



General Assembly

Amendment

January Session, 2023

LCO No. **9608**



Offered by:

SEN. MARONEY, 14th Dist.
REP. D'AGOSTINO, 91st Dist.
REP. RUTIGLIANO, 123rd Dist.

To: Subst. Senate Bill No. **905**

File No. 207

Cal. No. 132

"AN ACT CONCERNING ALCOHOLIC LIQUOR AND TOBACCO BARS."

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

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 Section 30-22a of the general statutes is repealed and the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

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

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

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

46 (2) A partially consumed bottle of wine that is to be removed from
47 the premises under this subsection shall be securely sealed and placed

48 in a bag by the permittee or the permittee's agent or employee prior to
49 removal from the premises.

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

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

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

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

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

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

115 organization under Section 501(c) of the Internal Revenue Code of 1986,
116 or any subsequent corresponding internal revenue code of the United
117 States, as amended from time to time, which maintains a golf course of
118 not less than eighteen holes and a course length of at least fifty-five
119 hundred yards and a club house with facilities which include locker
120 rooms, a dining room and a lounge; provided the club shall file with the
121 department, upon request, within ten days of February first in each year,
122 a list of the names and residences of its members, and shall similarly file,
123 within ten days of the admission of any additional member, his name
124 and address. The nonprofit corporation shall demonstrate to the
125 commission an ability to pay any operating deficit of the golf country
126 club, exclusive of any proceeds of the sale of alcoholic liquor; and
127 provided, further, the affairs and the management of the nonprofit
128 corporation are conducted by a board of directors, executive committee
129 or similar body at least forty per cent of the members of which are
130 chosen by the members of the nonprofit corporation at their annual
131 meeting and the balance of the members of the board of directors are
132 professionals chosen for their knowledge of the business of the
133 nonprofit corporation, and all moneys earned by the golf country club
134 shall be used to defray its expenses of operation or for charitable
135 purposes, and any balance shall be directly or indirectly remitted to the
136 nonprofit corporation.

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

148 (i) For purposes of compliance with this section, "cafe" includes a

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

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

173 (k) For purposes of compliance with this section, "cafe" includes a
174 tobacco bar that: (1) During the calendar year ending December 31, 2002,
175 generated at least ten per cent of the tobacco bar's total annual gross
176 income from on-site sales of tobacco products and rentals of on-site
177 humidors; or (2) commenced operations during the period beginning
178 January 1, 2003, and ending December 31, 2022, and (A) generates at
179 least sixty per cent of the tobacco bar's total annual gross sales from on-
180 site sales of tobacco products, as defined in subparagraph (E) of
181 subdivision (2) of subsection (b) of section 19a-342, as amended by this
182 act, and subparagraph (F) of subdivision (2) of subsection (b) of section

183 19a-342a, as amended by this act, as determined in an annual audit
184 conducted by an independent certified public accountant, (B) is located
185 in a municipality that has a population of at least eighty thousand and
186 does not contain another tobacco bar, (C) does not allow cigarettes or
187 cigarette tobacco on the premises, (D) contains a walk-in or stand-up
188 humidor as a built-in feature on the premises, (E) is located in a building
189 (i) in which no other owner-occupant, lessee or tenant has a right to
190 utilize the same space as the tobacco bar, or (ii) that uses the tobacco
191 bar's own heating, ventilation or air conditioning system to prevent
192 commingling of air, (F) is located in premises equipped with a
193 ventilation system that (i) provides local mechanical exhaust with no
194 recirculation, (ii) circulates at least sixty cubic feet of outdoor air per
195 person per minute to provide adequate indoor air quality, and (iii)
196 satisfies the requirements established in ANSI/ASHRAE 62-2001,
197 "ventilation for acceptable indoor air quality", as amended from time to
198 time, and (G) provides health coverage to the tobacco bar's employees
199 and their dependents in accordance with other applicable law,
200 including, but not limited to, the Patient Protection and Affordable Care
201 Act, P.L. 111-148, as amended by the Health Care and Education
202 Reconciliation Act, P.L. 111-152, as both may be amended from time to
203 time, and regulations adopted thereunder.

