

PA13-101

HB6211

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**JOINT
STANDING
COMMITTEE
HEARINGS**

**GENERAL
LAW
PART 3
580 - 891**

2013

Representative Luxenberg.

REP. LUXENBERG: Thank you, Mr. Chairman and members of the committee, I was just finishing testifying at another committee so just in the nick of time.

SENATOR DOYLE: You just made it.

REP. LUXENBERG: Thank you for having me here.

I brought with me Adam Von Gootkin, who is the owner of Onyx Moonshine, a Manchester company. Him and his -- his cofounder is, actually, a constituent of mine -- are here to talk about House Bill 6211, which is a bill I've introduced. It's a very simple bill. Basically, it would allow great Connecticut small businesses, like Onyx and others around the state, to simply to offer tastings to attract tourism to promote their business and to help create jobs in their industry.

So I've submitted testimony of a long hearing in front of you. I'm not going to read it for you, but I do want to stress how important this bill is to support small businesses, how simple of a change it is. Washington State already allows these types of tastings at distilleries. Connecticut can do the same thing and, thus, become competitive with Washington and other states that allow this.

So, at this time, if it's all right with the committee members and chairs, I'd like you to hear directly from the small business owner who's here with me today, Adam Von Gootkin.

SENATOR DOYLE: Sure, as long as he stays within three minutes, no problem.

REP. LUXENBERG: Absolutely.

ADAM VON GOOTKIN: Thank you very much for your time. As Jeff said, my name is Adam Von Gootkin. I'm the cofounder of Onyx Spirits Company. We make Onyx Moonshine in East Hartford, Connecticut, and the president of the Connecticut Small Brand Council.

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We started Onyx Moonshine because we saw a lack of Connecticut-made spirits in the state and that was really motivating for us to look at actually launching a distillery here in Connecticut that could make an authentic Connecticut product for our consumers, both, in the state and throughout the rest of the country and that was our inspiration for doing this.

In the last year that we've been open, we've grown exceptionally fast. We received a DCD small business matching grant and a loan, as well, which has allowed us to employ an additional eight people full time, four part-time; and we moved into a new facility just last month in East Hartford. So the growth was much faster than we expected and we're seeing the consumers, we're seeing stores, and we're seeing the customers, in general, really getting behind the brand.

We are distributed now in Massachusetts, Rhode Island and New York as of next month, and I thought it worth mentioning that Onyx, by the way, is less expensive in Connecticut than those other states.

I'm here in support of HB 6211, regarding the offering and tasting of distilled spirits. As it stands right now if you're a brewery or a winery in Connecticut, you can offer customers that come in a little cup of a tasting of your product. It is just not written in the regulations that we are allowed to do that so they interpret that as we can't. That means that we are at a

disadvantage when customers, restaurateurs, distributors from other states come by for a tour for our place, they can't taste our stuff so we can't sell it to them. It makes it a little more challenging to sell it to them so we'd like to be able to do that, and I think that would be a fantastic way for us to compete, increase our ability to compete and to help even create a tourist destination of our distillery and other distilleries in Connecticut here in the state.

I'd also like to speak for a quick moment in opposition of HB 6361, concerning fair alcohol pricing. I can tell you guys, personally, that one of the reasons why this business has been viable for us in the state is that minimum bottle pricing allowed us to protect our brand and protect our pricing from the day we opened. Launching a small craft brand is very challenging. This is an industry full of major brands and many, many large corporations that own those brands. So it's very challenging for us to compete with them for obvious reasons.

Little things -- in general, the law for liquor manufacturing in Connecticut is really great for a company like ours to launch, start a new brand, sell it to Connecticut and then look at exporting it to other states and even other countries. And so the past year for us, as I said before the growth has been fantastic, allowing the sale of single bottles was the main thing for us.

When we launched, stores didn't really want to carry us because they didn't want to commit to buying a whole case because they didn't know it would sell. By being able to buy one bottle and having it set at a price that we didn't have to slash in order to compete with the bottle next to us on the shelf that was a huge reason why we were so successful. And even today, 30 percent of our sales are by the bottle.

So I'll wrap it up real quick and just let you know that our sales of Onyx in the state have generated almost \$100,000 in 2012 in state excise tax and sales and use tax. And so, small craft brands are critical, I believe, to consumers having options in the marketplace and for brands, like us, starting here in the state, and brands outside of the state selling their products here, and I think that's the most important thing.

And I'll leave on the note that, for us, it's not just about surviving as a local fast growing, thriving business, it's also I believe about maintaining a healthy diverse marketplace that give our consumers options. And I think that always results in something positive for the marketplace.

SENATOR DOYLE: Thank you.

Senator Witkos.

SENATOR WITKOS: Thank you and congratulations on your business venture.

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ADAM VON GOOTKIN: Thank you.

SENATOR WITKOS: It's good to hear the signs of economic recovery.

Just a quick question, I know that some of the microbreweries are allowed to sell growlers of their products. Are you allowed under our statutes to sell any of your products on premise?

ADAM VON GOOTKIN: We are not.

SENATOR WITKOS: You are not. Thank you.

ADAM VON GOOTKIN: But we love sending them to our liquor stores.

SENATOR DOYLE: Any other --

Representative Rovero.

REP. ROVERO: I got a quick question. You said you received a small business matching grant. Could you explain to me why you received this and what it was for?

ADAM VON GOOTKIN: Yeah. So it was \$100,000 matching grant so we were able to demonstrate to the DECD that we were putting up \$100,000 towards employing eight new employees. I think it was actually six at the time, as well, as a bunch of improvements in our facility to expand production and to relocate to our new location. And so what we did as part of the grant application was to show what our business plan was for the next few years along with the move and hiring and that we had \$100,000. We were ready to commit to that, and they matched those funds to help us to do it.

REP. ROVERO: So they gave you \$100,000, matching your funds, to create six new jobs in this small business; am I correct?

ADAM VON GOOTKIN: Well, I think over the -- I believe in our application and in our agreement that over the course of the next year, we have to do 12 or 15 jobs or something like that. I can't tell you off the top of my head, but we're going to be hiring a couple next month and a couple a month after that so we have a requirement that we have to meet in order to not have to pay a portion of that back.

REP. ROVERO: Okay. Well, keep up the good work and thank you very much for your testimony.

