

**First Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO**

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 11-0294.01 Christy Chase

SENATE BILL 11-060

SENATE SPONSORSHIP

Boyd and White,

HOUSE SPONSORSHIP

Gardner B. and Kerr A.,

Senate Committees

Local Government and Energy

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE ALCOHOL CONTENT OF ALCOHOL BEVERAGES THAT**
102 **ARE AVAILABLE FOR CONSUMPTION ON A LICENSED PREMISES.**

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>.)

Under current law, persons licensed under the "Colorado Liquor Code" to sell malt, vinous, or spirituous liquors for on-premises consumption are not permitted, pursuant to that license, to sell fermented malt beverages, also referred to as "low-alcohol-content beer" or "3.2 beer".

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.*

SENATE
2nd Reading Unamended
April 19, 2011

The bill would permit all persons licensed to sell malt, vinous, or spirituous liquors for on-premises consumption to also sell low-alcohol-content beer for consumption on the licensed premises.

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

2 **SECTION 1.** 12-47-409, Colorado Revised Statutes, is amended
3 to read:

4 **12-47-409. Beer and wine license.** (1) A beer and wine license
5 shall be issued to persons selling malt and vinous liquors AND FERMENTED
6 MALT BEVERAGES for consumption on the premises. ~~and such BEER AND~~
7 WINE licensees shall have SANDWICHES AND LIGHT SNACKS available for
8 consumption on the premises during business hours, ~~sandwiches and light~~
9 ~~snacks~~; but need not have meals available for consumption.

10 (2) (a) Every person selling malt and vinous liquors AND
11 FERMENTED MALT BEVERAGES as provided in this section shall purchase
12 ~~such~~ malt and vinous liquors AND FERMENTED MALT BEVERAGES only
13 from a wholesaler licensed pursuant to this article OR ARTICLE 46 OF THIS
14 TITLE; except that, DURING A CALENDAR YEAR, any person selling malt
15 and vinous liquors AND FERMENTED MALT BEVERAGES as provided in this
16 section may purchase not more than five hundred dollars' worth of: ~~such~~

17 (I) Malt and vinous liquors ~~during a calendar year~~ from a ~~retail~~
18 ~~liquor store~~ RETAILER LICENSED PURSUANT TO SECTION 12-47-407 OR
19 12-47-408; AND

20 (II) FERMENTED MALT BEVERAGES FROM A RETAILER LICENSED
21 PURSUANT TO SECTION 12-46-104 (1) (c).

22 (b) A BEER AND WINE LICENSEE SHALL RETAIN EVIDENCE OF each
23 purchase of malt and vinous liquors ~~as provided in this section shall be~~
24 ~~evidenced by~~ FROM A RETAILER LICENSED PURSUANT TO SECTION

1 12-47-407 OR 12-47-408 AND EACH PURCHASE OF FERMENTED MALT
2 BEVERAGES FROM A RETAILER LICENSED PURSUANT TO SECTION 12-46-104
3 (1) (c), IN THE FORM OF a purchase receipt showing the name of the ~~retail~~
4 ~~liquor store~~ LICENSED RETAILER, the date of purchase, a description of the
5 malt or vinous liquor OR FERMENTED MALT BEVERAGES purchased, and
6 the price paid for ~~such~~ THE purchase. ~~Such~~ THE BEER AND WINE LICENSEE
7 SHALL RETAIN THE receipt ~~shall be retained~~ and shall ~~be~~ MAKE IT available
8 to the state and local licensing authorities at all times during business
9 hours.

10 (3) It is unlawful for any owner, part owner, shareholder, or
11 person interested directly or indirectly in a beer and wine license to
12 conduct, own either in whole or in part, or be directly or indirectly
13 interested in any other business licensed pursuant to this article OR
14 ARTICLE 46 OF THIS TITLE; except that such a person may have an interest
15 in a license described in section 12-46-104 (1) (c), 12-47-401 (1) (j) to (1)
16 (t), or 12-47-410 (1) or in a financial institution referred to in section
17 12-47-308 (4).

18 **SECTION 2.** 12-47-410 (1) and (5), Colorado Revised Statutes,
19 are amended to read:

20 **12-47-410. Bed and breakfast permit.** (1) In lieu of a hotel and
21 restaurant license, a person operating a bed and breakfast with not more
22 than twenty sleeping rooms that offers complimentary ~~malt, vinous, or~~
23 ~~spirituous liquors~~ ALCOHOL BEVERAGES for consumption only on the
24 premises and only by overnight guests may be issued a bed and breakfast
25 permit. A bed and breakfast permittee shall not sell alcohol beverages by
26 the drink and shall not serve alcohol beverages for more than four hours
27 in any one day.

1 (5) It is unlawful for any owner, part owner, shareholder, or
2 person interested directly or indirectly in a bed and breakfast permit to
3 conduct, own either in whole or in part, or be directly or indirectly
4 interested in any other business licensed pursuant to this article OR
5 ARTICLE 46 OF THIS TITLE; except that a person regulated under this
6 section may have an interest in other bed and breakfast permits, in a
7 license described in section 12-46-104 (1) (c) OR 12-47-401 (1) (j) to (1)
8 (t), or in a financial institution referred to in section 12-47-308 (4).

9 **SECTION 3.** 12-47-411 (1), (3), (4), (6), (9), and (13), Colorado
10 Revised Statutes, are amended to read:

11 **12-47-411. Hotel and restaurant license - definition - rules.**

12 (1) Except as otherwise provided in subsection (2) of this section, a hotel
13 and restaurant license shall be issued to persons selling ~~malt, vinous, and~~
14 ~~spirituous liquors~~ ALCOHOL BEVERAGES in the place where ~~such liquors~~
15 THE ALCOHOL BEVERAGES are to be consumed, subject to the following
16 restrictions:

17 (a) Restaurants shall sell ~~malt, vinous, and spirituous liquors~~
18 ALCOHOL BEVERAGES as provided in this section only to customers of
19 ~~such~~ THE restaurant and only if meals are actually and regularly served
20 and provide not less than twenty-five percent of the gross income from
21 sales of food and drink of the business of the licensed premises.

22 (b) Hotels shall sell ~~malt, vinous, and spirituous liquors~~ ALCOHOL
23 BEVERAGES as provided in this section only to customers of ~~said~~ THE hotel
24 and, except in hotel rooms, only on the licensed premises where meals are
25 actually and regularly served and provide not less than twenty-five
26 percent of the gross income from sales of food and drink of the business
27 of the licensed premises.

1 (c) Any hotel and restaurant licensee who is open for business and
2 selling ~~malt, vinous, or spirituous liquors~~ ALCOHOL BEVERAGES by the
3 drink shall serve meals between the hours of 8 a.m. and 8 p.m. and meals
4 or light snacks and sandwiches after 8 p.m.; except that nothing in this
5 paragraph (c) shall be construed to require a licensee to be open for
6 business between the hours of 8 a.m. and 8 p.m.

7 (d) A hotel may be designated as a resort complex if it has at least
8 fifty sleeping rooms and has related sports and recreational facilities
9 located contiguous or adjacent to the hotel for the convenience of its
10 guests or the general public. For purposes of a resort complex only,
11 "contiguous or adjacent" means within the overall boundaries or scheme
12 of development or regularly accessible from the hotel by its members and
13 guests.

