6r and chapters 417, 419a, 422, 423, 430, 431 and 491, shall not be considered food warehouses.

(4) "Packaged food" means standard or random weight or volume packages of food commodities that are enclosed in a container or wrapped in any manner, in advance of wholesale or retail sale, such that

Substitute House Bill No. 5330

the food commodities cannot be added to or subtracted from the package or wrapping without breaking or tearing the wrapping, container or seals on the wrapping or container.

Sec. 50. Section 21a-152 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) Each bakery, [food warehouse and] food manufacturing establishment and food warehouse shall be designed, constructed and operated as the Commissioner of Consumer Protection directs pursuant to sections 21a-151 to [21a-160] 21a-159, inclusive, as amended by this act, and chapter 418. [The provisions of this subsection requiring the commissioner to direct the design and construction of a food warehouse shall not be required for a food warehouse that was registered in good standing pursuant to section 21a-160 prior to October 1, 2019, provided the warehouse is in good repair so that stored food is properly protected and the premises is free of pests.] Each bakery, food manufacturing establishment and food warehouse [and food manufacturing establishment] remains subject to the provisions of chapter 418.

(b) No [person, firm or] corporation, firm or person shall operate a bakery, food manufacturing establishment or food warehouse [or food manufacturing establishment] with the intent of producing or storing products for human consumption without having first obtained from [said commissioner] the Commissioner of Consumer Protection a license. [Application] Applications for such license shall be made on forms, furnished by the commissioner, showing the name and address of such bakery, food manufacturing establishment or food warehouse. [or food manufacturing establishment.] Bakeries shall show the number of persons engaged in the production of bread and pastry products, excluding [porters,] dishwashers, drivers, porters, sales personnel and other employees not directly engaged in such production. The commissioner shall cause an inspection to be [made] conducted of the premises described in the application and, if conditions are found

Substitute House Bill No. 5330

satisfactory, issue such license. [shall be issued.] No corporation, firm or person [, firm or corporation] operating a bakery, food manufacturing establishment or food warehouse, or any agent, employee or servant [or employee] thereof, shall refuse, hinder or otherwise interfere with the commissioner's, or the commissioner's authorized representative's, access [by the commissioner or his authorized representative] to the bakery, food manufacturing establishment or food warehouse for the purpose of conducting an inspection. No corporation, firm or person [, firm or corporation] shall: (1) [sell] Sell or distribute bread, cakes, cookies, crackers, crullers, doughnuts, [crullers] macaroni, pies, [cookies, crackers,] spaghetti [, macaroni] or other food products, including frozen or canned baked goods, made in whole or in part of flour or meal, produced in any bakery located within or beyond the boundaries of this state; [,] (2) sell or distribute food produced in a food manufacturing establishment located within the boundaries of this state; [,] or (3) store any food for wholesale distribution in a food warehouse, unless such bakery, food manufacturing establishment or food warehouse [or food manufacturing establishment] has obtained a license from [said] the commissioner. Facilities licensed pursuant to chapter 417 as food vendors and frozen dessert vendors, and all facilities licensed pursuant to chapters 419a and 430, shall be exempt from such licensing requirement. The commissioner may promulgate regulations excepting out-of-state manufacturers of products [,] commonly known as brown bread, cookies, crackers [, brown bread] or plum puddings in hermetically sealed containers and other similar products [,] from the license provisions of this section. Such license shall be valid for one year and a fee [therefor] for such license shall be collected as follows: From a [person, firm or] corporation, firm or person owning or conducting a bakery in which there are not more than four persons [or fewer] engaged in the production of bread and pastry products, twenty dollars; in which there are [not fewer than] at least five [nor] but not more than nine persons so engaged, forty dollars; in which there are [not fewer than] at least ten [nor] but not more than twenty-four persons so engaged, one

Substitute House Bill No. 5330

hundred dollars; in which there are [not fewer than] at least twenty-five [nor] but not more than ninety-nine persons so engaged, two hundred dollars; in which there are [more than] at least one hundred persons so engaged, two hundred fifty dollars. The fee for a food [manufacturer] manufacturing establishment or food warehouse license shall be twenty dollars annually. [No prior inspection by the commissioner shall be necessary for a food warehouse registered under section 21a-160 prior to October 1, 2019, which is required to transfer its registration to a new license under the provisions of this subsection.]