ADAM VON GOOTKIN: Thank you.

SENATOR DOYLE: Representative Rutigliano.

REP. RUTIGLIANO: Thank you Mr. Chairman.

Good afternoon. Congratulations. I just have two quick questions, how many labels -- how many brands do you currently distribute in the state of Connecticut now.

ADAM VON GOOTKIN: One.

REP. RUTIGLIANO: Just one? It's just that. And what is the proof of your product?

ADAM VON GOOTKIN: It's 80 proof.

REP. RUTIGLIANO: It's 80 proof. That is all.

Thank you.

SENATOR DOYLE: Representative Carter.

REP. CARTER: Thank you, Mr. Chairman.

You have one label in Connecticut. Do you have to pay the Connecticut Department of Consumer Protection Label Fee for the (inaudible) carry it here?

ADAM VON GOOTKIN: We do, yes, we do.

REP. CARTER: Okay. What about any of the other states that you market in so far? Do they have label fees that are more or less than Connecticut?

ADAM VON GOOTKIN: You know, I wish I could tell you the answer to that. We do have to pay fees for every state that we go into. I'm fairly certain that the one in Connecticut is more expensive, but I'm not quite sure if that's because we're a

manufacturer here. That could change that. I'm not sure.

REP. CARTER: Thank you.

SENATOR DOYLE: Representative Baram.

REP. BARAM: Thank you, Mr. Chairman.

Congratulations.

ADAM VON GOOTKIN: Thank you.

REP. BARAM: Quick question, you were asked the proof of the distilled liquor that you're producing. One of the concerns I've heard is that because the proof is so much higher that there might be more of an incident of someone getting intoxicated even if it was just a testing. How will you protect against that?

ADAM VON GOOTKIN: So our Moonshine is 80 proof. So what we do is we blend it to just about the same as any vodka or whiskey or rum, 80 proof is a standard for a spirit so we don't exceed that number. It's 80 proof.

REP. BARAM: So my question would be, if you were doing testing, how would you make sure that because it's such a higher proof than, let's say, beer or wine, how would you make sure to protect against somebody getting intoxicated and, you know, an accident occurring thereafter? Would it be limited to a certain minimum amount or --

ADAM VON GOOTKIN: I see what you're saying now. Okay. So, yeah, so, yeah, we would definitely suggest that it's controlled in whatever the regulations are. I guess it would be similar to -- we can look at what the regulations are for wineries or for breweries. To be quite honest with you, we'd be content with a tasting cup like

what we're allowed to do in liquor stores. I think there's a limit, and I'm not sure off the top of my head what that is, but you can have a tasting or two. It's an ounce or two or something like that in the retail stores when you do a spirits tasting. So something like that would be more than fair.

Certainly, since we're regulated so intensely by the federal and state and local governments that are all kind of watching us because we produce, you know, high proof spirits, we want to make sure that there's absolutely no chance that someone could leave our actual facility and be intoxicated. So we would control that. Like, you know, we would make sure that people are 21; we'd card them, and all of those things. It would be by appointment only. It won't be a kind of open to the public kind of walk in and take a tour kind of thing. So we'll really control it. We kind of have to even on a federal level because they don't just want people walking in.

SENATOR DOYLE: Thank you.

I just want to follow that up. I'm thinking whether we should put a limit -- I don't know if you have thoughts, we have to research a little more -- but I have the same concerns as Representative Baram. I'm not as concerned with beer because of the quantity issue but it's just potential abuse, and we'll look into the regulations and see what we have for the wine and beer and whether we should, even if we -- we should set maybe a -- you wouldn't be opposed if we set some sort of volume amount just to --

ADAM VON GOOTKIN: I would be -- I would, actually, be all for it. I think it's the responsible thing to do, and it would be best if that was outlined and made clear so we knew -- and other distilleries knew exactly what we can do.

SENATOR DOYLE: Yeah. That's where I'd like to head so we'll probably -- we'll look into it further.

Any further questions?

Seeing none, thank you very much. Thank you.

ADAM VON GOOTKIN: Thank you.

SENATOR DOYLE: The next person is Commission Sullivan, Representative Kupchik, Representative Ziobron, Representative Terrie Wood, Representative James Maroney.

Of course, we will be going, after Commissioner Sullivan, I anticipate we will be alternating with the public because we will hit two o'clock.

Commissioner Sullivan.

COMMISSIONER KEVIN SULLIVAN: Senator Doyle, HB6361
Representative Baram, members of the committee, thank you for this opportunity to speak. I am Kevin Sullivan, commissioner of Revenue Services, also, was a member of the Legislature's 2012 Competitive Alcoholic Liquor Pricing Task Force.

Before I quickly go through my testimony, let me set the record straight to a certain degree, I know that Senator Witkos did not mean to misrepresent the report of the task force. Unfortunately, at page 19, he was quoting from a statement made by four -- into the record, by one -- two -- three -- four alcohol retailers, one of who will get to be better known to you as your session wears on, a good guy who served on the Task force. So that is not the statement of the Task force. The Task force comments in this respect appear, in fact, on page 14, if you have

SENATOR DOYLE: Next speaker is Margaret Chatey.
Jamie Jones, Ken Skovron, Art DeSisto, Chuck
Bowe, Mike Scalise, David Leon.

MARGARET CHATEY: Good afternoon, gentlemen. My name
is Margaret Chatey, and I am a Connecticut
manufacturer. What I happen to manufacture,
along with my husband and business partner,
Louis, is spirits.

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Westford Hill Distillers, our company, is a
family-owned and operated craft distiller located
in Ashford, Connecticut, which we established in
1997, 15 years ago. We founded the spirits
manufacturing business on our family's property
here in Connecticut.

When we established our artisan spirit
distillery, we were one of only about a dozen
craft distillers in the whole country. You had
asked previously how many there are. We believe
there are about four of us here in Connecticut,
who have distilled spirit licenses; about 20 to
25 in New England; and about 350 around the
country. So we've seen a dramatic growth in this
industry over the last 15 years that we've been
in it.