14 (3) Notwithstanding any provision of this article to the contrary,
15 a hotel, licensed pursuant to this article, may:

16 (a) Furnish and deliver complimentary ~~malt, vinous, and~~
17 ~~spirituous liquors~~ ALCOHOL BEVERAGES in sealed containers for the
18 convenience of its guests;

19 (b) Sell ~~malt, vinous, and spirituous liquors~~ ALCOHOL BEVERAGES
20 provided by the hotel in sealed containers, at any time, by means of a
21 minibar located in hotel guest rooms, to adult registered guests of the
22 hotel for consumption in ~~such~~ guest rooms if the price of the ~~malt, vinous,~~
23 ~~and spirituous liquors~~ ALCOHOL BEVERAGES is clearly posted. For
24 purposes of this section, "minibar" means a closed container, either
25 nonrefrigerated or refrigerated in whole or in part, access to the interior
26 of which is restricted by means of a locking device that requires the use
27 of a key, magnetic card, or similar device or which is controlled at all

1 times by the hotel.

2 (c) Enter into a contract with a lodging facility for the purpose of
3 authorizing ~~such~~ THE lodging facility to sell ~~malt, vinous, and spirituous~~
4 ~~liquors~~ ALCOHOL BEVERAGES pursuant to paragraph (b) of this subsection
5 (3) if ~~such~~ THE lodging facility and hotel share common ownership and
6 are located within one thousand feet of one another. The ~~malt, vinous, or~~
7 ~~spirituous liquors~~ ALCOHOL BEVERAGES that may be sold pursuant to this
8 paragraph (c) ~~shall~~ MUST be provided by and subject to the control of the
9 licensed hotel. For purposes of this paragraph (c), "common ownership"
10 means a controlling ownership interest that is held by the same person or
11 persons, whether through separate corporations, partnerships, or other
12 legal entities. To determine whether the distance limitation referred to in
13 this paragraph (c) is met, the distance from the property line of the land
14 used for the lodging facility to the portion of the hotel licensed under this
15 article shall be measured using the nearest and most direct routes of
16 pedestrian access.

17 (4) The state licensing authority shall promulgate rules that
18 prohibit the placement of a container of ~~malt, vinous, or spirituous liquors~~
19 ALCOHOL BEVERAGES in a minibar if ~~such~~ THE container has a capacity of
20 more than five hundred milliliters.

21 (6) (a) EXCEPT AS PROVIDED IN PARAGRAPH (b) OF THIS
22 SUBSECTION (6), every person selling ~~malt, vinous, and spirituous liquors~~
23 ALCOHOL BEVERAGES as provided in this section shall purchase ~~such malt,~~
24 ~~vinous, and spirituous liquors~~ ALCOHOL BEVERAGES only from a
25 wholesaler licensed pursuant to this article OR ARTICLE 46 OF THIS TITLE.

26 (b) (I) ~~Any~~ DURING A CALENDAR YEAR, A person selling ~~malt,~~
27 ~~vinous, and spirituous liquors~~ ALCOHOL BEVERAGES as provided in this

1 section may purchase not more than one thousand dollars' worth of: ~~such~~

2 (A) Malt, vinous, and spirituous liquors ~~during a calendar year~~
3 from a ~~retail liquor store~~ RETAILER LICENSED PURSUANT TO SECTION
4 12-47-407 OR 12-47-408; AND

5 (B) FERMENTED MALT BEVERAGES FROM A RETAILER LICENSED
6 PURSUANT TO SECTION 12-46-104 (1) (c).

7 (II) A HOTEL AND RESTAURANT LICENSEE SHALL RETAIN EVIDENCE
8 OF each purchase of malt, vinous, or spirituous liquors ~~as provided in this~~
9 ~~section shall be evidenced by~~ FROM A RETAILER LICENSED PURSUANT TO
10 SECTION 12-47-407 OR 12-47-408 AND EACH PURCHASE OF FERMENTED
11 MALT BEVERAGES FROM A RETAILER LICENSED PURSUANT TO SECTION
12 12-46-104 (1) (c), IN THE FORM OF a purchase receipt showing the name
13 of the ~~retail liquor store~~ LICENSED RETAILER, the date of purchase, a
14 description of the ~~malt, vinous, or spirituous liquor~~ ALCOHOL BEVERAGES
15 purchased, and the price paid for ~~such purchase~~. ~~Such~~ THE ALCOHOL
16 BEVERAGES. THE LICENSEE SHALL RETAIN THE receipt ~~shall be retained~~
17 and ~~shall be~~ MAKE IT available to the state and local licensing authorities
18 at all times during business hours.

19 (9) The registered manager for each hotel and restaurant license
20 or the hotel and restaurant licensee shall purchase ~~malt, vinous, or~~
21 ~~spirituous liquors~~ ALCOHOL BEVERAGES for one licensed premises only,
22 and ~~such~~ THE purchases shall be separate and distinct from purchases for
23 any other hotel and restaurant license.

24 (13) (a) It is unlawful for any owner, part owner, shareholder, or
25 person interested directly or indirectly in a hotel and restaurant license to
26 conduct, own either in whole or in part, or be directly or indirectly
27 interested in any other business licensed pursuant to this article OR

1 ARTICLE 46 OF THIS TITLE.

2 (b) Notwithstanding paragraph (a) of this subsection (13), an
3 owner, part owner, shareholder, or person interested directly or indirectly
4 in a hotel and restaurant license may conduct, own either in whole or in
5 part, or be directly or indirectly interested in a license described in section
6 12-46-104 (1) (c), 12-47-401 (1) (j) to (1) (t), or 12-47-410 (1) or in a
7 financial institution referred to in section 12-47-308 (4).

8 **SECTION 4.** 12-47-412 (1), (2), (3), and (5), Colorado Revised
9 Statutes, are amended to read:

10 **12-47-412. Tavern license.** (1) A tavern license shall be issued
11 to persons selling ~~malt, vinous, or spirituous liquors~~ ALCOHOL BEVERAGES
12 by the drink only to customers for consumption on the premises. ~~and such~~
13 A TAVERN licensee shall have SANDWICHES AND LIGHT SNACKS available
14 for consumption on the premises during business hours, ~~sandwiches and~~
15 ~~light snacks~~, but need not have meals available for consumption.

16 (2) (a) Every person selling ~~malt, vinous, and spirituous liquors~~
17 ALCOHOL BEVERAGES as provided in this section shall purchase ~~such malt,~~
18 ~~vinous, and spirituous liquors~~ ALCOHOL BEVERAGES only from a
19 wholesaler licensed pursuant to this article OR ARTICLE 46 OF THIS TITLE;
20 except that, ~~any~~ DURING A CALENDAR YEAR, A person selling ~~malt, vinous,~~
21 ~~and spirituous liquors~~ ALCOHOL BEVERAGES as provided in this section
22 may purchase not more than five hundred dollars' worth of: ~~such~~

23 (I) Malt, vinous, and spirituous liquors ~~during a calendar year~~
24 from a ~~retail liquor store~~ RETAILER LICENSED PURSUANT TO SECTION
25 12-47-407 OR 12-47-408; AND

26 (II) FERMENTED MALT BEVERAGES FROM A RETAILER LICENSED
27 PURSUANT TO SECTION 12-46-104 (1) (c).

