

Secretary of the State File Number

6356

Regulation of the
Department of Consumer Protection
Concerning

Self-Pour Automated Systems

Regulations adopted after July 1, 2013, become effective upon posting to the Connecticut eRegulations System, or at a later date if specified within the regulation.

Posted to the Connecticut eRegulations System on **February 18, 2022**

EFFECTIVE DATE

February 18, 2022

Approved by the Attorney General on

November 10, 2021

Approved by the Legislation Regulation Review Committee on

January 25, 2022

Electronic copy with agency head certification statement electronically submitted to and received by the Office of the Secretary of the State on

February 9, 2022

IMPORTANT NOTICE FOR CONNECTICUT STATE AGENCIES
This form should be used only for regulations first noticed *on and after March 23, 2015*.

Electronic Copy Certification Statement

(Submitted in accordance with the provisions of section 4-172 of the Connecticut General Statutes)

Regulation of the
Department of Consumer Protection
Concerning
Self-Pour Automated Systems

Approved by the Legislative Regulation Review Committee: **January 25, 2022**

eRegulations System Tracking Number: **PR2021-022**

I hereby certify that the electronic copy of the above-referenced regulation submitted herewith to the Secretary of the State is a true and accurate copy of the regulation approved in accordance with sections 4-169 and 4-170 of the *Connecticut General Statutes*.

And I further certify that in accordance with the approval of Legislative Regulation Review Committee, all required technical corrections, page substitutions and deletions, if any, have been incorporated into said regulation.

In testimony whereof, I have hereunto
set my hand on **February 8, 2022**.



Julianne Avallone
Legal Division Director
Department of Consumer Protection

State of Connecticut
Regulation of
Department of Consumer Protection
Concerning
Self-Pour Automated Systems

Section 1. Section 30-6-A28 of the Regulations of Connecticut State Agencies is amended to read as follows:

30-6-A28. [Vending machines prohibited and automatic bar equipment controlled] Self-Pour Automated Systems

(a) [No automatic coin operated mechanism shall be used on any permit premises to dispense alcoholic beverages to a consumer.] **Definitions**

As used in this section:

(1) “Automated system” means a mechanized device capable of dispensing alcoholic beverages in a pre-determined amount directly to an employee of the permittee or a patron when an RFID device activates the mechanized device.

(2) “Quantity limit” means thirty-two ounces of beer, thirty-two ounces of cider not exceeding six per cent alcohol by volume, or ten ounces of wine.

(3) “Radio frequency identification device” or “RFID device” means a card, wristband, or other item that uses electromagnetic fields, ultra-high frequency radio waves, or other similar technology that automatically and uniquely identifies the user of the device.

(b) [No automatic bar equipment shall be used on any permit premises without the approval of the department. The source of alcoholic beverages in an automatic system shall be arranged so as to readily permit inspection. All spigots in the system shall be accurately labeled.] **Automated Systems Allowed**

(1) A permittee licensed for on-premises consumption of alcoholic beverages may offer a patron self-service of beer, cider not exceeding six percent alcohol by volume, or wine from an automated system on the licensed premises.

(2) No permittee shall allow an automated system to be used by patrons without first providing notification to the department of the permittee’s intent to use the automated system.

(3) The sale of alcoholic beverages shall be deemed to occur between the permittee and the patron even if service occurs through an automated system.

(4) Every permittee offering a patron self-service through an automated system shall maintain constant video monitoring of the automated system at all times during which the premises is open to the public. The permittee shall keep recorded footage from the video

monitoring for at least sixty days and shall provide the footage, upon request, to the department or any authorized law enforcement agent.

(5) A permittee shall offer to a patron who prepays for an RFID device a prorated refund if the patron does not serve himself or herself the full allowable amount of beer, cider, or wine from the automated system.

(c) [No self-service system, whereby a patron may serve his own alcoholic liquor, shall be used on any permit premises except as permitted under hotel guest bar permits.] **Requirements for Automated Systems**

(1) The automated system shall only be accessible by an activated RFID device that an employee or patron receives from the permittee or the permittee's designee. Each time a patron activates or reactivates the RFID device, the automated system may dispense to the patron an amount up to the quantity limit. The full amount of the quantity limit need not be served at one time. No more than the quantity limit may be served per each activation of the RFID device.