Westford Hill Distillers launched our line of
spirits, specifically, distilled from pure fruit
on our premises. In other words, we do all the
distillation of the fruit on our place in
Ashford. We've purchased close to a million
pounds of fruit to date. Most of which is
Connecticut-grown fruit, grown in local orchards.
So not only are we supporting the distilled
spirits industry and the alcohol industry, but we
believe that we are tremendous bonus, as well, to
the agricultural industry. In fact, when
Connecticut hosted the Northeast Commissioners of
Agriculture Conference a few years ago,
Connecticut's commissioner of agriculture chose

to bring his peers to see our distillery because he felt it represented a great example of innovation in -- in agriculture.

Through the years, our spirits have been featured in local, statewide and national press and have won numerous awards. Our New World Aged Apple Brandy was judged to be the best apple brandy in the country. Just last year, at a -- the ADI, American Distilling Institute Conference in Kentucky, we are making Connecticut proud.

In addition to expanding our own line, we also custom distill brandies so that Connecticut wineries can fortify wine with spirits to make port wines. We also distill brandy on a custom basis for a large Asian pear grower out of Pennsylvania, so we're bringing in their fruit and sending back spirits to them. And we also do a lot of custom work, including supporting a Connecticut startup called Peel, where we are custom producing a line of Italian liqueurs for them.

Our products are distributed throughout New England, in Pennsylvania, and in the bay area of California, San Francisco.

Riding on the local food movement, there's tremendous interest in what we do and we have request for tours at our distillery every day. But when we host our tours, we are not allowed to have any one taste or -- or buy the product that they come to see how they're made. And therefore, in support of HB 6211, the offering and tasting of distilled spirits, we ask you to please offer the privilege to us that is afforded to distilleries around the country to be able to actually have our visitors taste our products, and it's also the same privilege that's afforded to Connecticut wineries and craft breweries. We feel right now that it's a lost business

opportunity when people come to visit and cannot taste.

And, in quickly, in conclusion, we also we're in opposition to the House Bill 6361, AN ACT CONCERNING FAIR ALCOHOL PRICING. We cut -- when we -- when we first came into businesses and for the first 13 years, we self-distributed, therefore, I knocked on the door of all the retailers and restaurateurs that carry our product. And if it had been required for them to buy cases of our product in order for us to get that little bit of shelf space and to get a toehold in this industry, we wouldn't be here 15 years later.

I really do believe that it's in the consumers' best interest, small wholesalers' best interest and for the restaurants and small wine shops that we maintain the minimum bottle pricing.

SENATOR DOYLE: Thank you.

Any questions from the committee?

Seeing none -- just a quick question, do you -- assuming you do support House -- the tasting --

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MARGARET CHATEY: Yes.

SENATOR DOYLE: How would you offer that? Would you do tours? What would you envision if we passed this?

MARGARET CHATEY: Well, currently offer tours only on -- by appointment only, with the exception of -- we have supported some large benefits, for example, the Walktober Celebration at the last Green Valley hosts out in our area and also we've -- we've opened our place for tours in, you know, as part of a house and garden tour -- kind of, an operation. So we would certainly consider

expanding to have regular open house hours if we felt that there was some benefit to us for people to be able to come and sample and, therefore, then go someplace else and buy, obviously, because the law does not permit us to sell. But there's a disincentive now for us to put the time in to, you know, showing what it is we do because we can't capitalize on it right away. So this is certainly would be a part of a -- potentially, a new business model for us to get into inviting more people to come in and see what it is that we're doing, similar to the way the commissioner of agriculture (inaudible).

SENATOR DOYLE: Okay. Thank you.

MARGARET CHATEY: Thank you for your time.

SENATOR DOYLE: No, no, Representative Carter.

REP. CARTER: Actually, one -- one very quick question. I noticed here you said there were 20 craft distilleries around New England. How many in Connecticut besides yourself?

MARGARET CHATEY: We are -- we, actually, distill spirits. There are three other distilled spirits plants, I believe, licenses in Connecticut, to my knowledge. I believe there's four of us altogether.

REP. CARTER: Thank you.

SENATOR DOYLE: Representative Rovero.

REP. ROVERO: Thank you for your testimony.

Is Ashford a dry town?

MARGARET CHATEY: No. Eastford, which was once part of Ashford, but it is no longer. Our neighbor to the east is the dry town permanently.

REP. ROVERO: How would this 6211, effect someone that might have a distillery or wine making facility and the town is a dry town? Would they still be allowed to sell -- to have a wine tasting?

MARGARET CHATEY: My understanding is that there is one liquor license in the town of Eastford and that actually went to referendum for the restaurant, the Still River Café to be able to sell wine -- and they were only allowed to sell wine and beer at their facility. So for those few towns that are dry towns, I suspect that they would probably not be permitted to taste but that's out of my --

SENATOR DOYLE: Yeah, Representative Rovero, we can work on it --

REP. ROVERO: Okay.

SENATOR DOYLE: We can talk to (inaudible). I don't want to put you in a difficult position. We can try to get that answer because that's really state versus local so we'll work on it --

MARGARET CHATEY: Absolutely.

SENATOR DOYLE: Any further questions?

Seeing none, thank you very much.

MARGARET CHATEY: Thank you.

SENATOR DOYLE: Next speaker is Jesse -- sorry -- Jamie Jones, Ken Skovron, Art DeSisto, Chuck Bowe, Mike Scalise, David Leon, Larry Cass, Bill Boucher.

JAMIE JONES: Good afternoon.

SENATOR DOYLE: That's not the end of yours.

ART DESISTO: Good afternoon, Senator Doyle,
Representative Baram, members of the committee.
My name is Arthur DeSisto. I have the pleasure
of being a wine manager for Total Wine & More in
Norwalk.

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HB 6211 HB 6361

I'm here today to offer testimony and support
with four bills on your agenda today. Total Wine
& More, is owned and operated by two brothers
David and Robert Trone. We believe in ensuring
the best price, best selection for our customers.
We opened our first Connecticut location just
three months ago. We are excited about this. We
strive to be the best price leader for our
customers in every market we serve.

Our Norwalk store is part of the Total Wine &
More family that includes 89 stores in 15 states.
We've become active in communities we serve and
believe in investing in these communities. Last
year, we donated over 3 million worth of in-kind
goods to more than 2,000 organizations
nationwide. This past December we brought 50
jobs to the state of Connecticut and over 75
percent of those jobs are with benefits. Our
employees receive 150 hours of training before
hitting the floor and serving the customers. We
have an educated workforce whose main focus is
customer choice, best price, and highest
selection.