(c) [A] The Commissioner of Consumer Protection may revoke a bakery, food manufacturing establishment or food warehouse [or food manufacturer license may be revoked by said commissioner] license for any violation of sections 21a-151 to [21a-160] 21a-159, inclusive, as amended by this act, after a hearing conducted in accordance with chapter 54. In addition, the commissioner may summarily suspend a bakery, [or food manufacturer] food manufacturing establishment or food warehouse license [may be summarily suspended] pending a hearing if [said] the commissioner has reason to believe that the public health, safety or welfare imperatively requires emergency action. [Within] Not later than ten days following the suspension order, [said] the commissioner shall cause to be held a hearing which shall be conducted in accordance with the provisions of [said] chapter 54. Following [said] such hearing, [said] the commissioner shall dissolve such suspension or order revocation of the bakery, food manufacturing establishment or food warehouse [or food manufacturer] license. Any [person, firm or] corporation, firm or person whose license has been revoked may [make application] apply for a new license and [said] the commissioner shall act on such application [within] not later than thirty days [of receipt] after the commissioner receives such application. The costs of any inspections necessary to determine whether or not an applicant, whose license has been revoked, is entitled to have a new license granted shall be borne by the applicant at such rates as the

Substitute House Bill No. 5330

commissioner may determine. [Said] The commissioner may refuse to grant any bakery, food manufacturing establishment or food warehouse [or food manufacturer] a license if [he or she] the commissioner finds that the applicant has evidenced a pattern of noncompliance with the provisions of sections 21a-151 to [21a-160] 21a-159, inclusive, as amended by this act. Prima facie evidence of a pattern of noncompliance shall be established if [said] the commissioner shows that the applicant has had two or more bakery, food manufacturing establishment or food warehouse [or food manufacturer] licenses revoked.

(d) All vehicles used in the transportation of bakery, food manufacturing establishment or food warehouse products shall be kept in a sanitary condition and shall have the name and address of the bakery, food manufacturing establishment or food warehouse owner, operator or distributor legibly printed on both sides. Each compartment in which unwrapped bakery, food manufacturing establishment or food warehouse products are transported shall be enclosed in a manner approved by the commissioner.

(e) The provisions of this section shall not prevent local health authorities from enforcing orders or regulations concerning the sanitary condition of retail bakeries.

(f) Any person who desires to obtain a license under the provisions of sections 21a-151 to [21a-160] 21a-159, inclusive, as amended by this act, shall first obtain and present to the [commissioner] Commissioner of Consumer Protection a certificate of approval of the location for which such license is desired. The certificate of approval shall be obtained from the zoning commission, planning and zoning commission or local authority of the town, city or borough in which the facility is located or is proposed to be located. [A] No certificate of approval shall [not] be required [in the case of the transfer of the last issued license from one person to another or in the case of a renewal of a license by the holder of the license] for a new license if the proposed

Substitute House Bill No. 5330

use conforms to existing zoning requirements, for a license renewal by the license holder or for a transfer by the license holder to another person of the license most recently issued to such license holder. The commissioner shall not issue any license under the provisions of sections 21a-151 to [21a-160] 21a-159, inclusive, as amended by this act, for which a certificate of approval is required until such certificate of approval is obtained by the license applicant. [The provisions of this subsection requiring a certificate of approval from the zoning commission or other local authority shall not apply to any food warehouse that was registered in good standing pursuant to section 21a-160 prior to October 1, 2019.]

Sec. 51. Section 21a-156 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

The commissioner shall, from time to time, after inquiry and public hearing, adopt and promulgate regulations to supplement and give full effect to the provisions of sections 21a-151 to [21a-160] 21a-159, inclusive, as amended by this act. Such regulations, among other things, may establish sanitary requirements pertaining to the manufacture and distribution of bread and pastry products. Such regulations may also cover provisions restricting the sale of dangerous, harmful and unwholesome bread and pastry products, the labeling of bread and pastry products, the inspection of bakeries, food manufacturing establishments and food warehouses and the establishment of costs for special inspections. The commissioner shall annually review the amounts of bakery, food manufacturing establishment and food warehouse license fees referred to in subsection (b) of section 21a-152, as amended by this act, and shall increase such fees in order to reflect the costs to the department of carrying out the provisions of sections 21a-151 to [21a-160] 21a-159, inclusive, as amended by this act.