(2) No beer, cider, or wine shall be sold, served, or dispensed from an automated system unless the brand name of the beer, cider, or wine manufacturer's product corresponding to the container from which the beverage is drawn is affixed or imprinted on a card, sign, plate, button, screen, or key of the dispensing spigot or nozzle. The automated system shall prohibit the intermixing of alcoholic beverages of different brands or labels while dispensing.

(3) The automated system shall not dispense from or utilize a container other than the original container as received from the manufacturer or wholesaler.

(4) No automated system shall allow beer, cider, or wine to flow through copper or lead tubing unless such tubing is isolated so that the alcoholic beverage does not come in direct contact with the copper or lead.

(5) The automated system shall be located in the main portion of the barroom or permit premises in an area that is constantly monitored by the permittee and visible to the public.

(d) Requirements for RFID Devices

(1) An RFID device shall be automatically deactivated and rendered unusable by a patron if it: (A) no longer contains a volume credit or monetary credit, or (B) has been used to dispense the quantity limit.

(2) The automated system shall prohibit a patron from obtaining different classes of an alcoholic beverage during the same activation. Class, for the purpose of this subdivision, means beer, wine or cider.

(3) The permittee shall maintain the ability to activate and deactivate all RFID devices at any time, and shall store the devices in a secure location that is not freely and readily accessible to patrons.

(4) Each RFID device may only be used during the hours that the premises is allowed to serve alcoholic beverages pursuant to section 30-91 of the Connecticut General Statutes. All

RFID devices shall be deactivated upon the conclusion of legal service hours or when the premises closes, whichever occurs first.

(e) Requirements to Access the Automated System

(1) To access the automated system, an employee or a patron shall obtain or activate an RFID device from the permittee or the permittee's designee. A permittee or the permittee's designee shall not issue more than one active RFID device to an employee or patron at any given time and shall ensure that the employee and patron does not share the RFID device with another person.

(2) Before allowing a patron to use an RFID device for the first time on any given day, the permittee or the permittee's designee shall verify that the patron is twenty-one years of age or older based upon a government-issued identification card with a name that matches the name on the patron's debit card, credit card, or mobile payment application. The permittee or the permittee's designee shall record such verification of the patron's age in a print or digital log that shall be kept upon the permit premises for a period of three years from the date of the last entry and shall be available at all times that the premises is open for inspection by the department and any authorized law enforcement agent. Such log may be kept off the permit premises but only with the approval of the department.

(3) The permittee shall not allow an intoxicated patron to access the automated system.

(4) Any patron in possession of an inactive RFID device may, upon production of the patron's valid identification, have the RFID device reactivated a second time and subsequent times to allow another serving of an amount up to the quantity limit. The permittee shall not reactivate the RFID device until the patron's first serving is substantially disposed of or consumed.

(f) Maintenance Requirements for Self-Pour Automated Systems

(1) Beer, cider, or wine pipe lines, barrel tubes, coils, and other appurtenances used for the dispensing of alcoholic beverages through an automated system shall be cleaned at least once a week by the use of a hydraulic pressure mechanism, hand pump suction, or a force clear, or other substantially similar system. After cleaning, the lines and tubes shall be rinsed with clear water until all chemicals, if any have been used, have been removed. A print or digital record card shall be used to record the dates of cleaning. Such card shall be signed by the person who performs the cleaning and countersigned by the permittee. Such card shall be kept upon the permit premises for a period of one year from the date of the last entry and shall be available at all times that the premises is open for inspection by the department and any authorized law enforcement agent.

(2) At least once every thirty calendar days, a permittee shall calibrate the automated system to ensure that each ounce of liquid registered by the system is precisely one ounce of liquid poured. A print or digital record card shall be used to record the dates of calibration. Such card shall be signed by the person who performs the calibration and countersigned by the permittee. Such card shall be kept upon the permit premises for a period of one year from the date of the

last entry and shall be available at all times that the premises is open for inspection by the department and any authorized law enforcement agent.

R-39 Rev. 02/2012

Statement of Purpose

This regulation creates additional flexibility in the serving of alcoholic beverages within permitted premises by allowing automated dispensing machines. The regulations specify the use of RFID technology and require regular maintenance of automated systems to provide for safe and accurate dispensing to employees and patrons.