Total Wine & More, Norwalk store is currently
offering 8,000 wines, 3,000 spirits, and 2500
beers, including something we take great pride,
locally produced Connecticut products. We
showcase Connecticut's best offerings and market
Connecticut's home products unlike any other
store.

All four of the bills we are testifying on will
help our business continue to grow. As now we've
prohibit -- are handicapped from serving the

customers in the best possible manner. Specifically on Bill HB 6210, AN ACT OF ALLOWING PACKAGE STORES TO SELL CIGARS. Connecticut is home to the finest shade grown tobacco in the world and several of the greatest cigar wrapping companies, such as Enfield's Jarmoc Tobacco and Brown's Harvest in Windsor. The Brown family has been growing Tobacco in Windsor, Connecticut, since 1874. We want to offer the customers the best cigar products possible. We were surprised to learn that we cannot sell and promote local Connecticut businesses in our own state in our store.

In HB 6211, AN ACT CONCERNING THE OFFERING OF TASTINGS AND DISTILLED SPIRITS; and Act HB 6212; AN ACT CONCERNING A WINE TASTINGS IN PACKAGE STORES, as for these two separate possible tasting bills, one on wine and one and spirits. We feel that the tasting of these classes of beverages, alcohol, beer, wine, and spirits should not be unlimited. We are currently limited to the number of bottles you can open at one time and this severally inhibits our customer services in what we're founded on.

As far as Act HB 6361, AN ACT THAT CONCERNS FAIR ALCOHOL PRICING, lastly Connecticut is the only state with minimum pricing system. Currently the state sets the lowest price that can be charged for a single bottle of alcohol regardless if is bought by single bottle or case. Connecticut heavily regulates our industry to the point that it restricts and hampers natural competition. It is competition that would bring the prices and, therefore, help the consumer. We all know many Connecticut residents are heading to state borders to buy alcohol at lower price. Estimates we've heard today many times that \$2.6 million in taxes. It is the customers who should be leading this charge.

**JOINT
STANDING
COMMITTEE
HEARINGS**

**GENERAL
LAW
PART 4
892 - 1204**

2013



State of Connecticut
HOUSE OF REPRESENTATIVES
STATE CAPITOL
HARTFORD, CONNECTICUT 06106-1591

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Testimony of Representative Geoff Luxenberg in support of

HB 6211 An Act Concerning the Offering and Tasting of Distilled Spirits

General Law Committee Public Hearing

February 26, 2013

Dear Chairman Doyle, Chairman Baram and distinguished members of the General Law Committee, I testify today in support of House Bill 6211, An Act Concerning the Offering and Tasting of Distilled Spirits. This legislation is very simple in concept. If adopted, this legislation would amend the General Statutes to allow businesses that produce distilled spirits to offer samples and hold tastings.

The purpose of this change is to give greater flexibility to Connecticut's distilleries. In doing so, it allows Connecticut businesses to be more competitive with out-of-state competitors, allowing them to attract a greater volume and wider range of customers. Additionally, it makes Connecticut's distilleries more attractive for out-of-state consumers and tourists.

Moreover, this bill goes hand in hand with the changes in Connecticut's liquor laws passed in 2012. H.B. 6211 would continue to modernize the state's liquor laws while also encouraging economic development and making our distilleries more competitive regionally. Connecticut's distilleries would benefit enormously from this legislation, as it allows them to become an equally attractive destination alongside the state's excellent beer and wine trails. This is growing industry across New England and our country as a whole and it is of the utmost importance to give Connecticut's distilleries the flexibility they need to succeed in our state.

Although this bill is only a statutory change, I believe the immediate upfront benefits of this legislation are clear, as well as the long term benefits of economic development and protecting jobs in this industry.

I thank you for your indulgence and consideration of this legislation and am open to any questions.

Respectfully Submitted,

Rep. Geoff Luxenberg
12th House District
Manchester

P 13
PS 15 LN 10

Arthur DeSisto
Total Wine & More
Testimony for General Law Committee
February 26 2013 Public Hearing

Good Afternoon, Senator Doyle, Representative Baram and members of the Committee. My name is Arthur DeSisto and I have the pleasure of being the wine manager at Total Wine & More in Norwalk. I am here today to offer testimony in support of four bills on your agenda today:

- **HB 6210: An act allowing package stores to sell cigars.**
- **HB 6211: An act concerning the offering and tasting of distilled spirits**
- **HB 6212: An act concerning wine tasting at package stores**
- **HB 6361: An act concerning fair alcohol pricing**

Total Wine & More is owned and operated by two brothers, David and Robert Trone, who believe in ensuring the best price and best selection for our customers. We opened our first Connecticut location just 3 months ago. We are excited about our first Connecticut store. We strive to be the price leader for our customers in every market we serve. Our Norwalk Store is part of the Total Wine family that includes 89 stores in 15 states. We become active in the communities we serve and we believe in investing in these communities. Last year, we donated over 3 million worth of in-kind goods to more than 2,000 organizations nationwide.

When we opened this past December, we brought more than 50 jobs to the state of Connecticut; and over 75 percent of these jobs are full-time with benefits. Our employees receive over 150 hours of training. We have an educated workforce whose main focus is customer choice, best price and highest selection.

Total Wine & More's Norwalk store currently offers more than 8,000 wines, 3,000 spirits and 2, 500 beers, including something we take great pride in: locally produced *Connecticut* products. We showcase Connecticut's best offerings and market Connecticut's home products unlike any other store.

All four of the bills we are testifying on will help our business continue to grow. As of now, we are prohibited and handicapped from serving our customers in the best possible manner.

On the specific bills:

- **HB 6210: An act allowing package stores to sell cigars**

Connecticut is home to the finest shade grown tobacco in the world and several of the greatest cigar wrapper companies; such as Enfield's Jarmoc tobacco and Brown's Harvest in Windsor. The Brown family has been growing tobacco in Windsor, Connecticut since 1874. We want to offer our customers the best cigar products possible. We were surprised to learn that we could not sell and promote a local Connecticut business in our own state and stores.

- **HB 6211: An act concerning the offering and tasting of distilled spirits**
- **HB 6212: An act concerning wine tasting at package stores**

As for the two separate proposed tasting bills, one for wine and one for spirits, we feel that the tastings of all three classes of beverage alcohol: beer, wine and spirits-should be unlimited. We are currently limited to the number of bottles that can be open at one time. We can open only four bottles at one time across all three beverage classes. Limiting a tasting to only four open bottles severely restricts the customer's ability to taste what he or she wants.

