

Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 10-0668.01 Jery Payne

HOUSE BILL 10-1150

HOUSE SPONSORSHIP

Kerr J., DelGrosso, McNulty, Middleton

SENATE SPONSORSHIP

Tochtrop,

House Committees

Business Affairs and Labor

Senate Committees

A BILL FOR AN ACT

101 CONCERNING A LICENSE FOR CATERERS TO SELL ALCOHOL BEVERAGES
102 AT CATERED EVENTS.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

The bill creates a new type of alcohol license that authorizes caterers to sell and serve alcohol where food is catered, subject to the following limitations:

- ! The caterer is required to be licensed under state health laws;

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

! No more than 25% of the caterer's total sales may occur at the food establishment;

! The caterer must obtain a special event permit to sell alcohol at a place open to the public; and

! The caterer must serve food to serve alcohol.

In addition, the bill imposes an annual \$350 state licensing fee and an annual \$500 local licensing fee.

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

2 **SECTION 1.** 12-47-103, Colorado Revised Statutes, is amended
3 BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to
4 read:

5 **12-47-103. Definitions.** As used in this article and article 46 of
6 this title, unless the context otherwise requires:

7 (5.5) "CATERER" MEANS A RETAIL BUSINESS THAT PROVIDES FOOD
8 FOR A PRIVATE GATHERING OR SPECIAL EVENT AT A PLACE CHOSEN BY THE
9 CLIENT.

10 (23.7) "PLACE OF SERVICE" MEANS A PLACE WHERE FOOD IS
11 PROVIDED OR SERVED FOR A SPECIAL EVENT OR A PLACE NOT OPEN TO THE
12 GENERAL PUBLIC, BUT SUCH PLACE IS NOT A CATERER'S PRIMARY FOOD
13 ESTABLISHMENT.

14 **SECTION 2.** 12-47-309 (1), Colorado Revised Statutes, is
15 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

16 **12-47-309. Local licensing authority - applications - optional
17 premises licenses.** (1) A local licensing authority may issue only the
18 following malt, vinous, and spirituous liquor licenses upon payment of
19 the fee specified in section 12-47-505:

20 (m) CATERER'S LICENSE.

21 **SECTION 3.** 12-47-401 (1), Colorado Revised Statutes, is
22 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

1 **12-47-401. Classes of licenses.** (1) For the purpose of regulating
2 the manufacture, sale, and distribution of malt, vinous, and spirituous
3 liquors, the state licensing authority in its discretion, upon application in
4 the prescribed form made to it, may issue and grant to the applicant a
5 license from any of the following classes, subject to the provisions and
6 restrictions provided by this article:

7 (u) CATERER'S LICENSE.

8 **SECTION 4.** Part 4 of article 47 of title 12, Colorado Revised
9 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
10 read:

11 **12-47-423. Caterer's license.** (1) (a) A CATERER'S LICENSE MAY
12 BE ISSUED TO A PERSON WHO OPERATES A CATERING BUSINESS TO SELL
13 AND SERVE MALT, VINOUS, AND SPIRITUOUS LIQUORS FOR CONSUMPTION
14 AT THE CLIENT'S CHOSEN PLACE OF SERVICE OR AT THE CATERER'S FOOD
15 ESTABLISHMENT.

16 (b) A CATERER IS NOT ELIGIBLE FOR A LICENSE PURSUANT TO THIS
17 SECTION UNLESS THE CATERER'S FOOD ESTABLISHMENT IS LICENSED
18 PURSUANT TO PART 16 OF ARTICLE 4 OF TITLE 25, C.R.S.

19 (c) A CATERER IS NOT ELIGIBLE FOR A LICENSE PURSUANT TO THIS
20 SECTION IF MORE THAN TWENTY-FIVE PERCENT OF THE CATERER'S TOTAL
21 SALES, BY DOLLAR VALUE, IS FOR CONSUMPTION AT THE CATERER'S FOOD
22 ESTABLISHMENT.