1 (b) A TAVERN LICENSEE SHALL RETAIN EVIDENCE OF each purchase
2 of malt, vinous, or spirituous liquors ~~as provided in this section shall be~~
3 ~~evidenced by~~ FROM A RETAILER LICENSED PURSUANT TO SECTION
4 12-47-407 OR 12-47-408 AND EACH PURCHASE OF FERMENTED MALT
5 BEVERAGES FROM A RETAILER LICENSED PURSUANT TO SECTION 12-46-104
6 (1) (c), IN THE FORM OF a purchase receipt showing the name of the ~~retail~~
7 ~~liquor store~~ LICENSED RETAILER, the date of purchase, a description of the
8 ~~malt, vinous, or spirituous liquor~~ ALCOHOL BEVERAGES purchased, and
9 the price paid for ~~such purchase. Such~~ THE ALCOHOL BEVERAGES. THE
10 TAVERN LICENSEE SHALL RETAIN THE receipt ~~shall be retained and shall~~
11 ~~be~~ MAKE IT available to the state and local licensing authorities at all
12 times during business hours.

13 (3) It is unlawful for any owner, part owner, shareholder, or
14 person interested directly or indirectly in tavern licenses to conduct, own
15 either in whole or in part, or be directly or indirectly interested in any
16 other business licensed pursuant to this article OR ARTICLE 46 OF THIS
17 TITLE; except that such a person may have an interest in a license
18 described in section 12-46-104 (1) (c), 12-47-401 (1) (j) to (1) (t), or
19 12-47-410 (1) or in a financial institution referred to in section 12-47-308
20 (4).

21 (5) The registered manager for each tavern license or the tavern
22 licensee shall purchase ~~malt, vinous, or spirituous liquors~~ ALCOHOL
23 BEVERAGES for one licensed premises only, and ~~such~~ THE purchases shall
24 be separate and distinct from purchases for any other tavern license.

25 **SECTION 5.** 12-47-413, Colorado Revised Statutes, is amended
26 to read:

27 **12-47-413. Optional premises license.** (1) An optional premises

1 license shall be granted for optional premises approved by the state and
2 local licensing authorities to persons selling ~~malt, vinous, and spirituous~~
3 ~~liquors~~ ALCOHOL BEVERAGES by the drink only to customers for
4 consumption on the optional premises and for storing ~~malt, vinous, and~~
5 ~~spirituous liquors~~ ALCOHOL BEVERAGES in a secure area on or off the
6 optional premises for future use on the optional premises.

7 (2) (a) It is unlawful for any owner, part owner, shareholder, or
8 person interested directly or indirectly in an optional premises license to
9 conduct, own either in whole or in part, or be directly or indirectly
10 interested in any other business licensed pursuant to this article OR
11 ARTICLE 46 OF THIS TITLE.

12 (b) Notwithstanding paragraph (a) of this subsection (2), an
13 owner, part owner, shareholder, or person interested directly or indirectly
14 in an optional premises license may own, either in whole or in part, or be
15 directly or indirectly interested in a license described in section 12-46-104
16 (1) (c), 12-47-401 (1) (j) to (1) (t), or 12-47-410 (1) or in a financial
17 institution referred to in section 12-47-308 (4).

18 **SECTION 6.** 12-47-414 (1), (2), and (4), Colorado Revised
19 Statutes, are amended to read:

20 **12-47-414. Retail gaming tavern license.** (1) A retail gaming
21 tavern license shall be issued to persons who are licensed pursuant to
22 section 12-47.1-501 (1) (c), who sell ~~malt, vinous, or spirituous liquors~~
23 ALCOHOL BEVERAGES by individual drink for consumption on the
24 premises, and who sell sandwiches or light snacks or who contract with
25 an establishment that provides such food services within the same
26 building as the licensed premises. In no event shall any person hold more
27 than three retail gaming tavern licenses.

1 (2) (a) Every person selling ~~malt, vinous, or spirituous liquors~~
2 ALCOHOL BEVERAGES as described in this section shall purchase ~~such~~
3 ~~liquors~~ THE ALCOHOL BEVERAGES only from a wholesaler licensed
4 pursuant to this article OR ARTICLE 46 OF THIS TITLE; except that, ~~any~~
5 DURING A CALENDAR YEAR, A person selling ~~malt, vinous, or spirituous~~
6 ~~liquors~~ ALCOHOL BEVERAGES as provided in this section may purchase not
7 more than five hundred dollars' worth of: ~~such~~

8 (I) MALT, VINOUS, OR SPIRITUOUS liquors ~~during a calendar year~~
9 from a ~~retail liquor store~~ RETAILER LICENSED PURSUANT TO SECTION
10 12-47-407 OR 12-47-408; AND

11 (II) FERMENTED MALT BEVERAGES FROM A RETAILER LICENSED
12 PURSUANT TO SECTION 12-46-104 (1) (c).

13 (b) A RETAIL GAMING TAVERN LICENSEE SHALL RETAIN EVIDENCE
14 OF each purchase of malt, vinous, or spirituous liquors from a ~~retail liquor~~
15 ~~store as provided in this section shall be evidenced by~~ RETAILER LICENSED
16 PURSUANT TO SECTION 12-47-407 OR 12-47-408 AND EACH PURCHASE OF
17 FERMENTED MALT BEVERAGES FROM A RETAILER LICENSED PURSUANT TO
18 SECTION 12-46-104 (1) (c), IN THE FORM OF a purchase receipt showing
19 the name of the ~~retail liquor store~~ LICENSED RETAILER, the date of
20 purchase, a description of the ~~malt, vinous, or spirituous liquor~~ ALCOHOL
21 BEVERAGES purchased, and the price paid for ~~such purchase. Such~~ THE
22 ALCOHOL BEVERAGES. THE LICENSEE SHALL RETAIN THE receipt ~~shall be~~
23 ~~retained~~ and ~~shall be~~ MAKE IT available to the state and local licensing
24 authorities at all times during business hours.

25 (4) It is unlawful for any owner, part owner, shareholder, or
26 person interested directly or indirectly in a retail gaming tavern license to
27 conduct, own either in whole or in part, or be directly or indirectly

1 interested in any other business licensed pursuant to this article OR
2 ARTICLE 46 OF THIS TITLE; except that such a person may have an interest
3 in a license described in section 12-46-104 (1) (c), 12-47-401 (1) (j) to (1)
4 (t), or 12-47-410 (1) or in a financial institution referred to in section
5 12-47-308 (4).

6 **SECTION 7.** 12-47-415 (1), the introductory portion to
7 12-47-415 (2) (a), and 12-47-415 (2) (a) (III), (2) (b), (3), (4), and (5),
8 Colorado Revised Statutes, are amended to read:

9 **12-47-415. Brew pub license.** (1) (a) A brew pub license may
10 be issued to any person operating a brew pub and also selling ~~malt,~~
11 ~~vinous, and spirituous liquors in the place where such liquors are to be~~
12 ~~consumed~~ ALCOHOL BEVERAGES FOR CONSUMPTION ON THE PREMISES.