Sec. 52. Section 21a-159 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

Substitute House Bill No. 5330

(a) Any person who violates any provision of sections 21a-151 to [21a-160] 21a-159, inclusive, as amended by this act, or any regulation made thereunder, or fails to comply with an order of the Commissioner of Consumer Protection, shall: (1) [for] For a first offense, be fined not more than two hundred fifty dollars; [] and (2) for [any] each subsequent offense, be guilty of a class D misdemeanor.

(b) The [commissioner] Commissioner of Consumer Protection may apply to the Superior Court for, and such court may [] upon hearing and for cause shown [] grant, a temporary or permanent injunction enjoining any person from operating a bakery, food manufacturing establishment or food warehouse [or food manufacturing establishment] without a license issued in accordance with sections 21a-151 to [21a-160] 21a-159, inclusive, as amended by this act, irrespective of whether or not there exists an adequate remedy at law. The commissioner also may apply to the Superior Court for, and such court shall have jurisdiction to grant, a temporary restraining order pending a hearing. Such application for injunctive or other appropriate relief shall be brought by the Attorney General.

(c) The Commissioner of Consumer Protection, after providing notice and conducting a hearing in accordance with the provisions of chapter 54, may issue a warning citation to, or impose a civil penalty of not more than one hundred dollars for the first offense and not more than five hundred dollars for each subsequent offense on, any person who violates any provision of sections 21a-151 to [21a-160] 21a-159, inclusive, as amended by this act, or any regulation adopted pursuant to section 21a-156, as amended by this act.

Sec. 53. Subsection (a) of section 22-54u of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) The preparation, packaging, labeling and sale of honey and maple

Substitute House Bill No. 5330

syrup produced in this state shall not be subject to the provisions of sections 21a-91 to 21a-120, inclusive, and sections 21a-151 to [21a-160] 21a-159, inclusive, as amended by this act, and shall be under the licensing, inspection and enforcement authority of the Commissioner of Agriculture and the commissioner's authorized agents.

Sec. 54. Section 21a-421bb of the 2022 supplement to the general statutes, as amended by section 9 of public act 22-103, is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) No person other than the holder of a cannabis establishment license issued by this state shall advertise any cannabis or services related to cannabis in this state.

(b) Except as provided in subsection (d) of this section, cannabis establishments shall not:

(1) Advertise, including, but not limited to, through a business name or logo, cannabis, cannabis paraphernalia or goods or services related to cannabis:

(A) In ways that target or are designed to appeal to individuals under twenty-one years of age, including, but not limited to, spokespersons or celebrities who appeal to individuals under the legal age to purchase cannabis or cannabis products, depictions of a person under twenty-five years of age consuming cannabis, or, the inclusion of objects, such as toys, characters or cartoon characters, suggesting the presence of a person under twenty-one years of age, or any other depiction designed in any manner to be appealing to a person under twenty-one years of age; or

(B) By using any image, or any other visual representation, of the cannabis plant or any part of the cannabis plant, including, but not limited to, the leaf of the cannabis plant;

Substitute House Bill No. 5330

(2) Engage in any advertising by means of any form of billboard within one thousand five hundred feet of an elementary or secondary school ground or a house of worship, recreation center or facility, child care center, playground, public park or library, or engage in any advertising by means of an electronic or illuminated billboard between the hours of six o'clock a.m. and eleven o'clock p.m.;

(3) Engage in advertising by means of any television, radio, Internet, mobile application, social media or other electronic communication, billboard or other outdoor signage, or print publication unless the cannabis establishment has reliable evidence that at least ninety per cent of the audience for the advertisement is reasonably expected to be twenty-one years of age or older;

(4) Engage in advertising or marketing directed toward location-based devices, including, but not limited to, cellular phones, unless the marketing is a mobile device application installed on the device by the owner of the device who is twenty-one years of age or older and includes a permanent and easy opt-out feature and warnings that the use of cannabis is restricted to persons twenty-one years of age or older;

(5) Advertise cannabis or cannabis products in a manner claiming or implying, or permit any employee of the cannabis establishment to claim or imply, that such products have curative or therapeutic effects, or that any other medical claim is true, or allow any employee to promote cannabis for a wellness purpose unless such claims are substantiated as set forth in regulations adopted under chapter 420f or verbally conveyed by a licensed pharmacist or other licensed medical practitioner in the course of business in, or while representing, a hybrid retail or dispensary facility;

(6) Sponsor charitable, sports, musical, artistic, cultural, social or other similar events or advertising at, or in connection with, such an event unless the cannabis establishment has reliable evidence that (A)

