

PART I DEFINITIONS

Sec. 30-1. Definitions. For the interpretation of this chapter, unless the context indicates a different meaning:

(1) "Airline" means any 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, or any foreign flag carrier, holding a permit under Section 402 of such act.

(2) "Alcohol" means the product of distillation of any fermented liquid, rectified either once or more often, whatever may be the origin thereof, and includes synthetic ethyl alcohol which is considered nonpotable.

(3) "Alcoholic liquor" or "alcoholic beverage" includes the four varieties of liquor defined in subdivisions (2), (5), (18) and (19) of this section (alcohol, beer, spirits and wine) and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer and capable of being consumed by a human being for beverage purposes. Any liquid or solid containing more than one of the four varieties so defined is considered as belonging to that variety which has the higher percentage of alcohol, according to the following order: Alcohol, spirits, wine and beer, except as provided in subdivision (19) 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, engaged in the manufacture or sale of alcoholic liquor, in which business a permittee is associated, whether as 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 in drinking water.

(6) (A) "Case price" means the price of a container of cardboard, wood or other material, containing units of the same size, brand, age and proof of alcoholic liquor, and (B) a case of alcoholic liquor, other than beer, cordials, cocktails, wines and prepared mixed drinks, shall be in the number and quantity of units or bottles as follows: Three gallon bottles; four gallon bottles; six half-gallon bottles; twelve quart bottles or twelve liter bottles; twelve one-fifth gallon bottles or twelve seven hundred fifty milliliter bottles; twenty-four pint bottles; twenty-four one-tenth gallon bottles or six and four-tenths ounce bottles or twenty-four three hundred seventy-five milliliter bottles or forty-eight one hundred eighty-seven and one-half milliliter bottles; ninety-six one hundred milliliter bottles; forty-eight half-pint bottles, or two hundred forty-one and one-half ounce, one and six-tenths ounce and two ounce bottles or ninety-six ninety-three and seven-tenths milliliter bottles or one hundred ninety-two forty-six and eight-tenths milliliter bottles.

(7) "Charitable organization" means any nonprofit organization organized for charitable purposes to which has been issued a ruling by the Internal Revenue Service classifying it as an exempt organization under Section 501(c)(3) of the Internal Revenue Code.

(8) "Club" means a club as defined in section 30-23.

(9) "Coliseum" means a coliseum as defined in section 30-33a.

(10) "Commission" means the Liquor Control Commission and "department" means the Department of Consumer Protection.

(11) "Golf country club" means a golf country club as defined in section 30-24a.

(12) "Minor" means any person under twenty-one years of age.

(13) "Person" means natural person including partners but shall not include corporations, limited liability companies, joint stock companies or other associations of natural persons.

(14) "Proprietor" shall include all owners of businesses or clubs, included in subdivision (4) of this section, whether such owners are individuals, partners, joint stock companies, fiduciaries, stockholders of corporations or otherwise, but shall not include persons or corporations who are merely creditors of such businesses or clubs, whether as note holders, bond holders, landlords or franchisors.

(15) "Dining room" means a room or rooms in premises operating under a hotel permit, hotel beer permit, restaurant permit, restaurant permit for beer, restaurant permit for wine and beer, railroad permit, or boat 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.

(16) "Restaurant" means a restaurant as defined in section 30-22.

(17) "Special sporting facility" means a special sporting facility as defined in section 30-33b.

(18) "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) "Wine" means any alcoholic beverage obtained by the fermentation of the natural sugar content of fruits, such as grapes or apples or other agricultural products, containing 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.

(1949 Rev., S. 4222; 1951, 1953, S. 2148d; 1957, P.A. 267, S. 1; 617, S. 1; 1959, P.A. 590; 1961, P.A. 292; 1963, P.A. 274, S. 1; February, 1965, P.A. 512; 553, S. 1; 1967, P.A. 365, S. 1; 725, S. 1; 1969, P.A. 135, S. 1; 724, S. 1; 739; 1971, P.A. 254, S. 1; 1972, P.A. 127, S. 57; P.A. 73-222; 73-533, S. 1; 73-543, S. 1; 73-563, S. 1; P.A. 74-307, S. 1; P.A. 75-259, S. 1, 8; 75-641, S. 1; P.A. 77-614, S. 165, 587, 610; P.A. 78-80, S. 1, 4; 78-82, S. 2; 78-202, S. 1, 2, 5; 78-294, S. 1, 5; 78-303, S. 80, 85, 136; P.A. 79-404, S. 38, 45; P.A. 80-198, S. 2; 80-482, S. 4, 170, 189, 191, 345, 348; P.A. 81-287, S. 1; 81-294, S. 6, 22; P.A. 82-68, S. 1, 11; 82-299, S. 1, 6; P.A. 83-152, S. 2; 83-508, S. 2; P.A. 85-264, S. 1, 4; 85-613, S. 82, 154; P.A. 89-181, S. 1, 6; P.A. 90-72, S. 1; 90-271, S. 18, 24; P.A. 91-118, S. 1; P.A. 93-139, S. 1; 93-326, S. 2; P.A. 95-79, S. 105, 189; 95-195, S. 11, 83; P.A. 03-235, S. 4; June 30 Sp. Sess. P.A. 03-6, S. 146(d); P.A. 04-169, S. 17; 04-189, S. 1; P.A. 05-288, S. 132; P.A. 06-94, S. 1.)

