

**First Regular Session  
Seventieth General Assembly  
STATE OF COLORADO**

**PREAMENDED**

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

LLS NO. 15-0274.01 Christy Chase x2008

**HOUSE BILL 15-1217**

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**HOUSE SPONSORSHIP**

**Singer,**

**SENATE SPONSORSHIP**

**Holbert,**

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**House Committees**

Business Affairs and Labor  
Appropriations

**Senate Committees**

Business, Labor, & Technology  
Appropriations

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**A BILL FOR AN ACT**

101      **CONCERNING THE ABILITY OF A LOCAL LICENSING AUTHORITY TO**  
102            **PROVIDE INPUT TO THE STATE LICENSING AUTHORITY ON**  
103            **APPLICATIONS FOR APPROVAL TO OPERATE A SALES ROOM**  
104            **SUBMITTED BY CERTAIN PERSONS LICENSED UNDER THE**  
105            **"COLORADO LIQUOR CODE", AND, IN CONNECTION THEREWITH,**  
106            **MAKING AN APPROPRIATION.**

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**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, a winery, limited winery, distillery, or 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.

HOUSE  
3rd Reading Unamended  
March 10, 2015

HOUSE  
Amended 2nd Reading  
March 9, 2015

wholesaler licensed by the state licensing authority may operate a sales room to sell the products it manufactures. With the exception of distilleries, these licensees may obtain approval to operate a sales room without any input from the local licensing authority in whose jurisdiction the sales room is located. For distillery sales rooms, the applicant must submit a copy of the application to the local licensing authority, and the local licensing authority may request the state licensing authority to deny the application if the local licensing authority determines that approval of the proposed sales room conflicts with the reasonable requirements of the neighborhood and the desires of the adult inhabitants. However, the state licensing authority may still grant approval of the sales room, regardless of the local licensing authority's determination.

The bill requires all applicants for a sales room license who apply on or after July 1, 2015, to send a copy of the application, at the time of application to the state licensing authority, to the local licensing authority in whose jurisdiction the proposed sales room is located. The local licensing authority has 30 days to provide input on the sales room application if it chooses to do so.

The state licensing authority must consider the local licensing authority's input, if any, and may deny the proposed sales room application if the local licensing authority determines that approval of the sales room would conflict with the needs and desires of the neighborhood. Additionally, unless the local licensing authority affirms that the applicant has complied with local zoning restrictions and satisfies the needs and desires of the neighborhood, the state licensing authority cannot approve the sales room application. If the local licensing authority does not provide a response to the application within 30 days, the state licensing authority shall deem that the local licensing authority does not object to the sales room application.

The state licensing authority, upon the local licensing authority's request, may take action authorized under the "Colorado Liquor Code" (liquor code) against a licensee operating a sales room if the local licensing authority demonstrates that the licensee has committed an act defined as unlawful under the liquor code or shows good cause for the suspension or revocation.

Licensees that either have sales rooms as of July 1, 2015, or that obtain authorization to operate a sales room on or after July 1, 2015, must notify the state licensing authority of all of their sales rooms. The state licensing authority is to maintain a list of all sales rooms in the state and make the list available on its web site.

The requirements of the bill do not apply to a licensed winery, limited winery, distillery, or beer wholesaler that does not sell and serve alcohol beverages for consumption in its sales room.

The state licensing authority is authorized to adopt rules regarding sales rooms.

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

2 **SECTION 1.** In Colorado Revised Statutes, 12-47-103, **add**  
3 (31.5) as follows:

4 **12-47-103. Definitions.** As used in this article and article 46 of  
5 this title, unless the context otherwise requires:

6 (31.5) "SALES ROOM" MEANS AN AREA IN WHICH A LICENSED  
7 WINERY, PURSUANT TO SECTION 12-47-402 (2), LIMITED WINERY,  
8 PURSUANT TO SECTION 12-47-403 (2) (e), DISTILLERY, PURSUANT TO  
9 SECTION 12-47-402 (6), OR BEER WHOLESALER, PURSUANT TO SECTION  
10 12-47-406 (1) (b), SELLS AND SERVES ALCOHOL BEVERAGES FOR  
11 CONSUMPTION ON THE LICENSED PREMISES, SELLS ALCOHOL BEVERAGES  
12 IN SEALED CONTAINERS FOR CONSUMPTION OFF THE LICENSED PREMISES,  
13 OR BOTH.

