

SENATE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

March 30, 2011
Date

Committee on Business, Labor and Technology.

After consideration on the merits, the Committee recommends the following:

SB11-194 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

- 1 Amend printed bill, page 3, line 13, strike the second "A".
- 2 Page 3, line 14, strike "SQUARE FOOTAGE" and substitute "RETAIL SPACE".
- 3 Page 4, after line 22 insert:
 - 4 "(9) "TOTAL RETAIL SPACE" MEANS THE AREA OF A LICENSED
 - 5 PREMISES THAT IS ACCESSIBLE TO THE PUBLIC, INCLUDING ENCLOSED
 - 6 REFRIGERATED UNITS AND SPACE LOCATED BEHIND THE POINT OF SALE
 - 7 AREA WHERE PRODUCTS ARE AVAILABLE FOR PURCHASE. "TOTAL RETAIL
 - 8 SPACE" DOES NOT INCLUDE ANY AREA OF THE LICENSED PREMISES USED
 - 9 FOR STORAGE, OFFICE SPACE, OR RESTROOMS."
- 10 Page 5, after line 20 insert:
 - 11 "(III) ANY LICENSEE HOLDING A FERMENTED MALT BEVERAGE
 - 12 RETAILER'S LICENSE THAT WAS ISSUED PRIOR TO THE EFFECTIVE DATE OF
 - 13 THIS PARAGRAPH (c), AS AMENDED, IS ELIGIBLE TO AUTOMATICALLY
 - 14 CONVERT THAT LICENSE TO A MALT LIQUOR RETAILER'S LICENSE WITHOUT
 - 15 ADDITIONAL APPLICATION OR FEE IF THE FOLLOWING CONDITIONS ARE MET
 - 16 ON THE DATE OF ANNUAL RENEWAL OF THE FERMENTED MALT BEVERAGE
 - 17 RETAILER'S LICENSE:
 - 18 (A) THE FERMENTED MALT BEVERAGE RETAILER'S LICENSE HAS
 - 19 NOT EXPIRED;
 - 20 (B) THE LICENSEE TIMELY FILES A RENEWAL APPLICATION AND

1 APPLICABLE RENEWAL FEES AND INCLUDES WITH THE APPLICATION A
2 STATEMENT THAT THE LICENSEE ELECTS TO CONVERT THE FERMENTED
3 MALT BEVERAGE RETAILER'S LICENSE, ONCE RENEWED, TO A MALT LIQUOR
4 RETAILER'S LICENSE;

5 (C) THE LICENSEE IS A CONVENIENCE STORE AND SATISFIES THE
6 REQUIREMENTS OF SUBPARAGRAPH (II) OF THIS PARAGRAPH (c) AND THE
7 APPLICABLE REQUIREMENTS SET FORTH IN PART 3 OF ARTICLE 47 OF THIS
8 TITLE; AND

9 (D) THE CONVENIENCE STORE LOCATION IS NOT WITHIN FIVE
10 HUNDRED FEET OF A PUBLIC OR PAROCHIAL SCHOOL OR THE PRINCIPAL
11 CAMPUS OF ANY COLLEGE, UNIVERSITY, OR SEMINARY, UNLESS THE LOCAL
12 LICENSING AUTHORITY OR APPROPRIATE GOVERNING BODY HAS REDUCED
13 OR ELIMINATED THE DISTANCE REQUIREMENT PURSUANT TO SECTION
14 12-47-313 (1) (d)."

15 Page 7, line 14, strike "The introductory portion to" and strike "(1) and".

16 Page 7, line 15, strike "12-46-107 (1) (c)," and strike "are" and substitute
17 "is".

18 Page 7, strike lines 18 through 27.

19 Page 8, strike lines 1 through 3 and substitute "fermented malt beverage
20 RETAILER'S licenses:

21 (a) Sales for consumption off the premises of the licensee. A
22 PERSON LICENSED PURSUANT TO THIS PARAGRAPH (a) MAY DELIVER AT
23 RETAIL FERMENTED MALT BEVERAGES IN FACTORY-SEALED CONTAINERS
24 IN CONJUNCTION WITH THE DELIVERY OF FOOD PRODUCTS IF THE PERSON
25 HAS OBTAINED A PERMIT FROM THE STATE LICENSING AUTHORITY FOR THE
26 DELIVERY OF FERMENTED MALT BEVERAGES.

27 (b) Sales for consumption on the premises of the licensee;

28 (c) Sales for consumption both on and off the premises of the
29 licensee. A person licensed pursuant to this paragraph (c) may deliver at
30 retail fermented malt beverages in factory-sealed containers in
31 conjunction with the delivery of food products if ~~such~~ THE person has
32 obtained a permit for the delivery of fermented malt beverages from the
33 state licensing authority. ~~The state licensing authority shall promulgate~~
34 ~~rules as are necessary for the proper delivery of fermented malt beverages~~
35 ~~pursuant to this paragraph (c) and shall have the authority to issue a~~
36 ~~permit to any person who is licensed pursuant to and delivers fermented~~
37 ~~malt beverages under this paragraph (c).~~

1 (2) THE LOCAL LICENSING AUTHORITY SHALL ISSUE A MALT
2 LIQUOR RETAILER'S LICENSE, WHICH PERMITS ONLY SALES OF MALT LIQUOR
3 FOR CONSUMPTION OFF THE LICENSED PREMISES. A PERSON LICENSED
4 PURSUANT TO THIS SUBSECTION (2) MAY DELIVER AT RETAIL MALT LIQUOR
5 IN FACTORY-SEALED CONTAINERS IN CONJUNCTION WITH THE DELIVERY OF
6 FOOD PRODUCTS IF THE PERSON HAS OBTAINED A PERMIT FROM THE STATE
7 LICENSING AUTHORITY FOR THE DELIVERY OF MALT LIQUOR.

8 (2)(3) The local licensing authority shall collect an annual license
9 fee of twenty-five dollars if the licensed premises is located in a
10 municipality or city and county and fifty dollars if the licensed premises
11 is located outside the corporate limits of a municipality or city and
12 county."

13 Page 8, line 5, strike "amended" and substitute "amended, and the said
14 12-47-103 is further amended BY THE ADDITION OF A NEW
15 SUBSECTION,".

16 Page 8, after line 7 insert:

17 "(5.5) "CAFFEINATED ALCOHOL BEVERAGE" MEANS A FERMENTED
18 MALT BEVERAGE OR MALT LIQUOR:

19 (a) CONTAINING AT LEAST ONE-HALF OF ONE PERCENT ALCOHOL
20 BY VOLUME;

21 (b) TO WHICH IS ADDED, OR WHICH IS INFUSED WITH, CAFFEINE OR
22 OTHER STIMULANTS, INCLUDING GUARANA, GINSENG, OR TAURINE; AND

23 (c) THAT IS SOLD OR DISTRIBUTED IN A PRE-MIXED CONTAINER."

24 Page 8, line 23, strike "~~or fermented malt beverage~~" and substitute "or
25 fermented malt beverage".

26 Page 9, strike lines 1 through 22 and substitute:

27 "**SECTION 9.** 12-47-901 (1), Colorado Revised Statutes, is
28 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

29 **12-47-901. Unlawful acts - exceptions.** (1) Except as provided
30 in section 18-13-122, C.R.S., it is unlawful for any person:

31 (n) TO IMPORT, PRODUCE, MANUFACTURE, DISTRIBUTE, SELL AT
32 WHOLESALE OR AT RETAIL, GIVE AWAY, OR SERVE A CAFFEINATED
33 ALCOHOL BEVERAGE."

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