This regulation is mandated by Section 6 of Public Act 21-50. These new regulation provisions are replacing the existing Section 30-6-A28 of the Regulations of Connecticut State Agencies, which language was made obsolete by the Public Act.

The Department currently regulates the sale of alcoholic beverages through its Liquor Control Division.

IMPORTANT NOTICE FOR CONNECTICUT STATE AGENCIES

This form is to be used for proposed permanent and technical amendment regulations only and must be completed in full.

AGENCY CERTIFICATION

Department of Consumer Protection

Proposed Regulation Concerning

Self-Pour Automated Systems

eRegulations System Tracking Number **PR2021-023**

I hereby certify the following:

(1) The above-referenced **regulation** is proposed pursuant to the following statutory authority or authorities: **Conn. Gen. Stat. section 30-6(c) as amended by section 6 of Public Act 21-50.**

For technical amendment regulations proposed without a comment period, complete #2 below, then skip to #8.

(2) As permitted by Section 4-168(h) of the *Connecticut General Statutes*, the agency elected to proceed without prior notice or hearing and posted the text of the proposed technical amendment regulation on eRegulations System website on **N/A**.

For all other non-emergency proposed regulations, complete #3 - #7 below, then complete #8)

(3) The agency posted notice of intent with a specified comment period of not less than 30 days to the eRegulations System website on **August 23, 2021**.

(4) *(Complete one)* No public hearing held or was required to be held. **OR** One or more public hearings were held on: **N/A**.

(5) The agency posted notice of decision to move forward with the proposed regulation to the eRegulations System website on **November 2, 2021**.

(6) *(Complete one)* No comments were received. **OR** Comments were received and the agency posted the statements specified in subdivisions (1) and (2) of CGS Section 4-168(e) to the eRegulations System website on **N/A**.

(7) The final wording of the proposed regulation was posted to the eRegulations System website on **November 2, 2021**.

(8) Subsequent to approval for legal sufficiency by the Attorney General and approval by the Legislative Regulation Review Committee, **the final regulation shall be effective**

(Check one and complete as applicable)

When posted to the eRegulations System website by the Secretary of the State.

OR On _____

(Date must be a specific calendar date not less than 11 days after submission to the Secretary of the State)

SIGNED

*(Head of Board, Agency or Commission,
or duly authorized deputy)*

Legal Director

OFFICIAL TITLE

11/2/2021

DATE

OFFICE OF THE ATTORNEY GENERAL REGULATION CERTIFICATION

Agency: Connecticut Department of Consumer Protection

REGULATION NUMBER PR2021-023

This Regulation is hereby APPROVED by the Attorney General as to legal sufficiency in accordance with Connecticut General Statutes § 4-169.

DATE: November 10, 2021

Signed:

Digitally signed by Joseph
Rubin, Asst. Dep. A.G.
Date: 2021.11.10 11:53:32
+05'00'

Joseph Rubin
Assistant Deputy Attorney General
Duly Authorized

The Connecticut General Assembly

Legislative Regulation Review Committee

Senator James Maroney
Senate Chair



Representative Nicole Klarides-Ditria
House Chair

Official Record of Committee Action

January 25, 2022

Agency: Department of Consumer Protection
Description: Self-Pour Automated Systems
LRRC Regulation Number: 2021-022
eRegulation Tracking Number: PR2021-023

The above-referenced regulation has been

Approved with Technical Corrections

by the Legislative Regulation Review Committee in accordance
with CGS Section 4-170.

Kirstin L. Breiner
Committee Administrator



State of Connecticut
Office of the Secretary of the State

Confirmation of Electronic Submission

Re: Regulation of the Department of Consumer Protection concerning Self-Pour
Automated System
eRegulations System Tracking Number PR2021-023
Legislative Regulation Review Committee Docket Number 2021-022

The above-referenced regulation was electronically submitted to the Office of the Secretary of the State in accordance with Connecticut General Statutes Section 4-172 on February 9, 2022.

Said regulation is assigned Secretary of the State File Number 6356.

The effective date of this regulation is February 18, 2022.

A handwritten signature in cursive script that reads "Denise W. Merrill".

Denise W. Merrill
Secretary of the State
February 18, 2022

By:

/s/ Christopher R. Drake
Christopher R. Drake
Director, Business Services
Division