204 Sec. 2. Subsection (b) of section 19a-342 of the general statutes is
205 repealed and the following is substituted in lieu thereof (*Effective October*
206 *1, 2023*):

207 (b) (1) Notwithstanding the provisions of section 31-40q, no person
208 shall smoke: (A) In any area of a building or portion of a building,
209 owned and operated or leased and operated by the state or any political
210 subdivision of the state; (B) in any area of a health care institution,
211 including, but not limited to, a psychiatric facility; (C) in any area of a
212 retail establishment accessed by the general public; (D) in any
213 restaurant; (E) in any area of an establishment with a permit issued for
214 the sale of alcoholic liquor pursuant to section 30-20a, 30-21, 30-21b, 30-
215 22, 30-22c, 30-28, 30-28a, 30-33a, 30-33b, 30-35a, 30-37a, 30-37e or 30-37f,
216 in any area of an establishment with a permit for the sale of alcoholic

217 liquor pursuant to section 30-22aa issued after May 1, 2003, and, on and
218 after April 1, 2004, in any area of an establishment with a permit issued
219 for the sale of alcoholic liquor pursuant to section 30-22a, as amended
220 by this act, or 30-26; (F) in any area of a school building or on the
221 grounds of such school; (G) within a child care facility or on the grounds
222 of such child care facility, except, if the child care facility is a family child
223 care home, as defined in section 19a-77, such smoking is prohibited only
224 when a child enrolled in such home is present during customary
225 business hours; (H) in any passenger elevator; (I) in any area of a
226 dormitory in any public or private institution of higher education; (J) in
227 any area of a dog race track or a facility equipped with screens for the
228 simulcasting of off-track betting race programs or jai alai games; (K) in
229 any room offered as an accommodation to guests by the operator of a
230 hotel, motel or similar lodging; (L) in any area of a correctional facility
231 or halfway house; or (M) in any area of a platform or a shelter at a rail,
232 busway or bus station, owned and operated or leased and operated by
233 the state or any political subdivision of the state. For purposes of this
234 subsection, "restaurant" means space, in a suitable and permanent
235 building, kept, used, maintained, advertised and held out to the public
236 to be a place where meals are regularly served to the public, "school" has
237 the same meaning as provided in section 10-154a and "child care facility"
238 has the same meaning as provided in section 19a-342a, as amended by
239 this act.

240 (2) Subdivision (1) of this subsection shall not apply to the following:
241 (A) Public housing projects, as defined in subsection (b) of section 21a-
242 278a; (B) any classroom where demonstration smoking is taking place
243 as part of a medical or scientific experiment or lesson; (C)
244 notwithstanding the provisions of subparagraph (E) of subdivision (1)
245 of this subsection, the outdoor portion of the premises of any permittee
246 listed in subparagraph (E) of subdivision (1) of this subsection,
247 provided, in the case of any seating area maintained for the service of
248 food, at least seventy-five per cent of the outdoor seating capacity is an
249 area in which smoking is prohibited and which is clearly designated
250 with written signage as a nonsmoking area, except that any temporary

251 seating area established for special events and not used on a regular
252 basis shall not be subject to the smoking prohibition or signage
253 requirements of this subparagraph; (D) any medical research site where
254 smoking is integral to the research being conducted; or (E) any tobacco
255 bar, provided no tobacco bar shall expand in size or change its location
256 from its size or location as of December 31, 2002. For purposes of this
257 subdivision, "outdoor" means an area which has no roof or other ceiling
258 enclosure; [.] "tobacco bar" means an establishment with a permit for the
259 sale of alcoholic liquor to consumers issued pursuant to [chapter 545]
260 section 30-22a, as amended by this act, that, in the calendar year ending
261 December 31, 2002, generated ten per cent or more of its total annual
262 gross income from the on-site sale of tobacco products and the rental of
263 on-site humidors [.] or, for any tobacco bar that commenced operations
264 during the period beginning January 1, 2003, and ending December 31,
265 2022, generates at least sixty per cent of the tobacco bar's total annual
266 gross sales from on-site sales of tobacco products, as determined in an
267 annual audit conducted by an independent certified public accountant;
268 and "tobacco product" means [any substance that contains tobacco,
269 including, but not limited to, cigarettes,] cigars [.] and pipe tobacco, [or
270 chewing tobacco, except "tobacco product"] and does not include
271 cannabis, cigarettes or chewing tobacco.