We are aware that other stores already stretch the number of bottles for a tasting, realizing how impractical the four bottle limit is. We prefer to work through the correct legislative process to correct this archaic law.

If there are concerns over consumption issues, there shouldn't be-because this is a tasting, not a drinking opportunity. We address this fear by the size of the tastings and the aggregate amount that the taster may be provided.

- **HB 6361: An act concerning fair alcohol pricing**

Lastly, Connecticut is the only state in the country with a minimum pricing system. Currently, the state sets the lowest price that can be charged for a single bottle of alcohol, regardless if it is bought as a single bottle or a case.

The Connecticut Small Brand Council Inc.



To preserve, encourage and expand a vast and affordable wine, beer and spirits product selection for Connecticut consumers in the marketplace while also growing jobs.

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The Connecticut Small Brand Council (CSBC) is a 501(c)(6) association that fosters a stronger relationship within the existing three tiered system of companies selling smaller brand products and with the consumer. CSBC has around thirty members including small manufacturers, wholesalers and retailers of alcohol that want to expand the already vast selection of affordable wine, beer and spirit products in Connecticut while also increasing the jobs that these small businesses provide to the framework of the Connecticut economy. The CSBC is an advocate for those companies that create the product, ship it and the Connecticut consumer that buys it.

We are in **support of HB6211 THE OFFERING AND TASTING OF DISTILLED SPIRITS**. Currently beer and wine producers can offer tastings after tours of their facilities and this bill also offers it to distillers in CT, a fast growing segment of the alcohol industry in CT. Currently CSBC members Onyx in East Hartford, Westford Hill Distillers in Ashford and Krā-zē vodka in Montville would all benefit. We are also in **support of HB6212 WINE TASTING AT PACKAGE STORES** which would increase the number of allowable wines offered at tastings to an increased limit but we would suggest maintaining some limitation on a maximum number.

We are in **opposition to HB 6361 AN ACT CONCERNING FAIR ALCOHOL PRICING**. Repealing single bottle pricing will destroy the product selection available today in the market. Package stores will no longer buy individual bottles of boutique smaller market share products the market currently supports, if there is no incentive to buy just a few bottles instead of a case. Most small to medium sized stores average 15% to 20% of their purchases by the bottle and not by the case. As a result, the dominant large market share national brand products will displace those other products and those big chain box retailers will sell for cost which is a loss that they can sustain but no one else can compete against. Add in that big-box chain stores, the growing dominant factor in the market, and there will be a reduction in the variety of products they carry from the small wineries, distillers and craft brewers, and there will be an increase in prices to the consumer ultimately when they gain more market share. Big-box and chain stores will dismantle the pricing of these smaller brand products and make it incredibly difficult for these small manufacturers/wineries/brewers to be competitive in CT and those manufacturers will no longer sell their product here. Large market share national brand products will squeeze out shelf space with case displays and there will be bigger volume, long term purchases which is bad for variety, the consumer and small brand manufactures. Big box chain stores will argue that they sell more products than other retailers, but the real question is why they don't carry more of a smaller brand inventory, and why the smaller brand manufacturers and wholesalers cannot sustain a relationship with these retailers. Additionally, national big box chains have the finances to have the large manufacturers create what are called private product labels



ASHFORD, CONNECTICUT

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Westford Hill Distillers, LLC is a family owned and operated craft distiller located in Ashford, CT. Established in 1997 by Margaret and Louis Chatey, Westford Hill Distillers reflects an investment of our savings, innovation, and our time and energy. We founded this spirits manufacturing business on our family's property herein Connecticut, and were among the first dozen artisan distilleries in the country. Craft spirits is a growing segment of the spirits industry—there are now more than 20 craft distilleries in New England, and 350 in the U.S. Unlike many “merchant bottlers” who are licensed as Distilled Spirits Plants by the federal government to re-package spirits distilled elsewhere, Westford Hill Distillers launched with a line of spirits distilled from pure fruit on our premises. We've purchased close to a million pounds of fruit to date, most of which is Connecticut-grown fruit from local orchards. Through the years our spirits have been featured in local, statewide and national press, and have won numerous awards. Our New World Aged Apple Brandy, for example, is distilled from all Connecticut-grown apples and aged 12 years in barrel, and was judged to be the best apple brandy in the country last year by the American Distilling Institute at their competition in Kentucky. Gold medal. Best in category. Made in Connecticut.

In addition to expanding and producing our own line of spirits, we custom-distill fortifying brandies for numerous Connecticut wineries, distill brandy for a large Asian Pear grower in Pennsylvania, and produce cordials for another Connecticut-based company called PEEL, with numerous other projects in development. Our products are distributed throughout New England and in Pennsylvania. We employ three people in addition to ourselves, and our sons are in the wings ready to come on board in the next few years.

There is tremendous consumer interest in what we do, and we have requests every day for tours and tastings at our facility. When we host open houses, typically attended by hundreds of visitors in a day who come to see the distillation process and learn about our brand, we are not allowed to sample or sell the spirits we produce. This is a lost business opportunity. No business in Connecticut can afford to miss opportunities to connect with customers.

Therefore we are in support of HB6211 THE OFFERING AND TASTING OF DISTILLED SPIRITS. We ask you to please offer the privilege to us that is afforded to distillers in many other states in the country, and to Connecticut wineries and craft beer producers.

Westford Hill Distillers is also in opposition to HB 6361 AN ACT CONCERNING FAIR ALCOHOL PRICING. For the first 13 years of our business we self-distributed. We personally called on every account, selling in our locally produced spirits from Connecticut fruit. We asked these restaurants and stores—large and



Onyx Spirits Company, LLC

64D Oakland Avenue | East Hartford, CT 06108 | 860.550.1939 | www.onyxspirits.com

Adam von Gootkin – Onyx Spirits Co. & CSBC Testimony

- **Company Introduction**

Adam von Gootkin, co-founder of Onyx Spirits Company, the producers of Onyx Moonshine and president of the Connecticut Small Brand Council. Onyx Spirits Company is a Connecticut distillery located in East Hartford, CT. The company was launched in 2011 and saw growth in the last year far exceeding expectations. Onyx Spirits Co. received a DECD Small Business matching grant as well as a DECD loan to further hiring, expand production, and relocate to a new larger facility. Onyx Spirits Co. currently employs 8 full time employees with 4 additional as part time, and expects to have 12 full time employees by the end of this year. Distribution of Onyx Moonshine has expanded to Massachusetts and Rhode Island, with a launch in New York planned for next month. Current plans are in development for export of Onyx Moonshine to Canada, markets in Latin America, and the United Kingdom.

