

HOUSE COMMITTEE OF REFERENCE REPORT

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Chairman of Committee

March 24, 2011  
Date

Committee on Economic and Business Development.

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

HB11-1284 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend printed bill, page 6, after line 15 insert:

2 "SECTION 7. 12-47-407 (1) and (4), Colorado Revised Statutes,  
3 are amended to read:

4 **12-47-407. Retail liquor store license.** (1) (a) A retail liquor  
5 store license shall be issued to persons selling only malt, vinous, and  
6 spirituous liquors in sealed containers not to be consumed at the place  
7 where sold. Malt, vinous, and spirituous liquors in sealed containers shall  
8 not be sold at retail other than in retail liquor stores except as provided in  
9 section 12-47-408.

10 (b) In addition TO SELLING MALT, VINOUS, AND SPIRITUOUS  
11 LIQUORS, A retail liquor ~~stores~~ STORE may sell SOFT DRINKS AND MIXERS  
12 IN SEALED CONTAINERS FOR CONSUMPTION OFF PREMISES; nonfood items  
13 DIRECTLY related to the consumption of ~~such~~ MALT, VINOUS, AND  
14 SPIRITUOUS liquors OR SOFT DRINKS AND MIXERS; liquor-filled candy; ~~and~~  
15 NONPERISHABLE food items; ~~approved by the state licensing authority that~~  
16 ~~are prepackaged, labeled, directly related to the consumption of such~~  
17 ~~liquors, and sold solely for the purpose of cocktail garnish in containers~~  
18 ~~up to sixteen ounces. Nothing in this section shall be construed to~~  
19 ~~authorize the sale of food items that could constitute a snack, a meal, or~~  
20 ~~a portion of a meal~~ LEMONS, LIMES, AND SIMILAR COCKTAIL  
21 GARNISHMENTS; AND TOBACCO, TOBACCO PRODUCTS, AND SMOKERS'  
22 SUPPLIES.

23 (c) Nothing in this section or in section 12-47-103 (31) ~~shall be~~

1 ~~construed to prohibit the sale of items by~~ PROHIBITS a retail liquor store  
2 LICENSEE FROM:

3 (I) SELLING ITEMS on behalf of or to benefit a charitable  
4 organization, as defined in section 39-26-102, C.R.S., or a nonprofit  
5 corporation subject to the "Colorado Revised Nonprofit Corporation Act",  
6 articles 121 to 137 of title 7, C.R.S., and determined to be exempt from  
7 federal income tax by the federal internal revenue service, if the retail  
8 liquor store does not receive compensation for ~~any such~~ THE sale; ~~Nothing~~  
9 ~~in this section shall prohibit a retail liquor store licensee~~

10 (II) At the option of the licensee, ~~from~~ displaying promotional  
11 material furnished by a manufacturer or wholesaler, which material  
12 permits a customer to purchase other items from a third person, if the  
13 retail liquor store licensee does not receive payment from the third person  
14 and if the ordering of the additional merchandise is done by the customer  
15 directly from the third person; ~~Nothing in this subsection (1) shall prohibit~~  
16 ~~a retail liquor store licensee from~~ OR

17 (III) Allowing tastings to be conducted on ~~his or her~~ THE licensed  
18 premises if an authorization for the tastings has been granted pursuant to  
19 section 12-47-301.

20 (4) (a) EXCEPT AS SPECIFIED IN PARAGRAPH (b) OF THIS  
21 SUBSECTION (4), it is unlawful for any owner, part owner, shareholder, or  
22 person interested directly or indirectly in a retail liquor store to conduct,  
23 own either in whole or in part, or be directly or indirectly interested in any  
24 other business licensed pursuant to this article. ~~except that such a person~~

25 (b) AN OWNER, PART OWNER, SHAREHOLDER, OR PERSON  
26 INTERESTED DIRECTLY OR INDIRECTLY IN A RETAIL LIQUOR STORE may  
27 have ~~an interest~~ INTERESTS in:

28 (I) ADDITIONAL RETAIL LIQUOR STORE LICENSES, IF THE LICENSED  
29 RETAIL LIQUOR STORE AND ANY ADDITIONAL RETAIL LIQUOR STORES IN  
30 WHICH THE OWNER, PART OWNER, SHAREHOLDER, OR PERSON OBTAINS AN  
31 INTEREST DO NOT CONTAIN MORE THAN FIVE THOUSAND SQUARE FEET OF  
32 TOTAL RETAIL SPACE AND DO NOT HAVE A PHARMACY ON THE LICENSED  
33 PREMISES;

34 (II) ~~an Arts license or an~~ LICENSES;

35 (III) Airline public transportation system ~~license~~ LICENSES granted  
36 under this article; or ~~in a~~

37 (IV) Financial ~~institution~~ INSTITUTIONS referred to in section  
38 12-47-308 (4)."

39 Renumber succeeding sections accordingly.

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