History: 1959 act redefined club to qualify national or international fraternal or social organizations or affiliates in existence in state 1 year; 1961 act redefined case price to include cordials, cocktails, wines and prepared mixed drinks in exception; 1963 act added Subdiv. (21) defining "grocery store"; 1965 acts redefined "hotel" to include golf facilities and swimming pools as part of hotel premises and added Subdiv. (22) defining "golf country club"; 1967 acts added Subdivs. (23) and (24) defining "cafe" and "nonprofit theater"; 1969 acts redefined "bottle price" to specify applicability to alcoholic liquor other than beer and to clarify unit sizes, redefined "golf country club" to allow application for permit by organizations in existence for less than 1 year if certain conditions are met and redefined "case price" similarly for clarity and added Subdiv. (25) defining "nonprofit public art museum"; 1971 act added Subdiv. (26) defining "charitable

Subdiv. (25) defining "nonprofit public art museum"; 1971 act added Subdiv. (26) defining "charitable organization"; 1972 act redefined "minor" to reflect lowered age of majority, i.e. from 21 to 18; P.A. 73-222 changed population marker in "hotel" definition from 15,000 to 40,000; P.A. 73-533 added Subdivs. (27) to (29) defining "coliseum", "coliseum club" and "arena"; P.A. 73-543 added Subdiv. (30) defining "airline"; P.A. 73-563 redefined "hotel" adding as determiner of classification number of days food is served per week and whether or not food is served at all times when liquor is served; P.A. 74-307 added Subdiv. (31) defining "special sporting facility"; P.A. 75-259 redefined "case price" to include liter and milliliter bottles; P.A. 75-641 rearranged Subdivs. to place terms defined in alphabetical order; P.A. 77-614 replaced liquor control commission with division of liquor control within the department of business regulation, effective January 1, 1979; P.A. 78-80 added Subdiv. (32) defining "motel"; P.A. 78-82 added Subdiv. (33) defining "resort"; P.A. 78-202 added Subdiv. (34) defining "special outing facility"; P.A. 78-294 added Subdiv. (35) defining "farm winery"; P.A. 78-303 created exceptions to replacement of liquor control commission with division of liquor control; P.A. 79-404 replaced commission on special revenue with gaming policy board in Subdiv. (28); P.A. 80-198 included sales of wine in definition of "tavern"; P.A. 80-482 (See Secs. 4, 170 and 191) made division of liquor control an independent department and abolished the department of business regulation, overriding provision of same act which would have placed the division within the public safety department; P.A. 81-287 amended Subdiv. (11), defining "club", to include definition of "nonprofit club"; P.A. 81-294 amended Subdiv. (7), defining "bottle price", to include references to metric units and to allow increases greater than the previously stated amounts of two, four or eight cents in determining bottle price, effective January 1, 1982; P.A. 82-68 amended Subdiv. (20) by redefining "minor" as a person under 19 years of age, raising the age from 18; P.A. 82-299 added Subdiv. (36) defining "catering establishment"; P.A. 83-152 added a new Subdiv. (37) defining "nonprofit public television corporation"; P.A. 83-508 amended Subdiv. (20) by redefining "minor" as a person under 20 years of age, raising the age from 19; P.A. 85-264 redefined "minor" in Subdiv. (20) as any person under 21 years of age other than a person who has attained the age of 20 on or before September 1, 1985; P.A. 85-613 made technical change in Subdiv. (9); P.A. 89-181 added a new Subdiv. (38) defining "brew pub"; P.A. 90-72 added Subdiv. (15)(B) re an alternative definition of "golf country club"; P.A. 90-271 made a technical change in Subdiv. (2); P.A. 91-118 amended Subdiv. (21) by deleting "art" before "museum", thus defining a permit that could be obtained by all nonprofit public museums, without regard to whether "art" was displayed there and deleted the word "floor", before "area", in the phrase "one hundred thousand square fee of floor area"; P.A. 93-139 made technical changes, amended the definitions of "alcoholic liquor", "minor" and "dining room", entirely redefined "club", "coliseum", "golf country club", "restaurant", "special sporting facility" and "nonprofit public television corporation" and deleted the definitions of "arena", "bottle price", "cafe", "nonprofit club", "coliseum club", "grocery store", "hotel", "licensed pharmacist" or "licensed druggist", "licensed pharmacy", "nonprofit public museum", "nonprofit theater", "pharmacy commission", "tavern", "motel", "resort", "special outing facility", "farm winery", "catering establishment" and "brew pub"; P.A. 93-326 would have redefined "special outing facility" to reduce pavilion seating capacity from two hundred fifty people to one hundred fifty people, but failed to take effect since that definition was repealed by P.A. 93-139; P.A. 95-79 redefined "person" to exclude limited liability companies, effective May 31, 1995; P.A. 95-195 amended Subdiv. (10) to substitute Department of Consumer Protection for Department of Liquor Control, effective July 1, 1995; P.A. 03-235 amended Subdiv. (6) by adding ninety-six 100-milliliter bottles to definition of "case price", effective June 26, 2003; June 30 Sp. Sess. P.A. 03-6 and P.A. 04-169 replaced Department of Consumer Protection with Department of Agriculture and Consumer Protection, effective July 1, 2004; P.A. 04-189 repealed Sec. 146 of June 30 Sp. Sess. P.A. 03-6, thereby reversing the merger of the Departments of Agriculture and Consumer Protection, effective June 1, 2004; P.A. 05-288 made a technical change in Subdiv. (14), effective July 13, 2005; P.A. 06-94 amended Subdiv. (14) to change reference from "subdivision (5)" to "subdivision (4)" and add exclusion for landlords and franchisors in definition of "proprietor".