Substitute House Bill No. 5330

not more than ten per cent of the in-person audience at the event is reasonably expected to be under the legal age to purchase cannabis or cannabis products, and (B) not more than ten per cent of the audience that will watch, listen or participate in the event is expected to be under the legal age to purchase cannabis products;

(7) Advertise cannabis, cannabis products or cannabis paraphernalia in any physical form visible to the public within [one thousand] five hundred feet of an elementary or secondary school ground or a [house of worship,] recreation center or facility, child care center, playground, public park or library;

(8) Cultivate cannabis or manufacture cannabis products for distribution outside of this state in violation of federal law, advertise in any way that encourages the transportation of cannabis across state lines or otherwise encourages illegal activity;

(9) Except for dispensary facilities and hybrid retailers, exhibit within or upon the outside of the facility used in the operation of a cannabis establishment, or include in any advertisement, the word "dispensary" or any variation of such term or any other words, displays or symbols indicating that such store, shop or place of business is a dispensary;

(10) Exhibit within or upon the outside of the premises subject to the cannabis establishment license, or include in any advertisement the words "drug store", "pharmacy", "apothecary", "drug", "drugs" or "medicine shop" or any combination of such terms or any other words, displays or symbols indicating that such store, shop or place of business is a pharmacy;

(11) Advertise on or in public or private vehicles or at bus stops, taxi stands, transportation waiting areas, train stations, airports or other similar transportation venues including, but not limited to, vinyl-wrapped vehicles or signs or logos on transportation vehicles not

Substitute House Bill No. 5330

owned by a cannabis establishment;

(12) Display cannabis, cannabis products or any image, or any other visual representation, of the cannabis plant or any part of the cannabis plant, including, but not limited to, the leaf of the cannabis plant, so as to be clearly visible to a person from the exterior of the facility used in the operation of a cannabis establishment, or display signs or other printed material advertising any brand or any kind of cannabis or cannabis product, or including any image, or any other visual representation, of the cannabis plant or any part of the cannabis plant, including, but not limited to, the leaf of the cannabis plant, on the exterior of any facility used in the operation of a cannabis establishment;

(13) Utilize radio or loudspeaker, in a vehicle or in or outside of a facility used in the operation of a cannabis establishment, for the purposes of advertising the sale of cannabis or cannabis products; or

(14) Operate any web site advertising or depicting cannabis, cannabis products or cannabis paraphernalia unless such web site verifies that the entrants or users are twenty-one years of age or older.

(c) Except as provided in subsection (d) of this section, any advertisements from a cannabis establishment shall contain the following warning: "Do not use cannabis if you are under twenty-one years of age. Keep cannabis out of the reach of children." In a print or visual medium, such warning shall be conspicuous, easily legible and shall take up not less than ten per cent of the advertisement space. In an audio medium, such warning shall be at the same speed as the rest of the advertisement and be easily intelligible.

(d) Any outdoor signage, including, but not limited to, any monument sign, pylon sign or wayfinding sign, shall be deemed to satisfy the audience requirement established in subdivision (3) of subsection (b) of this section, and shall not be required to contain the

Substitute House Bill No. 5330

warning required under subsection (c) of this section, if such outdoor signage:

(1) Contains only the name and logo of the cannabis establishment;

(2) Does not include any image, or any other visual representation, of the cannabis plant or any part of the cannabis plant, including, but not limited to, the leaf of the cannabis plant;

(3) Is comprised of not more than three colors; and

(4) Is located:

(A) On the cannabis establishment's premises, regardless of whether such cannabis establishment leases or owns such premises; or

(B) On any commercial property occupied by multiple tenants including such cannabis establishment.

(e) The department shall not register, and may require revision of, any submitted or registered cannabis brand name that:

(1) Is identical to, or confusingly similar to, the name of an existing non-cannabis product;

(2) Is identical to, or confusingly similar to, the name of an unlawful product or substance;

(3) Is confusingly similar to the name of a previously approved cannabis brand name;

(4) Is obscene or indecent; and

(5) Is customarily associated with persons under the age of twenty-one.

(f) A violation of the provisions of subsections (a) to (c), inclusive, of

Substitute House Bill No. 5330

this section shall be deemed to be an unfair or deceptive trade practice under subsection (a) of section 42-110b.

Sec. 55. Section 21a-160 of the general statutes is repealed. (*Effective from passage*)

Approved May 24, 2022