23 (2) (a) A CATERER SHALL NOT SELL ALCOHOL BEVERAGES AT A
24 PLACE OPEN TO THE PUBLIC UNLESS A SPECIAL EVENT PERMIT HAS BEEN
25 OBTAINED PURSUANT TO ARTICLE 48 OF THIS TITLE FOR THE CATERED
26 EVENT.

27 (b) A CATERER SHALL NOT SERVE ALCOHOL BEVERAGES FOR

1 CONSUMPTION UNLESS THE CATERER IS ALSO SERVING FOOD.

2 (3) A CATERER SELLING ALCOHOL BEVERAGES PURSUANT TO THIS
3 SECTION SHALL PURCHASE SUCH ALCOHOL BEVERAGES FROM A
4 WHOLESALER OR RETAIL LIQUOR STORE LICENSED PURSUANT TO THIS
5 ARTICLE.

6 (4) (a) EACH CATERER'S LICENSE IS GRANTED FOR SPECIFIC
7 PREMISES AND ISSUED IN THE NAME OF THE OWNER OR LESSEE OF THE
8 BUSINESS, BUT THE CATERER MAY ALSO SERVE ALCOHOL AT THE CLIENT'S
9 CHOSEN PLACE OF SERVICE.

10 (b) EACH CATERER LICENSEE SHALL MANAGE OR HAVE A SEPARATE
11 AND DISTINCT MANAGER AND SHALL REGISTER THE MANAGER OF EACH
12 LIQUOR-LICENSED PREMISES WITH THE STATE AND THE LOCAL LICENSING
13 AUTHORITY. NO PERSON SHALL BE A REGISTERED MANAGER FOR MORE
14 THAN ONE CATERER'S LICENSE.

15 (c) THE REGISTERED MANAGER FOR EACH CATERER'S LICENSE OR
16 THE CATERER'S LICENSEE SHALL PURCHASE MALT, VINOUS, OR SPIRITUOUS
17 LIQUORS FOR ONE LICENSED PREMISES ONLY, AND SUCH PURCHASES SHALL
18 BE SEPARATE AND DISTINCT FROM PURCHASES FOR ANY OTHER CATERER'S
19 LICENSE.

20 (d) WHEN A PERSON CEASES TO BE A REGISTERED MANAGER OF A
21 CATERER'S LIQUOR-LICENSED PREMISES, FOR WHATEVER REASON, THE
22 CATERER'S LICENSEE SHALL NOTIFY THE LICENSING AUTHORITIES WITHIN
23 FIVE DAYS AND SHALL DESIGNATE A NEW REGISTERED MANAGER WITHIN
24 THIRTY DAYS.

25 **SECTION 5.** 12-47-501 (1), Colorado Revised Statutes, is
26 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

27 **12-47-501. State fees.** (1) The following license fees shall be

1 paid to the department of revenue annually in advance:

2 (s) FOR EACH CATERER'S LICENSE, THREE HUNDRED TWENTY-FIVE
3 DOLLARS.

4 **SECTION 6.** 12-47-505 (1), Colorado Revised Statutes, is
5 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

6 **12-47-505. Local license fees.** (1) The following license fees
7 shall be paid to the treasurer of the municipality, city and county, or
8 county where the licensed premises is located annually in advance:

9 (p) FOR EACH CATERER'S LICENSE, FIVE HUNDRED DOLLARS.

10 **SECTION 7. Act subject to petition - effective date.** This act
11 shall take effect at 12:01 a.m. on the day following the expiration of the
12 ninety-day period after final adjournment of the general assembly (August
13 11, 2010, if adjournment sine die is on May 12, 2010); except that, if a
14 referendum petition is filed pursuant to section 1 (3) of article V of the
15 state constitution against this act or an item, section, or part of this act
16 within such period, then the act, item, section, or part shall not take effect
17 unless approved by the people at the general election to be held in
18 November 2010 and shall take effect on the date of the official
19 declaration of the vote thereon by the governor.