The following cases decided prior to enactment of the liquor control act of 1933: Complaint charging sale of "spirituous liquor, to wit: beer," sufficient. 51 C. 1. Spirituous and intoxicating liquors include medicines prepared and sold by a druggist, of which a part is spirituous liquor. 61 C. 39. When lease, contained provision that rental should be reduced one-half in case city wherein premises leased were located "should go

no license," passage of Volstead act operated to reduce rental one-half. 98 C. 751. Partially denatured alcohol readily made fit for beverage purposes held to be intoxicating liquor; any liquor specifically mentioned in former section or declared intoxicating by United States laws is intoxicating liquor; whether or not liquor is fit for beverage purposes is for the jury. 100 C. 645. Only such parts of statute defining intoxicating liquors as are relevant need be covered in charge. 102 C. 636. The following cases decided subsequent to enactment of the liquor control act: The definitions given of "alcohol", "beer", etc. are sufficiently broad to include medicinal compounds containing alcohol. 118 C. 252. It is not necessary that proof of alcoholic content in a given case be established only by an expert. 119 C. 439. Defendant not harmed by court's statement that it was undisputed that beer was "alcoholic liquor". 120 C. 43. Under former statute "regularly served" meals are meals served during hours restaurants are usually open. However, there must be a bona fide restaurant business. 121 C. 446. Whether or not place of business conformed to statutory definition is a question of fact. *Id.*, 695. Commission did not abuse its discretion in refusing permits on ground restaurant business not bona fide. 123 C. 318. Cited. 124 C. 690. Action of the commission must be tested by condition of club's premises at time of the hearing. 125 C. 106. A change from unincorporated to incorporated form not material to continuous existence of a club. *Id.*, 108. Service of hot meals insufficient to afford assurance of bona fide restaurant business. 128 C. 115. Cited. 132 C. 665. Cited. 133 C. 151. Cited. 158 C. 362. Cited. 191 C. 528. Cited. 195 C. 18.

History of section reviewed. 20 CS 256. Cited. 23 CS 281.

Purpose of act was to redefine and extend privilege of acquiring a grocery store beer permit to stores other than grocery stores; not determinative as to whether supermarket is grocery store for purposes of section 53-290. 3 Conn. Cir. Ct. 682.

Subdiv. (2):

Cited. 160 C. 4.

Cited. 23 CS 474.

Chemical analysis is not only method by which jury may determine that beer sold to minor is alcoholic beverage within prohibition of statute; common knowledge of well-known and nationally advertised brands may establish fact for jury. 5 Conn. Cir. Ct. 373.