13 (b) A brew pub licensed pursuant to this section to manufacture
14 malt liquors OR FERMENTED MALT BEVERAGES upon its licensed premises
15 may, upon approval of the state licensing authority, manufacture malt
16 liquors OR FERMENTED MALT BEVERAGES upon alternating proprietor
17 licensed premises within the restrictions specified in section 12-47-103
18 (4).

19 (2) (a) Except as provided in paragraph (b) of this subsection (2),
20 during the hours established in section 12-47-901 (5) (b), malt liquors OR
21 FERMENTED MALT BEVERAGES manufactured by a brew pub licensee on
22 the licensed premises or alternating proprietor licensed premises may be:

23 (III) Sold to the public in sealed containers for off-premises
24 consumption. Only malt liquors OR FERMENTED MALT BEVERAGES
25 manufactured and packaged on the licensed premises or alternating
26 proprietor licensed premises by the licensee shall be sold in sealed
27 containers.

1 (b) A brew pub authorized to manufacture malt liquors OR
2 FERMENTED MALT BEVERAGES upon alternating proprietor licensed
3 premises shall not conduct retail sales of malt liquors OR FERMENTED
4 MALT BEVERAGES from an area licensed or defined as an alternating
5 proprietor licensed premises.

6 (3) (a) Every person selling ~~malt, vinous, and spirituous liquors~~
7 ALCOHOL BEVERAGES pursuant to this section shall purchase ~~such malt,~~
8 ~~vinous, and spirituous liquors~~ ALCOHOL BEVERAGES, other than those that
9 are manufactured at the licensed brew pub, from a wholesaler licensed
10 pursuant to this article OR ARTICLE 46 OF THIS TITLE; except that, DURING
11 A CALENDAR YEAR, A PERSON SELLING ALCOHOL BEVERAGES AS PROVIDED
12 IN THIS SECTION MAY PURCHASE not more than five hundred dollars' worth
13 of:

14 (I) Malt, vinous, and spirituous liquors ~~may be purchased during~~
15 ~~each calendar year~~ from a ~~retail liquor store~~ RETAILER LICENSED
16 PURSUANT TO SECTION 12-47-407 OR 12-47-408; AND

17 (II) FERMENTED MALT BEVERAGES FROM A RETAILER LICENSED
18 PURSUANT TO SECTION 12-46-104 (1) (c).

19 (b) THE BREW PUB LICENSEE SHALL RETAIN EVIDENCE OF each
20 ~~such~~ purchase of malt, vinous, and spirituous liquors ~~shall be evidenced~~
21 ~~by~~ FROM A RETAILER LICENSED PURSUANT TO SECTION 12-47-407 OR
22 12-47-408 AND EACH PURCHASE OF FERMENTED MALT BEVERAGES FROM
23 A RETAILER LICENSED PURSUANT TO SECTION 12-46-104 (1) (c), IN THE
24 FORM OF a purchase receipt showing the name of the ~~retail liquor store~~
25 LICENSED RETAILER, the date of purchase, a description of the ~~liquor~~
26 ALCOHOL BEVERAGES purchased, and the price paid for ~~such purchase.~~
27 ~~Such~~ THE ALCOHOL BEVERAGES. THE LICENSEE SHALL RETAIN THE receipt

1 ~~shall be retained and made~~ MAKE IT available to state and local licensing
2 authorities at all times during business hours.

3 (4) A brew pub licensee shall sell ~~malt, vinous, and spirituous~~
4 ~~liquors~~ ALCOHOL BEVERAGES for on-premises consumption only if at least
5 fifteen percent of the gross on-premises food and drink income of the
6 business of the licensed premises is from the sale of food. For purposes
7 of this subsection (4), "food" means a quantity of foodstuffs of such
8 nature as is ordinarily consumed by an individual at regular intervals for
9 the purpose of sustenance.

10 (5) (a) It is unlawful for any owner, part owner, shareholder, or
11 person interested directly or indirectly in a brew pub license to conduct,
12 own either in whole or in part, or be directly or indirectly interested in any
13 other business licensed pursuant to this article OR ARTICLE 46 OF THIS
14 TITLE.

15 (b) Notwithstanding paragraph (a) of this subsection (5), a person
16 interested directly or indirectly in a brew pub license may conduct, own
17 either in whole or in part, or be directly or indirectly interested in a
18 license described in section 12-46-104 (1) (c), 12-47-401 (1) (j) to (1) (t),
19 or 12-47-410 (1) or in a financial institution referred to in section
20 12-47-308 (4).

21 **SECTION 8.** 12-47-416 (1) and (2), the introductory portion to
22 12-47-416 (4), and 12-47-416 (4) (b), Colorado Revised Statutes, are
23 amended to read:

24 **12-47-416. Club license - legislative declaration.** (1) A club
25 license shall be issued to persons selling ~~malt, vinous, and spirituous~~
26 ~~liquors~~ ALCOHOL BEVERAGES by the drink only to members of ~~such~~ THE
27 club and guests and only for consumption on the premises of ~~such~~ THE

1 club.

2 (2) (a) Every person selling ~~malt, vinous, and spirituous liquors~~
3 ALCOHOL BEVERAGES as provided in this section shall purchase ~~such malt,~~
4 ~~vinous, and spirituous liquors~~ THE ALCOHOL BEVERAGES only from a
5 wholesaler licensed pursuant to this article OR ARTICLE 46 OF THIS TITLE;
6 except that, ~~any~~ DURING A CALENDAR YEAR, A person selling ~~malt, vinous,~~
7 ~~and spirituous liquors~~ ALCOHOL BEVERAGES as provided in this section
8 may purchase not more than five hundred dollars' worth of: ~~such~~

9 (I) Malt, vinous, and spirituous liquors ~~during a calendar year~~
10 from a ~~retail liquor store~~ RETAILER LICENSED PURSUANT TO SECTION
11 12-47-407 OR 12-47-408; AND

12 (II) FERMENTED MALT BEVERAGES FROM A RETAILER LICENSED
13 PURSUANT TO SECTION 12-46-104 (1) (c).

14 (b) THE CLUB LICENSEE SHALL RETAIN EVIDENCE OF each purchase
15 of malt, vinous, or spirituous liquors ~~as provided in this section shall be~~
16 ~~evidenced by~~ FROM A RETAILER LICENSED PURSUANT TO SECTION
17 12-47-407 OR 12-47-408 AND EACH PURCHASE OF FERMENTED MALT
18 BEVERAGES FROM A RETAILER LICENSED PURSUANT TO SECTION 12-46-104
19 (1) (c), IN THE FORM OF a purchase receipt showing the name of the ~~retail~~
20 ~~liquor store~~ LICENSED RETAILER, the date of purchase, a description of the
21 ~~malt, vinous, or spirituous liquor~~ ALCOHOL BEVERAGES purchased, and
22 the price paid for ~~such purchase. Such~~ THE ALCOHOL BEVERAGES. THE
23 LICENSEE SHALL RETAIN THE receipt ~~shall be retained and shall be~~ MAKE
24 IT available to the state and local licensing authorities at all times during
25 business hours.

