



Substitute Senate Bill No. 905

Public Act No. 23-103

AN ACT CONCERNING ALCOHOLIC LIQUOR PERMITS AND TOBACCO BARS.

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

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 Section 30-22a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2023*):

(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 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 to require that sales of food be substantial or that the business's receipts from sales of alcoholic liquor equal any set percentage of total receipts from all sales made 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

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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. 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. 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 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 (B) cannot be conveniently consumed while standing or walking.

(2) A partially consumed bottle of wine that is to be removed from the premises 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,

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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" includes any location in a passenger terminal complex of any airport, as defined in section 15-34, or any location adjacent to and attached by common partition to such complex, which is open to the public 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" 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" 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" includes the premises and grounds of a golf country club, defined as: (1) 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

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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 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

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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 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" 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

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such revocation.

(i) For purposes of compliance with this section, "cafe" includes a facility designed, constructed and used for corporate 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.

(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 is authorized by the Office of Higher Education 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 is authorized by the Office of Higher Education to award a degree pursuant to section 10a-34.

(k) For purposes of compliance with this section, "cafe" includes a tobacco bar that: (1) During the calendar year ending December 31, 2002, generated at least ten per cent of the tobacco bar's total annual gross income from on-site sales of tobacco products and rentals of on-site humidors; or (2) commenced operations during the period beginning

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January 1, 2003, and ending December 31, 2022, and (A) generates at least sixty per cent of the tobacco bar's total annual gross sales from on-site sales of tobacco products, as defined in subparagraph (E) of subdivision (2) of subsection (b) of section 19a-342, as amended by this act, and subparagraph (F) of subdivision (2) of subsection (b) of section 19a-342a, as amended by this act, as determined in an annual audit conducted by an independent certified public accountant, (B) is located in a municipality that has a population of at least eighty thousand and does not contain another tobacco bar, (C) does not allow cigarettes or cigarette tobacco on the premises, (D) contains a walk-in or stand-up humidor as a built-in feature on the premises, (E) is located in a building (i) in which no other owner-occupant, lessee or tenant has a right to utilize the same space as the tobacco bar, or (ii) that uses the tobacco bar's own heating, ventilation or air conditioning system to prevent commingling of air, (F) is located in premises equipped with a ventilation system that (i) provides local mechanical exhaust with no recirculation, (ii) circulates at least sixty cubic feet of outdoor air per person per minute to provide adequate indoor air quality, and (iii) satisfies the requirements established in ANSI/ASHRAE 62-2001, "ventilation for acceptable indoor air quality", as amended from time to time, and (G) provides health coverage to the tobacco bar's employees and their dependents in accordance with other applicable law, including, but not limited to, the Patient Protection and Affordable Care Act, P.L. 111-148, as amended by the Health Care and Education Reconciliation Act, P.L. 111-152, as both may be amended from time to time, and regulations adopted thereunder.

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

(b) (1) Notwithstanding the provisions of section 31-40q, no person shall smoke: (A) In any area of a building or portion of a building,

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owned and operated or leased and operated by the state or any political subdivision of the state; (B) in any area of a health care institution, including, but not limited to, a psychiatric facility; (C) in any area of a retail establishment accessed by the general public; (D) in any restaurant; (E) in any area of an establishment with a permit issued for the sale of alcoholic liquor pursuant to section 30-20a, 30-21, 30-21b, 30-22, 30-22c, 30-28, 30-28a, 30-33a, 30-33b, 30-35a, 30-37a, 30-37e or 30-37f, in any area of an establishment with a permit for the sale of alcoholic liquor pursuant to section 30-22aa issued after May 1, 2003, and, on and after April 1, 2004, in any area of an establishment with a permit issued for the sale of alcoholic liquor pursuant to section 30-22a, as amended by this act, or 30-26; (F) in any area of a school building or on the grounds of such school; (G) within a child care facility or on the grounds of such child care facility, except, if the child care facility is a family child care home, as defined in section 19a-77, such smoking is prohibited only when a child enrolled in such home is present during customary business hours; (H) in any passenger elevator; (I) in any area of a dormitory in any public or private institution of higher education; (J) in any area of a dog race track or a facility equipped with screens for the simulcasting of off-track betting race programs or jai alai games; (K) in any room offered as an accommodation to guests by the operator of a hotel, motel or similar lodging; (L) in any area of a correctional facility or halfway house; or (M) in any area of a platform or a shelter at a rail, busway or bus station, owned and operated or leased and operated by the state or any political subdivision of the state. For purposes of this subsection, "restaurant" means space, in a suitable and permanent building, kept, used, maintained, advertised and held out to the public to be a place where meals are regularly served to the public, "school" has the same meaning as provided in section 10-154a and "child care facility" has the same meaning as provided in section 19a-342a, as amended by this act.