Subdiv. (3):

Discussed. 5 CS 234.

Subdiv. (7):

An association operating under a club liquor permit which terminated the voting rights of its members and made its board of governors self-perpetuating does not come within the statutory definition of "club" as defined in the Liquor Control Act. 166 C. 97.

Statutory requirements to be a club reviewed. 16 CS 60.

Subdiv. (12):

Cited. 236 C. 670.

Cited. 22 CS 354.

Cited. 4 Conn. Cir. Ct. 170. Cited. 5 Conn. Cir. Ct. 373.

Subdiv. (13):

Word "person" interpreted to allow a corporation to be eligible for a liquor permit. 18 CS 273.

Subdiv. (15):

Discussed. 5 CS 234. "Owner" means all persons who have combined in them both the title to and right of possession of the business and the owner shall be responsible for the conduct of the business. Management does not mean ownership. 22 CS 420.

Subdiv. (17):

Mere possession of supply of food sufficient to offer limited number and variety of meals would not make premises restaurant if there were so few food patrons or their demands for food were so insignificant that service of hot meals was not a regular part of permittee's business. 149 C. 511.

Cited. 36 CS 305.

Subdiv. (20):

Cited. 207 C. 88.

Sec. 30-89. Purchasing liquor or making false statement to procure liquor by person forbidden to purchase prohibited. Possessing liquor by minor on public street or highway or other public or private location prohibited; exceptions. (a) Any person to whom the sale of alcoholic liquor is by law forbidden who purchases or attempts to purchase such liquor or who makes any false statement for the purpose of procuring such liquor shall be fined not less than two hundred or more than five hundred dollars.

(b) Any minor who possesses any alcoholic liquor (1) on any public street or highway, or (2) in any other public or private location, shall, for a first offense, have committed an infraction and for any subsequent offense, be fined not less than two hundred dollars or more than five hundred dollars.

(c) The provisions of subsection (b) of this section shall not apply to (1) a person over age eighteen who is an employee or permit holder under section 30-90a and who possesses alcoholic liquor in the course of such person's employment or business, (2) a minor who possesses alcoholic liquor on the order of a practicing physician, or (3) a minor who possesses alcoholic liquor while accompanied by a parent, guardian or spouse of the minor, who has attained the age of twenty-one. Nothing in this subsection shall be construed to burden a person's exercise of religion under section 3 of article first of the Constitution of the state in violation of subsection (a) of section 52-571b.

(1949 Rev., S. 4302; 1963, P.A. 358, S. 1; P.A. 82-68, S. 7, 11; P.A. 83-571, S. 3; P.A. 86-151, S. 4; P.A. 90-72, S. 2; P.A. 06-112, S. 2; P.A. 07-167, S. 49; June Sp. Sess. P.A. 07-5, S. 33.)

History: 1963 act raised maximum fine from \$50 to \$100; P.A. 82-68 added an exception to the prohibition against minors entering a tavern for persons over eighteen who are employees or permit holders; P.A. 83-571 increased the fine from not more than \$100 to not less than \$200 nor more than \$500; P.A. 86-151 added Subsec. (b) prohibiting minors' possession of alcoholic beverages in public except as specified; P.A. 90-72 deleted provision in Subsec. (a) which had applied fine to minors who enter taverns other than those who are employees or permit holders; P.A. 06-112 amended Subsec. (b) to prohibit any minor possessing alcoholic liquor "on public or private property" rather than "on any street or highway or in any public place or place open to the public, including any club which is open to the public," make penalty for a first offense an infraction, make existing fine of not less than \$200 or more than \$500 the penalty for a subsequent offense, provide that exemption in Subdiv. (3) applies when a minor is accompanied by a parent, guardian or spouse "of the minor", add provision that nothing in Subsec. shall be construed to burden a person's exercise of religion under Art. 1, Sec. 3 of the state constitution in violation of Sec. 52-571b(a), and make a technical change; P.A. 07-167 amended Subsec. (b) by replacing provision re public or private property with new Subdivs. (1) and (2) re public street or highway or other public or private location, redesignated provisions of Subsec. (b) re exceptions as Subsec. (c) and made a technical change therein, effective June 25, 2007; June Sp. Sess. P.A. 07-5 made technical changes, effective October 6, 2007.

See Sec. 14-111a re revocation of operator's license for possession of alcoholic liquors in motor vehicles by underage persons.

Cited. 207 C. 88. Cited. 236 C. 670.

Cited. 3 Conn. Cir. Ct. 224. Cited. 4 Conn. Cir. Ct. 172.