- **Support of HB6211 regarding the offering and tasting of distilled spirits in their place of manufacture.**

Breweries and wineries are able to taste their products to potential customers and this bill would expand to allow for the tasting of our moonshine in the Onyx Spirits Company facility. Currently, if a consumer, distributor, restaurant owner, or liquor store owner visits Onyx Spirits Co, they are not allowed to taste the product. This is a major problem for obvious reasons. This bill would not only allow Onyx Spirits Co. to compete more fairly with brands in other states, but has the potential to help create tourist destinations for all distilleries located in Connecticut.

- **In Opposition of HB6361 concerning fair alcohol pricing.**

Since launching Onyx Spirits Co. in 2012, Connecticut has provided an exceptionally fair marketplace for a small spirit brand to be successful. The current laws in Connecticut have made this venture a viable one. At first, stores were reluctant to bring Onyx Moonshine in, out of fear that it might not sell. By allowing for the sale of single bottles, with a minimum bottle pricing, Onyx Moonshine was able to successfully launch into the marketplace and compete with large, well established brands. This has allowed Onyx Spirits to expand into new counties throughout Connecticut and subsequently surrounding states. The resulting profitability has meant further investment in a long term location in East Hartford, the hiring of new employees, and the sale and export of a Connecticut made product out of the state. Minimum bottle pricing has accomplished the following:

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Bill Number 6452.	
Total Number Voting	131
Necessary for Passage	66
Those voting Yea	122
Those voting Nay	20
Absent and not voting	9

DEPUTY SPEAKER BERGER:

The bill passes.

Will the Clerk please call House Calendar Number
134.

THE CLERK:

House Bill Number 134, on Page 14, Favorable
Report of the joint standing Committee on General Law,
House Bill -- I'm sorry -- House Calendar Number 134,
House Bill Number 6211, AN ACT CONCERNING THE OFFERING
AND TASTING OF DISTILLED SPIRITS.

DEPUTY SPEAKER BERGER:

The dais recognizes Representative Baram, of the
15th House District.

REP. BARAM (15th):

Thank you, Mr. Speaker.

I move for acceptance of the joint committee's
Favorable Report and passage of this bill.

DEPUTY SPEAKER BERGER:

The question before the Chamber is on acceptance of the joint committee's Favorable Report and passage of the bill.

Will you comment further, Representative?

REP. BARAM (15th):

Thank you, Mr. Speaker.

The bill allows for permit-holding manufacturers of alcohol, beer, wine or spirits to offer free, on-premise tasting of sampling distilled liquors on the premises for anybody over the age of 21.

This bill would be effective upon passage and was unanimously voted out of General Law. Its purpose is to allow tastings of distilled spirits and currently put them on parity with wine and beer tastings at package stores and other places. This should promote tourism, jobs, and promote Connecticut distillers' products throughout our state.

The fiscal impact is nothing, and I would move passage of this bill. It's a good bill that will help promote our distillers.

DEPUTY SPEAKER BERGER:

Thank you, Representative.

Will you comment further on the bill before us?

Representative Cafero, of the 142nd.

REP. CAFERO (142nd):

Thank you, Mr. Speaker.

Mr. Speaker, a few questions, through you, to the proponent of the bill.

DEPUTY SPEAKER BERGER:

Representative Baram, please prepare yourself for questions.

REP. CAFERO (142nd):

Thank you, Mr. Speaker.

Mr. Speaker, to Representative Baram, in Line 12, the language indicates tasting shall not exceed one-half ounce per patron and shall not be allowed on such premises on Sunday, et cetera. If a manufacturer of distilled spirits makes a whole variety of distilled spirits, is that one-half-ounce-tasting per sample or that's total?

Through you, Mr. Speaker.

DEPUTY SPEAKER BERGER:

Representative Baram.

REP.. BARAM (15th):

Thank you, Mr. Speaker.

It is my understanding it is one-half ounce per patron, so it's in total.

DEPUTY SPEAKER BERGER:

Representative Cafero.

REP. CAFERO (142nd):

So that's it. So, in other words, if you wanted to taste five of their display liquors or their manufactured liquors, it would have to be one-fifth of one-half once per patron; is that correct?

Through you, Mr. Speaker.

DEPUTY SPEAKER BERGER:

Representative Baram.

REP. BARAM (15th):

Through you, Mr. Speaker, that's correct.

REP. CAFERO (142nd):

Thank you, Mr. Speaker.

DEPUTY SPEAKER BERGER:

Thank you, Representative.

Will you comment further on the bill before us?

Will you remark further on the bill before us?

Representative Carter, of the 2nd.

REP. CARTER (2nd):

Thank you, very much, Mr. Speaker.

I rise in support of the bill before us. I appreciate the Minority Leader's comments; that was something that we were, we were talking about as we -- we moved through this bill. Remember that this --

this bill will allow people to have small amounts. When you look at these distilleries, you're looking at very small sips to taste. So we were not concerned about the amount being, you know, one-and-a-half ounces.

We think that this is a good bill. It came through committee unanimously, and I think it definitely puts us on parity with what's happening in the wine, the -- the wineries around the state and also the breweries. So I urge support of the bill.

Thank you, Mr. Speaker.

DEPUTY SPEAKER BERGER:

Thank you, Representative.

Will you comment further on the bill before us?

Will you comment further on the bill before us?

If not, will staff and guests please come to the Well of the House. Will the members please take their seats.

A VOICE:

Representative Noujaim.

DEPUTY SPEAKER BERGER:

Excuse me, Representative. I saw your name come up late. Please excuse me.

Please remark, Representative Noujaim.

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REP. NOUJAIM (74th):

Thank you, Mr. Speaker. Good afternoon, sir.

DEPUTY SPEAKER BERGER:

Good afternoon, Representative.