14 **SECTION 2.** In Colorado Revised Statutes, 12-47-202, **amend**  
15 (2) (a) (I) introductory portion; and **add** (2) (a) (I) (T) as follows:

16 **12-47-202. Duties of state licensing authority.** (2) (a) (I) Rules  
17 ~~and regulations~~ made pursuant to paragraph (b) of subsection (1) of this  
18 section may **cover, but shall not be limited to,** the following subjects:

19 (T) SALES ROOMS OPERATED BY LICENSED WINERIES, DISTILLERIES,  
20 LIMITED WINERIES, OR BEER WHOLESALERS, INCLUDING THE MANNER BY  
21 WHICH A LICENSEE OPERATING A SALES ROOM NOTIFIES THE STATE  
22 LICENSING AUTHORITY OF ITS SALES ROOMS, THE CONTENT OF THE NOTICE,  
23 AND ANY OTHER NECESSARY PROVISIONS RELATED TO THE NOTICE  
24 REQUIREMENT.

25 **SECTION 3.** In Colorado Revised Statutes, 12-47-402, **amend**  
26 (2) and (6); and **repeal** (3) as follows:

1           **12-47-402. Manufacturer's license.** (2) (a) ~~Any~~ A winery that  
2 ~~has received a license~~ LICENSED pursuant to this section is ~~authorized to~~  
3 MAY conduct ~~tasting~~ TASTINGS and sell vinous liquors of its own  
4 manufacture, as well as other vinous liquors manufactured by other  
5 Colorado wineries licensed pursuant to this section or section 12-47-403,  
6 IN A SALES ROOM on the licensed premises of the winery and at one other  
7 licensed sales room location at no additional cost, whether included in the  
8 license at the time of the original license issuance or by supplemental  
9 application.

10           (b) A WINERY LICENSED PURSUANT TO THIS SECTION MAY SERVE  
11 AND SELL FOOD, GENERAL MERCHANDISE, AND NONALCOHOL BEVERAGES  
12 FOR CONSUMER CONSUMPTION ON OR OFF THE LICENSED PREMISES.

13           (c) (I) (A) PRIOR TO OPERATING A SALES ROOM LOCATION, A  
14 WINERY LICENSED PURSUANT TO THIS SECTION SHALL, AT THE TIME OF  
15 APPLICATION TO THE STATE LICENSING AUTHORITY, SEND A COPY OF THE  
16 APPLICATION OR SUPPLEMENTAL APPLICATION FOR A SALES ROOM TO THE  
17 LOCAL LICENSING AUTHORITY IN THE JURISDICTION IN WHICH THE SALES  
18 ROOM IS PROPOSED. THE LOCAL LICENSING AUTHORITY MAY SUBMIT A  
19 RESPONSE TO THE APPLICATION, INCLUDING ITS DETERMINATION \_\_\_\_  
20 SPECIFIED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH (c), TO THE STATE  
21 LICENSING AUTHORITY BUT MUST SUBMIT ITS RESPONSE WITHIN  
22 FORTY-FIVE DAYS AFTER THE LICENSED WINERY SUBMITS ITS SALES ROOM  
23 APPLICATION TO THE STATE LICENSING AUTHORITY, OR, FOR PURPOSES OF  
24 AN APPLICATION TO OPERATE A TEMPORARY SALES ROOM FOR NOT MORE  
25 THAN THREE CONSECUTIVE DAYS, WITHIN THE TIME SPECIFIED BY THE  
26 STATE LICENSING AUTHORITY BY RULE.

27           (B) IF THE LOCAL LICENSING AUTHORITY DOES NOT SUBMIT A

1     RESPONSE TO THE STATE LICENSING AUTHORITY WITHIN THE TIME  
2     SPECIFIED IN SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (I), THE  
3     STATE LICENSING AUTHORITY SHALL DEEM THAT THE LOCAL LICENSING  
4     AUTHORITY HAS DETERMINED THAT THE PROPOSED SALES ROOM        
5     WILL NOT IMPACT TRAFFIC, NOISE, OR OTHER NEIGHBORHOOD CONCERNS  
6     OR THAT THE APPLICANT WILL SUFFICIENTLY MITIGATE ANY IMPACTS  
7     IDENTIFIED BY THE LOCAL LICENSING AUTHORITY.

8             (II) THE STATE LICENSING AUTHORITY MUST CONSIDER THE  
9     RESPONSE FROM THE LOCAL LICENSING AUTHORITY, IF ANY, AND MAY  
10    DENY THE PROPOSED SALES ROOM APPLICATION IF THE LOCAL LICENSING  
11    AUTHORITY DETERMINES THAT APPROVAL OF THE PROPOSED SALES ROOM  
12    WILL IMPACT TRAFFIC, NOISE, OR OTHER NEIGHBORHOOD CONCERNS,  
13    WHICH MAY BE DETERMINED BY THE LOCAL LICENSING AUTHORITY  
14    WITHOUT REQUIRING A PUBLIC HEARING, OR THAT THE APPLICANT CANNOT  
15    SUFFICIENTLY MITIGATE ANY POTENTIAL IMPACTS IDENTIFIED BY THE  
16    LOCAL LICENSING AUTHORITY.

17            (III) THE STATE LICENSING AUTHORITY SHALL NOT GRANT  
18    APPROVAL OF AN ADDITIONAL SALES ROOM UNLESS THE APPLICANT  
19    AFFIRMS TO THE STATE LICENSING AUTHORITY THAT THE APPLICANT HAS  
20    COMPLIED WITH LOCAL ZONING RESTRICTIONS.

21            (IV) A LICENSED WINERY THAT IS OPERATING A SALES ROOM AS OF  
22    THE EFFECTIVE DATE OF THIS PARAGRAPH (c), OR THAT IS GRANTED  
23    APPROVAL PURSUANT TO THIS PARAGRAPH (c) TO OPERATE A SALES ROOM  
24    ON OR AFTER THE EFFECTIVE DATE OF THIS PARAGRAPH (c), SHALL NOTIFY  
25    THE STATE LICENSING AUTHORITY OF ALL SALES ROOMS IT OPERATES. THE  
26    STATE LICENSING AUTHORITY SHALL MAINTAIN A LIST OF ALL LICENSED  
27    WINERY SALES ROOMS IN THE STATE AND MAKE THE LIST AVAILABLE ON

1 ITS WEB SITE.

2 (V) THE LOCAL LICENSING AUTHORITY MAY REQUEST THAT THE  
3 STATE LICENSING AUTHORITY TAKE ACTION IN ACCORDANCE WITH  
4 SECTION 12-47-601 AGAINST A LICENSED WINERY APPROVED TO OPERATE  
5 A SALES ROOM IF THE LOCAL LICENSING AUTHORITY:

6 (A) DEMONSTRATES TO THE STATE LICENSING AUTHORITY THAT  
7 THE LICENSEE HAS ENGAGED IN AN UNLAWFUL ACT AS SET FORTH IN PART  
8 9 OF THIS ARTICLE; OR

9 (B) SHOWS GOOD CAUSE AS SPECIFIED IN SECTION 12-47-103 (9)  
10 (a), (9) (b), OR (9) (d).

11 (VI) THIS PARAGRAPH (c) DOES NOT APPLY IF THE LICENSED  
12 WINERY DOES NOT SELL AND SERVE VINOUS LIQUORS IN ITS SALES ROOM  
13 FOR CONSUMPTION ON THE LICENSED PREMISES.

14 (3) ~~Any winery that has received a license pursuant to this section~~  
15 ~~is authorized to serve and sell food, general merchandise, and nonalcohol~~  
16 ~~beverages for consumption on the premises of any licensed premises or~~  
17 ~~to be taken by the consumer.~~

18 (6) (a) ~~Any A manufacturer of spirituous liquors that has received~~  
19 ~~a license LICENSED pursuant to this section is authorized to~~ MAY conduct  
20 tastings and sell to customers spirituous liquors of its own manufacture  
21 IN A SALES ROOM on its licensed premises and at one other licensed sales  
22 room location at no additional cost. ~~Such additional A sales room location~~  
23 may be included in the license at the time of the original license issuance  
24 or by supplemental application.

25 (b) ~~Any A manufacturer of spirituous liquors that has received a~~  
26 ~~license LICENSED pursuant to this section is authorized to~~ MAY serve and  
27 sell food, general merchandise, and nonalcohol beverages for CONSUMER

1 consumption on OR OFF the LICENSED premises. ~~or to be taken off the~~  
2 ~~premises by the consumer.~~

3 (c) (I) (A) Prior to operating ~~an additional~~ A sales room location,  
4 a manufacturer of spirituous liquors ~~that has received a license~~ LICENSED  
5 pursuant to this section shall, AT THE TIME OF APPLICATION TO THE STATE  
6 LICENSING AUTHORITY, send a copy of the application or supplemental  
7 application for ~~an additional~~ A sales room to the local licensing authority  
8 in the jurisdiction in which ~~such~~ THE sales room is proposed. The local  
9 licensing authority ~~may request that the proposed sales room location~~  
10 ~~license be denied by~~ MAY SUBMIT A RESPONSE TO THE APPLICATION,  
11 INCLUDING ITS DETERMINATION \_\_\_ SPECIFIED IN SUBPARAGRAPH (II) OF  
12 THIS PARAGRAPH (c), TO THE STATE LICENSING AUTHORITY BUT MUST  
13 SUBMIT ITS RESPONSE WITHIN FORTY-FIVE DAYS AFTER THE LICENSEE  
14 SUBMITS ITS SALES ROOM APPLICATION TO THE STATE LICENSING  
15 AUTHORITY, OR, FOR PURPOSES OF AN APPLICATION TO OPERATE A  
16 TEMPORARY SALES ROOM FOR NOT MORE THAN THREE CONSECUTIVE  
17 DAYS, WITHIN THE TIME SPECIFIED BY THE STATE LICENSING AUTHORITY  
18 BY RULE.

19 (B) IF THE LOCAL LICENSING AUTHORITY DOES NOT SUBMIT A  
20 RESPONSE TO THE STATE LICENSING AUTHORITY WITHIN THE TIME  
21 SPECIFIED IN SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (I), THE  
22 STATE LICENSING AUTHORITY SHALL DEEM THAT THE LOCAL LICENSING  
23 AUTHORITY HAS DETERMINED THAT THE PROPOSED SALES ROOM WILL  
24 NOT IMPACT TRAFFIC, NOISE, OR OTHER NEIGHBORHOOD CONCERNS OR  
25 THAT THE APPLICANT WILL SUFFICIENTLY MITIGATE ANY IMPACTS  
26 IDENTIFIED BY THE LOCAL LICENSING AUTHORITY.

27 (II) The state licensing authority MUST CONSIDER THE RESPONSE

1 FROM THE LOCAL LICENSING AUTHORITY, IF ANY, AND MAY DENY THE  
2 PROPOSED SALES ROOM APPLICATION if the local licensing authority  
3 determines that ~~issuance~~ APPROVAL of the proposed sales room ~~license~~  
4 ~~would be in conflict with the reasonable requirements of the~~  
5 ~~neighborhood and the desires of the adult inhabitants as evidenced by~~  
6 ~~petitions, remonstrances, or otherwise~~ WILL IMPACT TRAFFIC, NOISE, OR  
7 OTHER NEIGHBORHOOD CONCERNS, WHICH MAY BE DETERMINED BY THE  
8 LOCAL LICENSING AUTHORITY WITHOUT REQUIRING A PUBLIC HEARING, OR  
9 THAT THE APPLICANT CANNOT SUFFICIENTLY MITIGATE ANY POTENTIAL  
10 IMPACTS IDENTIFIED BY THE LOCAL LICENSING AUTHORITY.

11 (d) (III) The state licensing ~~agency~~ AUTHORITY shall not grant a  
12 ~~license for~~ APPROVAL OF an additional sales room unless THE APPLICANT  
13 AFFIRMS TO THE STATE LICENSING AUTHORITY THAT the applicant has  
14 complied with local zoning restrictions. ~~and the provisions of section~~  
15 ~~12-47-301 (2) (a).~~

16 (IV) A LICENSED SPIRITUOUS LIQUORS MANUFACTURER THAT IS  
17 OPERATING A SALES ROOM AS OF THE EFFECTIVE DATE OF THIS PARAGRAPH  
18 (c), AS AMENDED, OR THAT IS GRANTED APPROVAL PURSUANT TO THIS  
19 PARAGRAPH (c) TO OPERATE A SALES ROOM ON OR AFTER THE EFFECTIVE  
20 DATE OF THIS PARAGRAPH (c), AS AMENDED, SHALL NOTIFY THE STATE  
21 LICENSING AUTHORITY OF ALL SALES ROOMS IT OPERATES. THE STATE  
22 LICENSING AUTHORITY SHALL MAINTAIN A LIST OF ALL LICENSED  
23 SPIRITUOUS LIQUOR MANUFACTURER SALES ROOMS IN THE STATE AND  
24 MAKE THE LIST AVAILABLE ON ITS WEB SITE.