272 Sec. 3. Subsection (b) of section 19a-342a of the general statutes is
273 repealed and the following is substituted in lieu thereof (*Effective October*
274 *1, 2023*):

275 (b) (1) No person shall use an electronic nicotine or cannabis delivery
276 system or vapor product: (A) In any area of a building or portion of a
277 building owned and operated or leased and operated by the state or any
278 political subdivision of the state; (B) in any area of a health care
279 institution, including, but not limited to, a psychiatric facility; (C) in any
280 area of a retail establishment accessed by the public; (D) in any
281 restaurant; (E) in any area of an establishment with a permit issued for
282 the sale of alcoholic liquor pursuant to section 30-20a, 30-21, 30-21b, 30-
283 22, 30-22a, as amended by this act, 30-22c, 30-26, 30-28, 30-28a, 30-33a,
284 30-33b, 30-35a, 30-37a, 30-37e or 30-37f, in any area of establishment with

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

305 (2) Subdivision (1) of this subsection shall not apply to the following:
306 (A) Public housing projects, as defined in subsection (b) of section 21a-
307 278a; (B) any classroom where a demonstration of the use of an
308 electronic nicotine or cannabis delivery system or vapor product is
309 taking place as part of a medical or scientific experiment or lesson; (C)
310 any medical research site where the use of an electronic nicotine or
311 cannabis delivery system or vapor product is integral to the research
312 being conducted; (D) establishments without a permit for the sale of
313 alcoholic liquor that sell electronic nicotine delivery systems, vapor
314 products or liquid nicotine containers on-site and allow their customers
315 to use such systems, products or containers on-site; (E) notwithstanding
316 the provisions of subparagraph (E) of subdivision (1) of this subsection,
317 the outdoor portion of the premises of any permittee listed in
318 subparagraph (E) of subdivision (1) of this subsection, provided, in the

319 case of any seating area maintained for the service of food, at least
320 seventy-five per cent of the outdoor seating capacity is an area in which
321 smoking is prohibited and which is clearly designated with written
322 signage as a nonsmoking area, except that any temporary seating area
323 established for special events and not used on a regular basis shall not
324 be subject to the prohibition on the use of an electronic nicotine or
325 cannabis delivery system or vapor product or the signage requirements
326 of this subparagraph; or (F) any tobacco bar, provided no tobacco bar
327 shall expand in size or change its location from its size or location as of
328 October 1, 2015. For purposes of this subdivision, "outdoor" means an
329 area which has no roof or other ceiling enclosure; [] "tobacco bar" means
330 an establishment with a permit for the sale of alcoholic liquor to
331 consumers issued pursuant to [chapter 545] section 30-22a, as amended
332 by this act, that, in the calendar year ending December 31, [2015] 2002,
333 generated ten per cent or more of its total annual gross income from the
334 on-site sale of tobacco products and the rental of on-site humidors [] or,
335 for any tobacco bar that commenced operations during the period
336 beginning January 1, 2003, and ending December 31, 2022, generates at
337 least sixty per cent of the tobacco bar's total annual gross sales from on-
338 site sales of tobacco products, as determined in an annual audit
339 conducted by an independent certified public accountant; and "tobacco
340 product" means [any substance that contains tobacco, including, but not
341 limited to, cigarettes,] cigars [] and pipe tobacco, [or chewing tobacco,
342 except that "tobacco product"] and does not include cannabis, cigarettes
343 or chewing tobacco.

344 Sec. 4. Subsection (c) of section 30-22d of the general statutes is
345 repealed and the following is substituted in lieu thereof (*Effective July 1,*
346 *2023*):

347 (c) The holder of a Connecticut craft cafe permit may purchase, for
348 resale on such permit holder's premises, alcoholic liquor [from]
349 manufactured by the holder of a manufacturer permit for: (1) Spirits
350 issued under subsection (a) of section 30-16; (2) beer issued under
351 subsection (b) of section 30-16; (3) a farm winery issued under
352 subsection (c) of section 30-16; or (4) wine, cider and mead issued under

353 subsection (d) of section 30-16. Such purchase for resale may be made
 354 from the original manufacturer of the alcoholic liquor or from the holder
 355 of a wholesaler permit issued under section 30-17 with distribution
 356 rights to such alcoholic liquor. The holder of a Connecticut craft cafe
 357 permit shall not purchase the same type of alcoholic liquor such permit
 358 holder manufactures from any holder of a manufacturer permit
 359 specified in subdivision (1), (2) or (3) of this subsection, except any
 360 holder of a Connecticut craft cafe permit that also holds the
 361 manufacturer permit specified in subdivision (2) of this subsection may
 362 purchase from another holder of such a manufacturer permit beer that
 363 the Connecticut craft cafe permit holder manufactured in collaboration
 364 with another holder of such a manufacturer permit. The sale of such
 365 alcoholic liquor shall not comprise more than twenty per cent of the
 366 Connecticut craft cafe permit holder's gross annual sales of all alcoholic
 367 liquor sold for on-premises consumption."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2023</i>	30-22a
Sec. 2	<i>October 1, 2023</i>	19a-342(b)
Sec. 3	<i>October 1, 2023</i>	19a-342a(b)
Sec. 4	<i>July 1, 2023</i>	30-22d(c)