26 (4) It is unlawful for any owner, part owner, shareholder, or
27 person interested directly or indirectly in a club license to conduct, own

1 either in whole or in part, or be directly or indirectly interested in any
2 other business licensed pursuant to this article OR ARTICLE 46 OF THIS
3 TITLE; except that:

4 (b) Any person who owns, in whole or in part, directly or
5 indirectly, any other license issued pursuant to this article OR ARTICLE 46
6 OF THIS TITLE may be listed as an officer or director on a club license if
7 ~~such~~ THE person does not individually manage or receive any direct
8 financial benefit from the operation of ~~such~~ THE license.

9 **SECTION 9.** 12-47-417 (1) (a) and (4), Colorado Revised
10 Statutes, are amended to read:

11 **12-47-417. Arts license.** (1) (a) An arts license may be issued to
12 any nonprofit arts organization ~~which~~ THAT sponsors and presents
13 productions or performances of an artistic or cultural nature, and ~~shall~~
14 ~~permit~~ THE ARTS LICENSE PERMITS the licensee to sell ~~malt, vinous, and~~
15 ~~spirituous liquors~~ ALCOHOL BEVERAGES only to patrons of ~~such~~ THE
16 productions or performances for consumption on the licensed premises
17 in connection with ~~such~~ THE productions ~~and~~ OR performances. No
18 person licensed pursuant to this section shall permit any exterior or
19 interior advertising concerning the sale of alcohol beverages on ~~such~~ THE
20 LICENSED premises.

21 (4) (a) Every person selling ~~malt, vinous, and spirituous liquors~~
22 ALCOHOL BEVERAGES as provided in this section shall purchase ~~such~~ ~~malt,~~
23 ~~vinous, and spirituous liquors~~ THE ALCOHOL BEVERAGES only from a
24 wholesaler licensed pursuant to this article OR ARTICLE 46 OF THIS TITLE;
25 except that, ~~any~~ DURING A CALENDAR YEAR, A person selling ~~malt, vinous,~~
26 ~~and spirituous liquors~~ ALCOHOL BEVERAGES as provided in this section
27 may purchase not more than five hundred dollars' worth of: ~~such~~

1 (I) Malt, vinous, and spirituous liquors ~~during a calendar year~~
2 from a ~~retail liquor store~~ RETAILER LICENSED PURSUANT TO SECTION
3 12-47-407 OR 12-47-408; AND

4 (II) FERMENTED MALT BEVERAGES FROM A RETAILER LICENSED
5 PURSUANT TO SECTION 12-46-104 (1) (c).

6 (b) AN ARTS LICENSEE SHALL RETAIN EVIDENCE OF each purchase
7 of malt, vinous, or spirituous liquors ~~as provided in this section shall be~~
8 ~~evidenced by~~ FROM A RETAILER LICENSED PURSUANT TO SECTION
9 12-47-407 OR 12-47-408 AND EACH PURCHASE OF FERMENTED MALT
10 BEVERAGES FROM A RETAILER LICENSED PURSUANT TO SECTION 12-46-104
11 (1) (c), IN THE FORM OF a purchase receipt showing the name of the ~~retail~~
12 ~~liquor store~~ LICENSED RETAILER, the date of purchase, a description of the
13 ~~malt, vinous, or spirituous liquor~~ ALCOHOL BEVERAGES purchased, and
14 the price paid for ~~such purchase. Such~~ THE ALCOHOL BEVERAGES. THE
15 LICENSEE SHALL RETAIN THE receipt ~~shall be retained and shall be~~ MAKE
16 IT available to the state and local licensing authorities at all times during
17 business hours.

18 **SECTION 10.** 12-47-418, Colorado Revised Statutes, is amended
19 to read:

20 **12-47-418. Racetrack license.** (1) A racetrack licensee may sell
21 ~~malt, vinous, and spirituous liquors~~ ALCOHOL BEVERAGES by the drink for
22 consumption on the licensed premises only to customers of ~~such~~ THE
23 racetrack and shall serve food as well as ~~such liquors~~ ALCOHOL
24 BEVERAGES.

25 (2) (a) Every person selling ~~malt, vinous, and spirituous liquors~~
26 ALCOHOL BEVERAGES as provided in this section shall purchase ~~such malt,~~
27 ~~vinous, and spirituous liquors~~ THE ALCOHOL BEVERAGES only from a

1 wholesaler licensed pursuant to this article OR ARTICLE 46 OF THIS TITLE;
2 except that, ~~any~~ DURING A CALENDAR YEAR, A person selling ~~malt, vinous,~~
3 ~~and spirituous liquors~~ ALCOHOL BEVERAGES as provided in this section
4 may purchase not more than five hundred dollars' worth of: ~~such~~

5 (I) Malt, vinous, and spirituous liquors ~~during a calendar year~~
6 from a ~~retail liquor store~~ RETAILER LICENSED PURSUANT TO SECTION
7 12-47-407 OR 12-47-408; AND

8 (II) FERMENTED MALT BEVERAGES FROM A RETAILER LICENSED
9 PURSUANT TO SECTION 12-46-104 (1) (c).

10 (b) A RACETRACK LICENSEE SHALL RETAIN EVIDENCE OF each
11 purchase of malt, vinous, or spirituous liquors ~~as provided in this section~~
12 ~~shall be evidenced by~~ FROM A RETAILER LICENSED PURSUANT TO SECTION
13 12-47-407 OR 12-47-408 AND EACH PURCHASE OF FERMENTED MALT
14 BEVERAGES FROM A RETAILER LICENSED PURSUANT TO SECTION 12-46-104
15 (1) (c), IN THE FORM OF a purchase receipt showing the name of the ~~retail~~
16 ~~liquor store~~ LICENSED RETAILER, the date of purchase, a description of the
17 ~~malt, vinous, or spirituous liquor~~ ALCOHOL BEVERAGES purchased, and
18 the price paid for ~~such purchase~~. ~~Such~~ THE ALCOHOL BEVERAGES. THE
19 LICENSEE SHALL RETAIN THE receipt ~~shall be retained~~ and ~~shall be~~ MAKE
20 IT available to the state and local licensing authorities at all times during
21 business hours.

22 (3) If any person holds a valid license pursuant to this article to
23 sell ~~malt, vinous, and spirituous liquors~~ ALCOHOL BEVERAGES by the drink
24 for consumption on the licensed premises, ~~such~~ THE person ~~shall~~ IS not be
25 required to obtain a racetrack class license pursuant to this section if
26 simulcast races with pari-mutuel wagering occur on ~~such~~ THE licensed
27 premises.

1 (4) It is unlawful for any owner, part owner, shareholder, or
2 person interested directly or indirectly in a racetrack license to conduct,
3 own either in whole or in part, or be directly or indirectly interested in any
4 other business licensed pursuant to this article OR ARTICLE 46 OF THIS
5 TITLE; except that a person licensed under this section may have an
6 interest in a license described in section 12-46-104 (1) (c), 12-47-401 (1)
7 (j) to (1) (t), or 12-47-410 (1) or in a financial institution referred to in
8 section 12-47-308 (4).