REP. NOUJAIM (74th):

So good to see you up there, and congratulations.

Mr. Speaker, I just want, if I may, through you to qualify this question that Representative Cafero and commented on by Representative -- Representative Carter.

I just wanted to understand, through you, Mr. Speaker, if you have a charitable community, charitable organization doing a fund raiser and in the fund raiser, it's a wine-tasting fund raiser. And normally in a wine-tasting fund raiser, there are several wine distributors and/or wine sellers. They put their displays and each one of them has a table, and each one of them would have few bottles of wine that are located at the table. And you will have patrons go in from table to table, greeting the vendors and asking for a taste.

So am I to understand that during this process, only one-half ounce for all of those vendors is going to be permitted for one person?

Through you, Mr. Speaker.

DEPUTY SPEAKER BERGER:

Representative Baram.

REP. BARAM (15th):

Through you, Mr. Speaker, this particular bill only addresses tasting on-premises of the manufacturer. It does not address any other kind of tastings at charitable functions or anything else, specifically focused on tastings at the manufacturers' premises.

DEPUTY SPEAKER BERGER:

Representative Noujaim.

REP. NOUJAIM (74th):

Thank you, Mr. Speaker.

I truly, truly appreciate the answer, which means that charitable organizations can still hold the fund-raising, wine-tasting situations.

But if I may ask, through you, Mr. Speaker, one more question. Then --

DEPUTY SPEAKER BERGER:

Please proceed --

REP. NOUJAIM (74th):

-- if you have --

DEPUTY SPEAKER BERGER:

-- Representative.

REP. NOUJAIM (74th):

Thank you, sir, Mr. Speaker.

So if a winery is inviting people to come to their winery, and sometimes I know that many weddings are at wineries or many showers or -- or even parties are at wineries, it'd still be the winery would be able, even though they may have several items or several brands of wine, they will still be allowed to only give one-half of one ounce for the entire product, for their entire labels?

Through you, Mr. Speaker.

DEPUTY SPEAKER BERGER:

Representative Baram.

REP. BARAM (15th):

Through you, Mr. Speaker, it is my understanding that this just addresses manufacturers. I do not know whether wineries have weddings or not, but if you're having a tasting at a manufacturer, you're limited to the one-half ounce.

DEPUTY SPEAKER BERGER:

Representative --

REP. NOUJAIM (74th):

Mr. Speaker, I please apologize. I could not

hear the answer.

DEPUTY SPEAKER BERGER:

The Chamber could please silence, somewhat, bring your conversations outside the Chamber. There is a debate between two Representatives here, if we could please acknowledge that.

Representative Noujaim.

REP. NOUJAIM (74th):

Thank you, Mr. Speaker.

Through you, Mr. Speaker, may I ask the Chairman to repeat the answer that he just gave me? Through --

DEPUTY SPEAKER BERGER:

Representative --

REP. NOUJAIM (74th):

-- you, Mr. --

DEPUTY SPEAKER BERGER:

-- Baram, please repeat.

REP. BARAM (15th):

Through you, Mr. Speaker, this bill solely addresses tastings at the manufacturers' premises, and it is limited to a half-once per patron.

DEPUTY SPEAKER BERGER:

Representative Noujaim.

REP. NOUJAIM (74th):

Thank you, Mr. Speaker.

And through you, Mr. Speaker, one further question. Is a winery classified as a manufacturer?

Through you, Mr. Speaker.

DEPUTY SPEAKER BERGER:

Representative Baram.

REP. BARAM (15th):

Through you, Mr. Speaker, this bill just addresses the manufacturing of alcoholic liquor. If the winery is actually doing manufacturing, then it might fall under the definition of a distiller.

DEPUTY SPEAKER BERGER:

Representative Noujaim.

REP. NOUJAIM (74th):

Thank you, Mr. Speaker; I appreciate the answer.

DEPUTY SPEAKER BERGER:

Remark further on the bill before us? Will you remark further?

Representative Alberts, of the 50th.

REP. ALBERTS (50th):

Thank you, Mr. Speaker.

If I may, a question to the proponent of the bill.

DEPUTY SPEAKER BERGER:

Representative Baram, please prepare yourself.

Representative Alberts.

REP. ALBERTS (50th):

Thank you, Mr. Speaker.

I -- I have a situation which I think many of the members share, where we have wineries in our district that may actually charge for tastings. As I read the bill that's before us, it contemplates free samples not ones where for a fixed price you may receive several tastings. So for the purpose of establishing legislative intent, is my understanding correct?

Through you, Mr. Speaker.

DEPUTY SPEAKER BERGER:

Representative Baram.

REP. BARAM (15th):

Through you, Mr. Speaker, that is correct. It is free, on-premise tasting.

DEPUTY SPEAKER BERGER:

Representative Alberts.

REP. ALBERTS (50th):

Thank you, Mr. Speaker.

I thank the proponent.

DEPUTY SPEAKER BERGER:

Thank you, Representative.

Will you comment further?

Representative Cafero, of the 142nd.

REP. CAFERO (142nd):

Thank you, Mr. Speaker, for the second time.

Mr. Speaker, there's a buzz going around the room -- no pun intended -- with regard to this bill, and the concern is that based on your Q and A, on the gentleman's Q and A with Representative Noujaim, that this includes wine. It's my understanding that this is with regard to distilled spirits and specifically does not include a limitation on the amount per patron for wine. Is that correct or incorrect?

Through you, Mr. Speaker.

DEPUTY SPEAKER BERGER:

Representative Baram.

REP. BARAM (15th):

Through you, Mr. Speaker, that is correct.

DEPUTY SPEAKER BERGER:

Representative Cafero.

REP. CAFERO (142nd):

So through you, Mr. Speaker, what we're talking about is distilled spirits not wine nor beer; correct?

Through you, Mr. Speaker.

DEPUTY SPEAKER BERGER:

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Representative Baram.

REP. BARAM (15th):

Through you, Mr. Speaker, that is my understanding.

DEPUTY SPEAKER BERGER:

Representative Cafero.

REP. CAFERO (142nd):

Thank you, Mr. Speaker.

DEPUTY SPEAKER BERGER:

Thank you, Representative.

Will you comment further on the bill before us?

Will you remark further on the bill before us?

