

STATE OF CONNECTICUT
DEPARTMENT OF CONSUMER PROTECTION

In Re:)	Case No. 18-279
)	
Declaratory Ruling Regarding Delivery)	
of Alcoholic Beverages to Consumers by)	
Holder of Off-Premise Retail Permits)	April 30, 2018

SUA SPONTE DECLARATORY RULING

Pursuant to Connecticut General Statutes § 4-176 and Regulations of Connecticut State Agencies § 21a-1-10, I am issuing this sua sponte Declaratory Ruling regarding the delivery of alcoholic beverages to consumers by holders of off-premise retail permits, specifically grocery store beer permits, package store permits, and druggist permits. This Declaratory Ruling clarifies the applicability of the Liquor Control Act and its regulations, particularly Connecticut General Statutes §§ 30-20 and 30-36, and Regulations of Connecticut State Agencies § 30-6-B55(b) as they pertain to the following specified circumstances.

The delivery of alcoholic beverages to consumers by holders of off-premise retail permits is expressly allowed by our regulations. Specifically, Regulations of Connecticut State Agencies § 30-6-B55(b) states: “No permittee or backer, who owns or operates a grocery store adjacent to any package store liquor permit premises, shall deliver alcoholic beverages together with groceries ordered by any consumer or purchaser from the grocery store premises. Alcoholic beverages sold under a package store liquor permit shall be delivered separately to any purchasers. Nothing in this subsection shall prohibit the delivery of beer sold under a grocery store beer permit exclusively or along with groceries from such grocery store beer permit premises.” (Emphasis added.) The only limitation noted by this regulation is that items from a package store cannot be delivered along with items from a grocery store when the businesses are physically adjacent. In other words, each premise must make their deliveries separately, which means each type of premise is authorized to deliver its own alcoholic beverages. This regulation thus allows deliveries of alcoholic beverages from package stores and also allows deliveries of beer from grocery stores.

The last type of off-premise retail permit granted in Connecticut, a druggist permit, allows drug store proprietors to engage in the “retail sale of alcoholic liquor in containers of not less than eight ounces or one hundred eighty-seven and one-half milliliters and not more than one quart or one liter capacity except that beer may be sold in containers of not more than forty ounces or twelve hundred milliliters capacity, to any person.” Conn. Gen. Stat. § 30-36. It is forbidden to drink such alcoholic beverages on the permit premises. *Id.* The druggist permit statutory scheme is silent on the issue of delivery. While there is nothing expressly permitting delivery of alcohol, there is nothing expressly prohibiting delivery, either. In fact, drug stores are allowed to deliver other products directly to consumers, such as prescriptions and sundry items. It makes little sense to prohibit drug stores operating with a druggist permit from delivering one type of product, i.e. alcoholic liquor. Doing so would create an unfair advantage

for the other two types of off-premise retail permits, specifically package stores and grocery stores.

It is equally important to note that delivery of alcoholic beverages carries certain responsibilities. A premise can only sell and deliver those types of beverages allowed under their respective permit types. Similarly, any delivery of alcoholic liquor within the limits of any town shall be deemed a sale within the town, and must comply with any local town requirements. *See Conn. Gen. Stat. § 30-80.* Moreover, the permittee is responsible for ensuring that all customers at the time of sale and delivery are of the legal drinking age and not intoxicated. *See Conn. Gen. Stat. § 30-86.* Likewise, all sales and deliveries must occur during the legal hours of sale. *See Conn. Gen. Stat. § 30-91(a) & (d).* Lastly, it is incumbent on all permittees to ensure full compliance with all pertinent liquor laws and regulations.

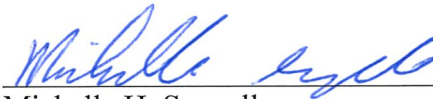
Based upon the forgoing, I hereby rule as follows:

The Department of Consumer Protection will allow package store permittees to deliver alcoholic beverages directly to consumers in Connecticut. The Department will also allow grocery store beer permittees to deliver beer, with or without groceries from the premise, directly to consumers in Connecticut. Lastly, the Department will allow druggist permittees to deliver alcoholic liquor, with or without other items from the premise, directly to consumers in Connecticut. However, the minimum following conditions must be met by any off-premise retail permittee engaging in delivery:

- The permittee must be licensed and in good standing with the Department;
- The sale and delivery of such alcoholic beverages shall only take place during the legal hours of sale as defined in Connecticut General Statutes § 30-91(a) & (d);
- The sale and delivery of alcoholic beverages shall comply with any local town ordinances and requirements;
- The permittee is responsible for verifying that the purchasing consumer is of legal drinking age and not intoxicated at the time of sale;
- The permittee is responsible for verifying that the receiving consumer is of legal drinking age and not intoxicated at the time of delivery; and
- The permittee will comply with all other relevant statutes and regulations governing his or her permit type.

5/1/18

Date



Michelle H. Seagull

Commissioner, Department of Consumer Protection