9 **SECTION 11.** 12-47-419, Colorado Revised Statutes, is amended
10 to read:

11 **12-47-419. Public transportation system license.** (1) THE
12 STATE LICENSING AUTHORITY SHALL ISSUE a public transportation system
13 license ~~shall be issued by the state licensing authority~~ to every person
14 operating a public transportation system ~~selling any malt, vinous, or~~
15 ~~spirituous liquors~~ THAT SELLS ALCOHOL BEVERAGES by the drink to be
16 served and consumed in or upon any dining, club, or parlor car; plane;
17 bus; or other conveyance of ~~such~~ THE public transportation system. A
18 public transportation system license issued to a commercial airline ~~shall~~
19 ~~be deemed to authorize such~~ AUTHORIZES THE licensee to sell ~~malt,~~
20 ~~vinous, or spirituous liquors~~ ALCOHOL BEVERAGES by the drink in an
21 airport or airport concourse private club room that is in existence and
22 operated by ~~such~~ THE licensee on or before April 1, 1995. A public
23 transportation system license issued to a common carrier railroad ~~shall be~~
24 ~~deemed to authorize such~~ AUTHORIZES THE licensee to sell ~~malt, vinous,~~
25 ~~or spirituous liquors~~ ALCOHOL BEVERAGES by the drink at any event not
26 open to the public that is held in a museum owned and operated by the
27 licensee ~~so long as~~ IF the licensee ~~has notified~~ NOTIFIES the appropriate

1 local law enforcement agency of ~~such~~ THE event no later than fourteen
2 days prior to the scheduled date of the event.

3 (2) It is unlawful for any owner, part owner, shareholder, or
4 person interested directly or indirectly in a public transportation system
5 license to conduct, own either in whole or in part, or be directly or
6 indirectly interested in any other business licensed pursuant to this article
7 OR ARTICLE 46 OF THIS TITLE; except that a person licensed under this
8 section may be interested in a ~~license described in section 12-47-401 (1)~~
9 ~~(j) to (1) (t) or 12-47-410 (1) or in a financial institution referred to in~~
10 ~~section 12-47-308 (4), and a licensed public transportation system may be~~
11 ~~interested in any other retail liquor license ISSUED PURSUANT TO THIS~~
12 ~~ARTICLE OR ARTICLE 46 OF THIS TITLE or in a financial institution referred~~
13 ~~to in section 12-47-308 (4).~~

14 **SECTION 12.** 12-47-420 (1), (3), (4), and (5), Colorado Revised
15 Statutes, are amended to read:

16 **12-47-420. Vintner's restaurant license.** (1) A vintner's
17 restaurant license may be issued to a person operating a vintner's
18 restaurant and also selling ~~malt, vinous, and spirituous liquors in the place~~
19 ~~where such liquors are to be consumed~~ ALCOHOL BEVERAGES FOR
20 CONSUMPTION ON THE PREMISES.

21 (3) (a) Every person selling ~~malt, vinous, and spirituous liquors~~
22 ALCOHOL BEVERAGES pursuant to this section shall purchase ~~such malt,~~
23 ~~vinous, and spirituous liquors~~ THE ALCOHOL BEVERAGES, other than those
24 that are manufactured at the licensed vintner's restaurant, from a
25 wholesaler licensed pursuant to this article OR ARTICLE 46 OF THIS TITLE;
26 except that, DURING A CALENDAR YEAR, A PERSON MAY PURCHASE not
27 more than five hundred dollars' worth of:

1 (I) Malt, vinous, and spirituous liquors ~~may be purchased during~~
2 ~~each calendar year~~ from a ~~retail liquor store~~ RETAILER LICENSED
3 PURSUANT TO SECTION 12-47-407 OR 12-47-408; AND

4 (II) FERMENTED MALT BEVERAGES FROM A RETAILER LICENSED
5 PURSUANT TO SECTION 12-46-104 (1) (c).

6 (b) THE VINTNER'S RESTAURANT LICENSEE SHALL RETAIN
7 EVIDENCE OF each ~~such~~ purchase of malt, vinous, and spirituous liquors
8 ~~shall be evidenced by~~ FROM A RETAILER LICENSED PURSUANT TO SECTION
9 12-47-407 OR 12-47-408 AND EACH PURCHASE OF FERMENTED MALT
10 BEVERAGES FROM A RETAILER LICENSED PURSUANT TO SECTION 12-46-104
11 (1) (c), IN THE FORM OF a purchase receipt showing the name of the ~~retail~~
12 ~~liquor store~~ LICENSED RETAILER, the date of purchase, a description of the
13 ~~liquor~~ ALCOHOL BEVERAGES purchased, and the price paid for ~~such~~
14 ~~purchase.~~ ~~Such~~ THE ALCOHOL BEVERAGES. THE LICENSEE SHALL RETAIN
15 THE receipt ~~shall be retained~~ and ~~made~~ MAKE IT available to state and
16 local licensing authorities at all times during business hours.

17 (4) A vintner's restaurant licensee ~~shall~~ MAY sell ~~malt, vinous, and~~
18 ~~spirituous liquors~~ ALCOHOL BEVERAGES for on-premises consumption
19 only if at least fifteen percent of the gross on-premises food and drink
20 income of the business of the licensed premises is from the sale of food.

21 (5) (a) Subject to paragraph (b) of this subsection (5), it is
22 unlawful for an owner, part owner, shareholder, or person interested
23 directly or indirectly in a vintner's restaurant license to conduct, own
24 either in whole or in part, or be directly or indirectly interested in another
25 business licensed pursuant to this article OR ARTICLE 46 OF THIS TITLE.

26 (b) A person interested directly or indirectly in a vintner's
27 restaurant license may conduct, own either in whole or in part, or be

1 directly or indirectly interested in a license described in section 12-46-104
2 (1) (c), 12-47-401 (1) (j) to (1) (t), or 12-47-410 (1) or in a financial
3 institution referred to in section 12-47-308 (4).

4 **SECTION 13.** 12-47-422 (1), (4), (6), and (8), Colorado Revised
5 Statutes, are amended to read:

6 **12-47-422. Art gallery permit - definition.** (1) A person
7 operating an art gallery that offers complimentary ~~malt, vinous, or~~
8 ~~spirituous liquors~~ ALCOHOL BEVERAGES for consumption only on the
9 premises may be issued an art gallery permit, which shall be renewed
10 annually. An art gallery permittee shall not, directly or indirectly, sell
11 alcohol beverages by the drink, shall not serve alcohol beverages for more
12 than four hours in any one day, and shall not serve alcohol beverages
13 more than fifteen days per year of licensure.

14 (4) An art gallery shall not charge an entrance fee or a cover
15 charge in connection with offering complimentary ~~malt, vinous, or~~
16 ~~spirituous liquors~~ ALCOHOL BEVERAGES for consumption only on the
17 premises.

18 (6) It is unlawful for any owner, part owner, shareholder, or
19 person interested directly or indirectly in an art gallery permit to conduct,
20 own either in whole or in part, or be directly or indirectly interested in any
21 other business licensed pursuant to this article OR ARTICLE 46 OF THIS
22 TITLE; except that a person regulated under this section may have an
23 interest in other art gallery permits, in a license described in section
24 12-46-104 (1) (c), 12-47-401 (1) (j) to (1) (t), OR 12-47-410 (1), or in a
25 financial institution referred to in section 12-47-308 (4).

