

NOTE: The governor signed this measure on 5/10/2013.

An Act

SENATE BILL 13-043

BY SENATOR(S) Kerr, Baumgardner, Heath, Jahn, Newell, Steadman, Todd;
also REPRESENTATIVE(S) Gardner.

CONCERNING THE PROHIBITION AGAINST KNOWINGLY PERMITTING REMOVAL
OF ALCOHOL BEVERAGES FROM AN ESTABLISHMENT LICENSED TO
SELL ALCOHOL BEVERAGES FOR ON-PREMISES CONSUMPTION.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, 12-47-901, **amend** (1) (m) and (9) as follows:

12-47-901. Unlawful acts - exceptions. (1) Except as provided in section 18-13-122, C.R.S., it is unlawful for any person:

(m) To remove an alcohol beverage from a licensed ~~retail-gaming facility~~ PREMISES where the liquor license for ~~such facility~~ THE LICENSED PREMISES allows only on-premises consumption of alcohol beverages, EXCEPT AS PERMITTED UNDER SUBPARAGRAPH (VI) OF PARAGRAPH (h) OF THIS SUBSECTION (1).

(9) (a) (I) EXCEPT AS PROVIDED IN PARAGRAPH (c) OF THIS

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

SUBSECTION (9), it is unlawful for a ~~retail gaming licensee~~ PERSON who holds a license issued by the ~~limited gaming commission~~ IS LICENSED TO SELL ALCOHOL BEVERAGES FOR CONSUMPTION ON THE LICENSED PREMISES to knowingly permit the removal of an alcohol beverage from a THE licensed premises. ~~that is licensed only for on-premises consumption of alcohol beverages. A retail gaming~~

(II) (A) EXCEPT AS PROVIDED IN SUB-SUBPARAGRAPH (C) OF THIS SUBPARAGRAPH (II), THE licensee ~~who holds a license issued by the limited gaming commission~~ shall not be charged with permitting the removal of an alcohol beverage from the licensed premises when the licensee has ~~either:~~

~~(a) Stationed personnel at each exit used by the public in order to prevent the removal of an alcohol beverage from the premises; or~~

~~(b) posted a sign at least ~~twelve~~ TEN inches wide and ~~eighteen~~ SIX inches high by each exit used by the public that contains the following notice in type that is at least one-half inch in height:~~

WARNING

DO NOT LEAVE THE PREMISES OF THIS ESTABLISHMENT WITH AN ALCOHOL BEVERAGE.

IT IS ILLEGAL TO CONSUME AN ALCOHOL BEVERAGE IN A PUBLIC PLACE.

A FINE OF UP TO \$250 MAY BE IMPOSED BY THE COURTS FOR A VIOLATION OF THIS PROVISION.

(B) A PERSON LICENSED PURSUANT TO SECTION 12-47-414 MUST POST A SIGN WITH THE SPECIFIED NOTICE AND IN THE MINIMUM TYPE SIZE REQUIRED BY SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (II) THAT IS AT LEAST TWELVE INCHES WIDE AND EIGHTEEN INCHES HIGH.

(C) REGARDLESS OF WHETHER A LICENSEE POSTS A SIGN AS SPECIFIED IN THIS SUBPARAGRAPH (II), THE LICENSEE MAY BE CHARGED WITH KNOWINGLY PERMITTING THE REMOVAL OF AN ALCOHOL BEVERAGE FROM THE LICENSED PREMISES IF THE LICENSEE SHOWS RECKLESS DISREGARD FOR THE PROHIBITION AGAINST ALCOHOL BEVERAGE REMOVAL FROM THE LICENSED PREMISES, WHICH MAY INCLUDE PERMITTING THE REMOVAL OF AN ALCOHOL BEVERAGE FROM THE LICENSED PREMISES THREE TIMES WITHIN A

TWELVE-MONTH PERIOD, REGARDLESS OF WHETHER THE THREE INCIDENTS OCCUR ON THE SAME DAY OR SEPARATE DAYS. A LICENSEE MAY BE CHARGED WITH KNOWINGLY PERMITTING THE REMOVAL OF AN ALCOHOL BEVERAGE FROM THE LICENSED PREMISES UPON THE THIRD OCCURRENCE OF ALCOHOL BEVERAGE REMOVAL FROM THE LICENSED PREMISES.

(III) IN ADDITION TO POSTING A SIGN AS DESCRIBED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH (a), A LICENSEE MAY ALSO STATION PERSONNEL AT EACH EXIT USED BY THE PUBLIC IN ORDER TO PREVENT THE REMOVAL OF AN ALCOHOL BEVERAGE FROM THE LICENSED PREMISES.

(b) THIS SUBSECTION (9) APPLIES TO PERSONS LICENSED TO SELL ALCOHOL BEVERAGES FOR CONSUMPTION ON THE LICENSED PREMISES PURSUANT TO SECTION 12-47-403, 12-47-409, 12-47-410, 12-47-411, 12-47-412, 12-47-413, 12-47-414, 12-47-415, 12-47-416, 12-47-417, 12-47-418, 12-47-419, 12-47-420, OR 12-47-422.

(c) THIS SUBSECTION (9) DOES NOT PRECLUDE A LICENSEE DESCRIBED IN SECTION 12-47-421 (2) FROM PERMITTING A CUSTOMER TO REMOVE FROM THE LICENSED PREMISES ONE OPENED CONTAINER OF PARTIALLY CONSUMED VINOUS LIQUOR THAT WAS PURCHASED ON THE LICENSED PREMISES AND HAS BEEN RESEALED, AS PERMITTED BY SECTION 12-47-421 (1).

SECTION 2. In Colorado Revised Statutes, 12-47-103, **amend** (7.5) as follows:

12-47-103. Definitions. As used in this article and article 46 of this title, unless the context otherwise requires:

(7.5) "Entertainment district" means an area THAT:

(a) IS located within a municipality ~~that~~ AND is designated IN ACCORDANCE WITH SECTION 12-47-301 (11) (b) as ~~its~~ AN entertainment district; ~~of~~

(b) COMPRISES no more than one hundred acres; ~~containing~~ AND

(c) CONTAINS at least twenty thousand square feet of premises licensed as a tavern, hotel and restaurant, brew pub, retail gaming tavern, or vintner's restaurant ~~when~~ AT THE TIME the district is created.

SECTION 3. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

John P. Morse
PRESIDENT OF
THE SENATE

Mark Ferrandino
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO