

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

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 12-0842.01 Christy Chase x2008

HOUSE BILL 12-1347

HOUSE SPONSORSHIP

Kerr J., Bradford, Brown, Conti, DelGrosso, Gardner B., Gerou, Hamner, Kerr A., Massey, Murray, Ramirez, Schafer S., Summers, Tyler

SENATE SPONSORSHIP

Jahn, Boyd, Harvey, Hudak, Neville, Nicholson, Tochtrop

House Committees
Finance

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE LIMITATION ON THE AMOUNT OF BEER A BREW PUB**
102 **LICENSED UNDER THE "COLORADO LIQUOR CODE" CAN**
103 **PRODUCE ANNUALLY.**

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 the "Colorado Liquor Code", a brew pub is defined as a retail establishment that manufactures not more than 1,860,000 gallons of full-strength and 3.2% beer on its licensed premises each year. The bill permits a licensed brew pub to manufacture an amount of beer in excess

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.*

of the limitation if the brew pub does not sell beer at wholesale to licensed retailers.

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

2 **SECTION 1.** In Colorado Revised Statutes, 12-47-102, **add** (3)
3 as follows:

4 **12-47-102. Legislative declaration.** (3) THE GENERAL ASSEMBLY
5 HEREBY FINDS AND DECLARES THAT THE PURPOSE OF HOUSE BILL 12-1347
6 IS TO ENCOURAGE THE RESPONSIBLE GROWTH OF COLORADO'S BREW PUBS
7 CONSISTENT WITH THE PRINCIPLES OF THE STATE'S THREE-TIER SYSTEM OF
8 ALCOHOL BEVERAGE REGULATION.

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

11 **12-47-103. Definitions.** As used in this article and article 46 of
12 this title, unless the context otherwise requires:

13 (4) "Brew pub" means:

14 (a) A retail establishment that manufactures not more than one
15 million eight hundred sixty thousand gallons of malt liquor and fermented
16 malt beverages on its licensed premises or licensed alternating proprietor
17 licensed premises, combined, each calendar year; AND

18 (b) A RETAIL ESTABLISHMENT THAT MANUFACTURES AN AMOUNT
19 OF MALT LIQUOR AND FERMENTED MALT BEVERAGES IN EXCESS OF THE
20 AMOUNT SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (4) AND NOT
21 MORE THAN NINE MILLION THREE HUNDRED THOUSAND GALLONS IF THE
22 ESTABLISHMENT DOES NOT SELL ANY ALCOHOL BEVERAGES AT
23 WHOLESALE TO LICENSED RETAILERS PURSUANT TO SECTION 12-47-415 (2)

24 (a) (IV) AND COMPLIES WITH SECTION 12-47-308 WITH RESPECT TO
25 LICENSED RETAILERS IN WHOM THE RETAIL ESTABLISHMENT HAS NO

1 **FINANCIAL INTEREST.**

2 **SECTION 3.** In Colorado Revised Statutes, 12-47-415, **amend**
3 (2) (a) (IV) as follows:

4 **12-47-415. Brew pub license.** (2) (a) Except as provided in
5 paragraph (b) of this subsection (2), during the hours established in
6 section 12-47-901 (5) (b), malt liquors or fermented malt beverages
7 manufactured by a brew pub licensee on the licensed premises or
8 alternating proprietor licensed premises may be:

9 (IV) Sold at wholesale to licensed retailers in an amount up to
10 three hundred thousand gallons per calendar year; EXCEPT THAT A BREW
11 PUB THAT INTENDS TO AND DOES MANUFACTURE MORE THAN ONE MILLION
12 EIGHT HUNDRED SIXTY THOUSAND GALLONS OF MALT LIQUOR AND
13 FERMENTED MALT BEVERAGES, COMBINED, ANY CALENDAR YEAR, SHALL
14 NOT SELL ANY MALT LIQUOR OR FERMENTED MALT BEVERAGES AT
15 WHOLESALE TO LICENSED RETAILERS.

16 **SECTION 4. Act subject to petition - effective date.** This act
17 takes effect at 12:01 a.m. on the day following the expiration of the
18 ninety-day period after final adjournment of the general assembly (August
19 8, 2012, if adjournment sine die is on May 9, 2012); except that, if a
20 referendum petition is filed pursuant to section 1 (3) of article V of the
21 state constitution against this act or an item, section, or part of this act
22 within such period, then the act, item, section, or part will not take effect
23 unless approved by the people at the general election to be held in
24 November 2012 and, in such case, will take effect on the date of the
25 official declaration of the vote thereon by the governor.