25 (V) THE LOCAL LICENSING AUTHORITY MAY REQUEST THAT THE  
26 STATE LICENSING AUTHORITY TAKE ACTION IN ACCORDANCE WITH  
27 SECTION 12-47-601 AGAINST A LICENSED SPIRITUOUS LIQUORS



1 MANUFACTURER APPROVED TO OPERATE A SALES ROOM IF THE LOCAL  
2 LICENSING AUTHORITY:

3 (A) DEMONSTRATES TO THE STATE LICENSING AUTHORITY THAT  
4 THE LICENSEE HAS ENGAGED IN AN UNLAWFUL ACT AS SET FORTH IN PART  
5 9 OF THIS ARTICLE; OR

6 (B) SHOWS GOOD CAUSE AS SPECIFIED IN SECTION 12-47-103 (9)  
7 (a), (9) (b), OR (9) (d).

8 (VI) THIS PARAGRAPH (c) DOES NOT APPLY IF THE LICENSED  
9 SPIRITUOUS LIQUORS MANUFACTURER DOES NOT SELL AND SERVE ITS  
10 SPIRITUOUS LIQUORS IN ITS SALES ROOM FOR CONSUMPTION ON THE  
11 LICENSED PREMISES.

12 **SECTION 4.** In Colorado Revised Statutes, 12-47-403, **amend**  
13 (2) (e) as follows:

14 **12-47-403. Limited winery license.** (2) A limited winery  
15 licensee is authorized:

16 (e) (I) (A) EXCEPT AS PROVIDED IN SUB-SUBPARAGRAPH (B) OF  
17 THIS SUBPARAGRAPH (I) AND SUBJECT TO SUBPARAGRAPH (II) OF THIS  
18 PARAGRAPH (e), to conduct tastings and sell vinous liquors of its own  
19 manufacture, as well as vinous liquors manufactured by other Colorado  
20 wineries, IN A SALES ROOM on the licensed premises of the limited winery  
21 and up to five other licensed premises, whether included in the license at  
22 the time of the original license or by supplemental application. ~~except that~~  
23 ~~no~~

24 (B) A LIMITED WINERY LICENSEE SHALL NOT CONDUCT retail sales  
25 ~~shall be conducted~~ from an area licensed or defined as an alternating  
26 proprietor licensed premises.

27 (II) (A) PRIOR TO OPERATING A SALES ROOM LOCATION, A LIMITED

1 WINERY LICENSED PURSUANT TO THIS SECTION SHALL, AT THE TIME OF  
2 APPLICATION TO THE STATE LICENSING AUTHORITY, SEND A COPY OF THE  
3 APPLICATION OR SUPPLEMENTAL APPLICATION FOR A SALES ROOM TO THE  
4 LOCAL LICENSING AUTHORITY IN THE JURISDICTION IN WHICH THE SALES  
5 ROOM IS PROPOSED. THE LOCAL LICENSING AUTHORITY MAY SUBMIT A  
6 RESPONSE TO THE APPLICATION, INCLUDING ITS DETERMINATION \_\_\_\_\_  
7 SPECIFIED IN SUB-SUBPARAGRAPH (B) OF THIS SUBPARAGRAPH (II), TO THE  
8 STATE LICENSING AUTHORITY BUT MUST SUBMIT ITS RESPONSE WITHIN  
9 FORTY-FIVE DAYS AFTER THE LICENSED LIMITED WINERY SUBMITS ITS  
10 SALES ROOM APPLICATION TO THE STATE LICENSING AUTHORITY, OR, FOR  
11 PURPOSES OF AN APPLICATION TO OPERATE A TEMPORARY SALES ROOM  
12 FOR NOT MORE THAN THREE CONSECUTIVE DAYS, WITHIN THE TIME  
13 SPECIFIED BY THE STATE LICENSING AUTHORITY BY RULE. IF THE LOCAL  
14 LICENSING AUTHORITY DOES NOT SUBMIT A RESPONSE TO THE STATE  
15 LICENSING AUTHORITY WITHIN THE TIME SPECIFIED IN THIS  
16 SUB-SUBPARAGRAPH (A), THE STATE LICENSING AUTHORITY SHALL DEEM  
17 THAT THE LOCAL LICENSING AUTHORITY HAS DETERMINED THAT THE  
18 PROPOSED SALES ROOM WILL NOT IMPACT TRAFFIC, NOISE, OR OTHER  
19 NEIGHBORHOOD CONCERNS OR THAT THE APPLICANT WILL SUFFICIENTLY  
20 MITIGATE ANY IMPACTS IDENTIFIED BY THE LOCAL LICENSING AUTHORITY.