If not, will staff and well please -- staff and guests please come to the Well of the House. Will members please take their seats. The machine will be open.

THE CLERK:

The House of Representatives is voting by roll.

The House of Representatives is voting by roll. Will members return to the Chamber, immediately.

DEPUTY SPEAKER BERGER:

Have all members voted? Have all members voted?

A VOICE:

No (inaudible).

DEPUTY SPEAKER BERGER:

Will the members please check the board to determine if their vote is properly cast?

If all members have voted, the machine will be locked. And the Clerk will take a tally.

Will the Clerk please announce the tally.

THE CLERK:

Bill Number 6211.

Total Number Voting	142
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Necessary for Passage	72
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Those voting Yea	142
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Those voting Nay	0
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Absent, not voting	9
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DEPUTY SPEAKER BERGER:

The bill passes.

Will the Clerk please call House Calendar Number 120.

THE CLERK:

House Calendar 120, on Page 13, Favorable Report of the joint standing Committee on Commerce, House Bill 6466, AN AX -- AN ACT CLARIFYING COLLATERAL REQUIREMENTS FOR APPLICATIONS FOR FINANCIAL ASSISTANCE FROM THE DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT AND CONNECTICUT INNOVATIONS, INCORPORATED.

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Yes, sir.

If there's no objection, I ask that it be placed on the Consent Calendar.

THE CHAIR:

Seeing and -- seeing and hearing no objection, so ordered.

Mr. Clerk.

THE CLERK:

On Calendar Page 5, Calendar Number 340, House Bill Number 6211, AN ACT CONCERNING THE OFFERING AND TASTING OF DISTILLED SPIRITS, a Favorable Report from the Committee on GENERAL LAW.

THE CHAIR:

Senator Doyle.

SENATOR DOYLE:

Good afternoon, Mr. President.

THE CHAIR:

Good afternoon, sir.

SENATOR DOYLE:

I move acceptance of the Joint Committee's Favorable Report and passage of the bill.

THE CHAIR:

On acceptance and passage.

Will you remark, sir?

SENATOR DOYLE:

Thank you, Mr. President.

This bill was passed. This originated in General Law Committee and passed by the House.

What it does is it deals with the current manufacturer permit we have on the records -- on the books. And what it does is it authorizes the manufacturers of spirits to offer tastings in their facilities to try to promote businesses. It's -- they are free samples, but they're small. They're limited to one-half ounce per person. And it's just an ability to -- this is an expanding business in the state of Connecticut and it's an opportunity to benefit these growing -- this growing industry in Connecticut and it was passed unanimously in General Law Committee.

And I urge the Chamber to approve this bill.

Thank you, Mr. President.

THE CHAIR:

Thank you, Senator.

Will you remark further on the bill?

Senator Witkos.

SENATOR WITKOS:

Thank you, Mr. President.

I also rise in support of the bill.

What better bill can we have before us that spurns entrepreneurship. There was a company that came before the General Law Committee out of East Hartford, Glastonbury area called Onyx. They had developed their own market niche on moonshine and they went through the -- the lengthy permitting process and what better way to offer their -- their -- a tasting to -- of their product than to be able to do that right there on their premises, just like we do -- in the farm wineries and wineries in the state of Connecticut. It is limited in scope as to the amount of alcohol that can be consumed.

As Senator Doyle said, it passed the General Law Committee unanimously. It also passed the House downstairs unanimously.

I would also urge the Chamber's adoption.

Thank you, Mr. President.

THE CHAIR:

Thank you, Senator.

Will you remark further on the bill? Will you remark further on the bill?

Senator Doyle.

SENATOR DOYLE:

Thank you, Mr. President.

If there's no objection, I would move this bill to the Consent Calendar.

THE CHAIR:

Seeing and hearing no objection, so ordered.

Mr. Clerk.

THE CLERK:

On Calendar Page 9, Calendar Number 425, Substitute for House Bill Number 6404, AN ACT CONCERNING REGISTERED INTERIOR DESIGNERS, Favorable Report from the Committee on GENERAL LAW.

THE CHAIR:

Senator Doyle.

SENATOR DOYLE:

Thank you, Mr. President.

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Would move to place that item also on the Consent Calendar.

THE CHAIR:

Seeing no objection, so ordered sir.

SENATOR LOONEY:

Thank you, Madam President.

Madam President, now would ask the Clerk to call the items on the first Consent Calendar, so that we might proceed to a vote on that Consent Calendar.

Thank you, Madam President.

THE CHAIR:

Mr. Clerk.

THE CLERK:

On Page 5, Calendar 278, Senate Bill 709; Calendar 333, House Bill 5759; Calendar 334, House Bill 6396; Calendar 340, House Bill 6211.

On Page 8, Calendar 357, House Bill 6349 and Calendar 398, Senate Bill 1065.

On Page 11, Calendar 457, House Bill 5564 and Calendar 462, House Bill 5908.

On Page 15, Calendar 516, House Bill 5500; Calendar 521, House Bill 6407.

On Page 19, Calendar 558, House Bill 6340.

Page 21, Calendar 574, House Bill 6534; Calendar 575, House Bill 6562; and Calendar 577, House Bill 6652.

Page 23, Calendar 587, House Bill 6465; Calendar 589, House Bill 6447.

On Page 24, Calendar 599, House Bill 6458.

Page 25, Calendar 602, House Bill 5614.

And on Page 29, Calendar 622, House Bill 5278;
Calendar 625, House Bill 6624.

Page 39, Calendar 223, Senate Bill 954 and Calendar
227, Senate Bill 819.

And on Page 46, Calendar 100, Senate Bill 273 and
Calendar 137, Senate Bill 837.

THE CHAIR:

Mr. Clerk, please call for a roll call vote and the
machine will be open on the first Consent Calendar.

THE CLERK:

Immediate roll call has been ordered in the Senate.
Members to the Chamber. Immediate roll call has been
ordered in the Senate on today's first Consent
Calendar.

THE CHAIR:

All members have voted, all members have voted.

The machine will be closed.

Mr. Clerk will you please call the tally.

THE CLERK:

On today's first Consent Calendar:

Total Number Voting	34
Necessary for Adoption	18
Those voting Yea	34
Those voting Nay	0
Those absent and not voting	2

THE CHAIR:

Consent Calendar passes.

The Senate will stand at ease.

(Chamber at ease.)