(2) Subdivision (1) of this subsection shall not apply to the following:

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(A) Public housing projects, as defined in subsection (b) of section 21a-278a; (B) any classroom where demonstration smoking is taking place as part of a medical or scientific experiment or lesson; (C) notwithstanding the provisions of subparagraph (E) of subdivision (1) of this subsection, the outdoor portion of the premises of any permittee listed in subparagraph (E) of subdivision (1) of this subsection, provided, in the case of any seating area maintained for the service of food, at least seventy-five per cent of the outdoor seating capacity is an area in which smoking is prohibited and which is clearly designated with written signage as a nonsmoking area, except that any temporary seating area established for special events and not used on a regular basis shall not be subject to the smoking prohibition or signage requirements of this subparagraph; (D) any medical research site where smoking is integral to the research being conducted; or (E) any tobacco bar. [, provided no tobacco bar shall expand in size or change its location from its size or location as of December 31, 2002.] For purposes of this subdivision, "outdoor" means an area which has no roof or other ceiling enclosure; [,] "tobacco bar" means an establishment with a permit for the sale of alcoholic liquor to consumers issued pursuant to [chapter 545] section 30-22a, as amended by this act, that, in the calendar year ending December 31, 2002, generated ten per cent or more of its total annual gross income from the on-site sale of tobacco products and the rental of on-site humidors [,] or, for any tobacco bar that commenced operations during the period beginning January 1, 2003, and ending December 31, 2022, generates at least sixty per cent of the tobacco bar's total annual gross sales from on-site sales of tobacco products, as determined in an annual audit conducted by an independent certified public accountant; and "tobacco product" means [any substance that contains tobacco, including, but not limited to, cigarettes,] cigars [,] and pipe tobacco, [or chewing tobacco, except "tobacco product"] and does not include cannabis, cigarettes or chewing tobacco.

Sec. 3. Subsection (b) of section 19a-342a of the general statutes is

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repealed and the following is substituted in lieu thereof (*Effective October 1, 2023*):

(b) (1) No person shall use an electronic nicotine or cannabis delivery system or vapor product: (A) In any area of a building or portion of a building owned and operated or leased and operated by the state or any political subdivision of the state; (B) in any area of a health care institution, including, but not limited to, a psychiatric facility; (C) in any area of a retail establishment accessed by the public; (D) in any restaurant; (E) in any area of an establishment with a permit issued for the sale of alcoholic liquor pursuant to section 30-20a, 30-21, 30-21b, 30-22, 30-22a, as amended by this act, 30-22c, 30-26, 30-28, 30-28a, 30-33a, 30-33b, 30-35a, 30-37a, 30-37e or 30-37f, in any area of establishment with a permit issued for the sale of alcoholic liquor pursuant to section 30-22aa issued after May 1, 2003; (F) in any area of a school building or on the grounds of such school; (G) within a child care facility or on the grounds of such child care facility, except, if the child care facility is a family child care home as defined in section 19a-77, such use is prohibited only when a child enrolled in such home is present during customary business hours; (H) in any passenger elevator; (I) in any area of a dormitory in any public or private institution of higher education; (J) in any area of a dog race track or a facility equipped with screens for the simulcasting of off-track betting race programs or jai alai games; (K) in any room offered as an accommodation to guests by the operator of a hotel, motel or similar lodging; (L) in any area of a correctional facility, halfway house or residential facility funded by the Judicial Branch; or (M) in any area of a platform or a shelter at a rail, busway or bus station, owned and operated or leased and operated by the state or any political subdivision of the state. For purposes of this subsection, "restaurant" means space, in a suitable and permanent building, kept, used, maintained, advertised and held out to the public to be a place where meals are regularly served to the public; [] and "school" has the same meaning as provided in section 10-154a.