26 (8) An art gallery issued a permit shall not intentionally allow
27 more than two hundred fifty people to be on the premises at one time

1 when alcohol ~~is~~ BEVERAGES ARE being served.

2 **SECTION 14.** 12-47-901 (1) (h) (II), (1) (h) (IV), (5) (i) (I), (5)
3 (j), (5) (m), and (8), Colorado Revised Statutes, are amended to read:

4 **12-47-901. Unlawful acts - exceptions.** (1) Except as provided
5 in section 18-13-122, C.R.S., it is unlawful for any person:

6 (h) (II) Notwithstanding subparagraph (I) of this paragraph (h), it
7 ~~shall not be~~ IS NOT unlawful for a person who is at least twenty-one years
8 of age to consume malt, vinous, or spirituous liquors while ~~such~~ THE
9 person is a passenger aboard a luxury limousine, as defined in section
10 40-16-101 (3), C.R.S., or a charter or scenic bus, as defined in section
11 40-16-101 (1.3), C.R.S. Nothing in this subparagraph (II) ~~shall be~~
12 ~~construed to authorize~~ AUTHORIZES an owner or operator of a luxury
13 limousine or charter or scenic bus to sell or distribute ~~malt, vinous, or~~
14 ~~spirituous liquors~~ ALCOHOL BEVERAGES without obtaining a public
15 transportation system license pursuant to section 12-47-419.

16 (IV) Notwithstanding subparagraph (I) of this paragraph (h), it
17 ~~shall not be~~ IS NOT unlawful for adult patrons of an art gallery permittee
18 to consume ~~malt, vinous, or spirituous liquor~~ ALCOHOL BEVERAGES on the
19 premises when the consumption is conducted within the limitations of a
20 valid permit granted pursuant to section 12-47-422.

21 (5) It is unlawful for any person licensed to sell at retail pursuant
22 to this article:

23 (i) (I) To sell malt, vinous, or spirituous liquors OR FERMENTED
24 MALT BEVERAGES in a place where the ~~same~~ ALCOHOL BEVERAGES are to
25 be consumed, unless ~~such~~ THE place is a hotel, restaurant, tavern,
26 racetrack, club, retail gaming tavern, or arts licensed premises or unless
27 ~~such~~ THE place is a dining, club, or parlor car; plane; bus; or other

1 conveyance or facility of a public transportation system.

2 (j) To display or cause to be displayed, on the licensed premises,
3 any exterior sign advertising any particular brand of malt liquors OR
4 FERMENTED MALT BEVERAGES unless the particular brand so designated
5 in the sign is dispensed on draft or in sealed containers within the licensed
6 premises wherein the sign is displayed;

7 (m) To require a wholesaler to make delivery to any premises
8 other than the specific hotel and restaurant premises where the ~~malt,~~
9 ~~vinous, or spirituous liquor~~ ALCOHOL BEVERAGE is to be sold and
10 consumed if ~~such~~ THE person is a hotel and restaurant licensee or the
11 registered manager of a hotel and restaurant license requires ~~such~~ THE
12 delivery;

13 (8) It is unlawful for any manufacturer or wholesaler licensed
14 pursuant to article 46 of this title to sell, deliver, or cause to be delivered
15 to any ~~retail licensee~~ PERSON LICENSED PURSUANT TO SECTION 12-47-407
16 OR 12-47-408 any beverage containing alcohol in excess of three and
17 two-tenths percent by weight or four percent by volume, or for any
18 fermented malt beverage retailer LICENSED PURSUANT TO ARTICLE 46 OF
19 THIS TITLE to sell, possess, or permit the consumption on the premises of
20 any of the beverages containing alcohol in excess of three and two-tenths
21 percent by weight or four percent by volume, or for any fermented malt
22 beverage retail licensee LICENSED PURSUANT TO ARTICLE 46 OF THIS TITLE
23 to hold or operate under any license for the sale of any beverages
24 containing alcohol in excess of three and two-tenths percent by weight or
25 four percent by volume for the same premises. Any violation by any
26 fermented malt beverage licensee LICENSED PURSUANT TO ARTICLE 46 OF
27 THIS TITLE of ~~the provisions of~~ this subsection (8) shall immediately cause

1 ~~the cancellation of~~ INVALIDATES the license granted under ~~this~~ article 46
2 OF THIS TITLE.

3 **SECTION 15.** 12-47-102 (2), Colorado Revised Statutes, is
4 amended to read:

5 **12-47-102. Legislative declaration.** (2) The general assembly
6 further declares that it is lawful to manufacture and sell for beverages or
7 medicinal purposes ~~malt, vinous, or spirituous liquors~~ ALCOHOL
8 BEVERAGES, subject to the terms, conditions, limitations, and restrictions
9 in this article.

10 **SECTION 16.** 12-47-103 (3), (4), (5), (13), (14), (22) (a) (I), and
11 (38), Colorado Revised Statutes, are amended to read:

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

14 (3) "Bed and breakfast" means an overnight lodging establishment
15 that provides at least one meal per day at no charge other than a charge
16 for overnight lodging and does not sell ~~malt, vinous, or spirituous liquors~~
17 ALCOHOL BEVERAGES by the drink.

18 (4) "Brew pub" means a retail establishment that manufactures not
19 more than one million eight hundred sixty thousand gallons of malt liquor
20 AND FERMENTED MALT BEVERAGES on its licensed premises or licensed
21 alternating proprietor licensed premises, combined, each calendar year.

22 (5) "Brewery" means any establishment where malt liquors OR
23 FERMENTED MALT BEVERAGES are manufactured, except brew pubs
24 licensed under this article.

25 (13) "License" means a grant to a licensee to manufacture or sell
26 ~~malt, vinous, or spirituous liquors~~ ALCOHOL BEVERAGES as provided by
27 this article.

1 (14) "Licensed premises" means the premises specified in an
2 application for a license under this article ~~which~~ THAT are owned or in
3 possession of the licensee within which ~~such~~ THE licensee is authorized
4 to sell, dispense, or serve ~~malt, vinous, or spirituous liquors~~ ALCOHOL
5 BEVERAGES in accordance with ~~the provisions~~ of this article.

6 (22) (a) "Optional premises" means:

7 (I) The premises specified in an application for a hotel and
8 restaurant license under this article with related outdoor sports and
9 recreational facilities for the convenience of its guests or the general
10 public located on or adjacent to the hotel or restaurant within which ~~such~~
11 THE licensee is authorized to sell or serve ~~malt, vinous, or spirituous~~
12 ~~liquors~~ ALCOHOL BEVERAGES in accordance with ~~the provisions~~ of this
13 article and at the discretion of the state and local licensing authorities; or

14 (38) "Tavern" means an establishment serving ~~malt, vinous, and~~
15 ~~spirituous liquors~~ ALCOHOL BEVERAGES in which the principal business
16 is the sale of ~~such~~ ALCOHOL beverages at retail for consumption on the
17 premises and where sandwiches and light snacks are available for
18 consumption on the premises.