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(2) Subdivision (1) of this subsection shall not apply to the following: (A) Public housing projects, as defined in subsection (b) of section 21a-278a; (B) any classroom where a demonstration of the use of an electronic nicotine or cannabis delivery system or vapor product is taking place as part of a medical or scientific experiment or lesson; (C) any medical research site where the use of an electronic nicotine or cannabis delivery system or vapor product is integral to the research being conducted; (D) establishments without a permit for the sale of alcoholic liquor that sell electronic nicotine delivery systems, vapor products or liquid nicotine containers on-site and allow their customers to use such systems, products or containers on-site; (E) notwithstanding the provisions of subparagraph (E) of subdivision (1) of this subsection, the outdoor portion of the premises of any permittee listed in subparagraph (E) of subdivision (1) of this subsection, provided, in the case of any seating area maintained for the service of food, at least seventy-five per cent of the outdoor seating capacity is an area in which smoking is prohibited and which is clearly designated with written signage as a nonsmoking area, except that any temporary seating area established for special events and not used on a regular basis shall not be subject to the prohibition on the use of an electronic nicotine or cannabis delivery system or vapor product or the signage requirements of this subparagraph; or (F) any tobacco bar. [, provided no tobacco bar shall expand in size or change its location from its size or location as of October 1, 2015.] For purposes of this subdivision, "outdoor" means an area which has no roof or other ceiling enclosure; [,] "tobacco bar" means an establishment with a permit for the sale of alcoholic liquor to consumers issued pursuant to [chapter 545] section 30-22a, as amended by this act, that, in the calendar year ending December 31, [2015] 2002, generated ten per cent or more of its total annual gross income from the on-site sale of tobacco products and the rental of on-site humidors [,] or, for any tobacco bar that commenced operations during the period beginning January 1, 2003, and ending December 31, 2022, generates at least sixty per cent of the tobacco bar's total annual gross sales from on-

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site sales of tobacco products, as determined in an annual audit conducted by an independent certified public accountant; and "tobacco product" means [any substance that contains tobacco, including, but not limited to, cigarettes,] cigars [,] and pipe tobacco, [or chewing tobacco, except that "tobacco product"] and does not include cannabis, cigarettes or chewing tobacco.

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

(c) The holder of a Connecticut craft cafe permit may purchase, for resale on such permit holder's premises, alcoholic liquor [from] manufactured by the holder of a manufacturer permit for: (1) Spirits issued under subsection (a) of section 30-16; (2) beer issued under subsection (b) of section 30-16; (3) a farm winery issued under subsection (c) of section 30-16; or (4) wine, cider and mead issued under subsection (d) of section 30-16. Such purchase for resale may be made from the original manufacturer of the alcoholic liquor or from the holder of a wholesaler permit issued under section 30-17 with distribution rights to such alcoholic liquor. 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, except any holder of a Connecticut craft cafe permit that also holds the manufacturer permit specified in subdivision (2) of this subsection may purchase from another holder of such a manufacturer permit beer that the Connecticut craft cafe permit holder manufactured in collaboration with another holder of such a manufacturer permit. The sale of such alcoholic liquor shall not comprise more than twenty per cent of the Connecticut craft cafe permit holder's gross annual sales of all alcoholic liquor sold for on-premises consumption.