19 **SECTION 17.** 12-47-105, Colorado Revised Statutes, is amended
20 to read:

21 **12-47-105. Local option.** The operation of this article shall be
22 statewide unless any municipality or city and county, by a majority of the
23 registered electors of any municipality or city and county, voting at any
24 regular election or special election called for that purpose in accordance
25 with the election laws of this state, decides against the right to sell ~~malt,~~
26 ~~vinous, or spirituous liquors~~ ALCOHOL BEVERAGES or to limit ~~such~~ THE
27 sale OF ALCOHOL BEVERAGES to any one or more of the classes of licenses

1 as provided by this article within their respective limits. Said local option
2 question shall be submitted only upon a petition signed by not less than
3 fifteen percent of the registered electors in ~~such~~ THE municipality or city
4 and county; otherwise, the procedure with reference to the calling and
5 holding of ~~said~~ THE elections shall be substantially in accordance with the
6 election laws of the state. The expenses of ~~such~~ THE election shall be
7 borne by the municipality or city and county in which ~~said~~ THE elections
8 are held. The question of prohibition of sale of ~~malt, vinous, or spirituous~~
9 ~~liquors~~ ALCOHOL BEVERAGES or the limitation of sales to any one or more
10 of the classes of licenses provided in this article shall not be submitted to
11 the registered electors more than once in any four-year period.

12 **SECTION 18.** 12-47-301 (6) (a), Colorado Revised Statutes, is
13 amended to read:

14 **12-47-301. Licensing in general.** (6) (a) Licensees at facilities
15 owned by a municipality, county, or special district or at publicly or
16 privately owned sports and entertainment venues with a minimum seating
17 capacity of one thousand five hundred seats may possess and serve for
18 on-premises consumption any type of ~~malt, vinous, and spirituous liquor~~
19 ~~or fermented malt~~ ALCOHOL beverage as may be permitted pursuant to
20 guidelines established by the local and state licensing authorities, and THE
21 LICENSEES need not have meals available for consumption. ~~However,~~
22 ~~fermented malt beverages and malt, vinous, and spirituous liquors may~~
23 ~~not be served on the same premises at the same time.~~

24 **SECTION 19.** 12-47-308 (8), Colorado Revised Statutes, is
25 amended to read:

26 **12-47-308. Unlawful financial assistance.** (8) It is unlawful for
27 an owner, part owner, shareholder, or person interested directly or

1 indirectly in a brew pub or vintner's restaurant license to conduct, own in
2 whole or in part, or be directly or indirectly interested in a wholesaler's
3 license issued under this article OR ARTICLE 46 OF THIS TITLE.

4 **SECTION 20.** The introductory portion to 12-47-309 (1),
5 Colorado Revised Statutes, is amended to read:

6 **12-47-309. Local licensing authority - applications - optional**
7 **premises licenses.** (1) A local licensing authority may issue only the
8 following ~~malt, vinous, and spirituous liquor~~ ALCOHOL BEVERAGE
9 licenses upon payment of the fee specified in section 12-47-505:

10 **SECTION 21.** 12-47-310 (4), Colorado Revised Statutes, is
11 amended to read:

12 **12-47-310. Optional premises license - local option.** (4) An
13 applicant for an optional premises license who desires to sell, dispense,
14 or serve alcohol beverages on optional premises shall file with the
15 optional premises license application a list of the optional premises
16 locations and the area in which the applicant desires to store ~~malt, vinous,~~
17 ~~and spirituous liquors~~ ALCOHOL BEVERAGES for future use on the optional
18 premises. The APPLICANT SHALL FILE THE application and additional
19 information ~~shall be filed~~ with the state and local licensing authorities
20 upon initial application, and each license year thereafter. Approval of the
21 license and areas must be obtained from the state licensing authority and
22 the local licensing authority. The decision of each authority shall be
23 discretionary. In the event that the state and local licensing authorities
24 allow the area or areas to be designated optional premises, no alcohol
25 beverages may be served on the optional premises without the licensee
26 having provided written notice to the state and local licensing authorities
27 forty-eight hours prior to serving alcohol beverages on the optional

1 premises. ~~Such~~ THE notice ~~shall~~ MUST contain the specific days and
2 hours on which the optional premises are to be used. This subsection (4)
3 ~~shall~~ DOES not be construed to permit the violation of any other provision
4 of this article under circumstances not specified in this subsection (4).

5 **SECTION 22.** 12-47-311 (5) (b) (IV), Colorado Revised Statutes,
6 is amended to read:

7 **12-47-311. Public notice - posting and publication.** (5) (b) As
8 used in this subsection (5), "party in interest" means any of the following:

9 (IV) The principal or representative of any school located within
10 five hundred feet of the premises for which THE ISSUANCE OF a ~~malt,~~
11 ~~vinous, or spirituous liquor~~ license PURSUANT TO SECTION 12-47-309 (1)
12 is under consideration.

13 **SECTION 23.** 12-47-313 (1) (a) (I), (1) (a) (III), and (1) (d) (I),
14 Colorado Revised Statutes, are amended to read:

15 **12-47-313. Restrictions for applications for new license.**

16 (1) No application for the issuance of any license specified in section
17 12-47-309 (1) or 12-46-107 (1) shall be received or acted upon:

18 (a) (I) If ~~such~~ THE application for a ~~malt, vinous, or spirituous~~
19 ~~liquor~~ license DESCRIBED IN SECTION 12-47-309 (1) concerns a particular
20 location that is the same as or within five hundred feet of a location for
21 which, within the two years next preceding the date of the application, the
22 state or a local licensing authority denied an application for the same class
23 of license for the reason that the reasonable requirements of the
24 neighborhood and the desires of the adult inhabitants were satisfied by the
25 existing outlets.

26 (III) No licensing authority shall consider an application for any
27 license to sell fermented malt beverages at retail PURSUANT TO SECTION

1 12-46-107 (1) if, within one year ~~next preceding~~ BEFORE the date of the
2 application, the state or a local licensing authority has denied an
3 application at the same location for the reason that the reasonable
4 requirements of the neighborhood or the desires of the inhabitants were
5 satisfied by the existing outlets.

6 (d) (I) If the building in which the ~~malt, vinous, or spirituous~~
7 ~~liquor is~~ ALCOHOL BEVERAGES ARE to be sold PURSUANT TO A LICENSE
8 DESCRIBED IN SECTION 12-47-309 (1) is located within five hundred feet
9 of any public or parochial school or the principal campus of any college,
10 university, or seminary; except this provision shall not affect the renewal
11 or reissuance of a license once granted or apply to licensed premises
12 located or to be located on land owned by a municipality, or apply to an
13 existing licensed premises on land owned by the state, or apply to a liquor
14 license in effect and actively doing business before ~~said~~ THE principal
15 campus was constructed, or apply to any club located within the principal
16 campus of any college, university, or seminary that limits its membership
17 to the faculty or staff of ~~such~~ THE institution.

18 **SECTION 24.** The introductory portion to 12-47-401 (1),
19 Colorado Revised Statutes, is amended to read:

20 **12-47-401. Classes of licenses.** (1) For the purpose of regulating
21 the manufacture, sale, and distribution of ~~malt, vinous, and spirituous~~
22 ~~liquors~~ ALCOHOL BEVERAGES, the state licensing authority in its
23 discretion, upon application in the prescribed form made to it, may issue
24 and grant to the applicant a license from any of the following classes,
25 subject to the provisions and restrictions provided by this article:

26 **SECTION 25. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, and safety.