21 (B) THE STATE LICENSING AUTHORITY MUST CONSIDER THE  
22 RESPONSE FROM THE LOCAL LICENSING AUTHORITY, IF ANY, AND MAY  
23 DENY THE PROPOSED SALES ROOM APPLICATION IF THE LOCAL LICENSING  
24 AUTHORITY DETERMINES THAT APPROVAL OF THE PROPOSED SALES ROOM  
25 WILL IMPACT TRAFFIC, NOISE, OR OTHER NEIGHBORHOOD CONCERNS,  
26 WHICH MAY BE DETERMINED BY THE LOCAL LICENSING AUTHORITY  
27 WITHOUT REQUIRING A PUBLIC HEARING, OR THAT THE APPLICANT CANNOT

1 SUFFICIENTLY MITIGATE ANY POTENTIAL IMPACTS IDENTIFIED BY THE  
2 LOCAL LICENSING AUTHORITY.

3 (C) THE STATE LICENSING AUTHORITY SHALL NOT GRANT  
4 APPROVAL OF AN ADDITIONAL SALES ROOM UNLESS THE APPLICANT  
5 AFFIRMS TO THE STATE LICENSING AUTHORITY THAT THE LIMITED WINERY  
6 APPLICANT HAS COMPLIED WITH LOCAL ZONING RESTRICTIONS.

7 (D) A LICENSED LIMITED WINERY THAT IS OPERATING A SALES  
8 ROOM AS OF THE EFFECTIVE DATE OF THIS SUBPARAGRAPH (II), OR THAT  
9 IS GRANTED APPROVAL PURSUANT TO THIS SUBPARAGRAPH (II) TO  
10 OPERATE A SALES ROOM ON OR AFTER THE EFFECTIVE DATE OF THIS  
11 SUBPARAGRAPH (II), SHALL NOTIFY THE STATE LICENSING AUTHORITY OF  
12 ALL SALES ROOMS IT OPERATES. THE STATE LICENSING AUTHORITY SHALL  
13 MAINTAIN A LIST OF ALL LIMITED WINERY LICENSEE SALES ROOMS IN THE  
14 STATE AND MAKE THE LIST AVAILABLE ON ITS WEB SITE.

15 (E) THE LOCAL LICENSING AUTHORITY MAY REQUEST THAT THE  
16 STATE LICENSING AUTHORITY TAKE ACTION IN ACCORDANCE WITH  
17 SECTION 12-47-601 AGAINST A LICENSED LIMITED WINERY APPROVED TO  
18 OPERATE A SALES ROOM IF THE LOCAL LICENSING AUTHORITY  
19 DEMONSTRATES TO THE STATE LICENSING AUTHORITY THAT THE LICENSEE  
20 HAS ENGAGED IN AN UNLAWFUL ACT AS SET FORTH IN PART 9 OF THIS  
21 ARTICLE OR SHOWS GOOD CAUSE AS SPECIFIED IN SECTION 12-47-103 (9)  
22 (a), (9) (b), OR (9) (d).

23 (F) THIS SUBPARAGRAPH (II) DOES NOT APPLY IF THE LICENSED  
24 LIMITED WINERY DOES NOT SELL AND SERVE VINOUS LIQUORS IN ITS SALES  
25 ROOM FOR CONSUMPTION ON THE LICENSED PREMISES.

26 **SECTION 5.** In Colorado Revised Statutes, 12-47-406, **amend**  
27 (1) (b) as follows:

1           **12-47-406. Wholesaler's license.** (1) (b) (I) A wholesaler's beer  
2 license shall be issued to persons selling malt liquors at wholesale who  
3 designate to the state licensing authority on their application the territory  
4 within which the licensee may sell the designated products of any brewer  
5 as agreed upon by the licensee and the brewer of such products for the  
6 following purposes only:

7           ~~(H)~~ (A) To maintain and operate warehouses and one ~~salesroom~~  
8 SALES ROOM in this state to handle malt liquors to be denominated a  
9 wholesale beer store;

10          ~~(H)~~ (B) To take orders for malt liquors at any place within the  
11 territory designated on the license application and deliver malt liquors on  
12 orders previously taken to any place within the designated geographical  
13 territory, if the licensee has procured a wholesaler's beer license and the  
14 place where orders are taken and delivered is a place regularly licensed  
15 pursuant to the provisions of this article.

16          (II) (A) PRIOR TO OPERATING A SALES ROOM AS AUTHORIZED BY  
17 THIS PARAGRAPH (b), A WHOLESALER'S BEER LICENSEE THAT IS LICENSED  
18 PURSUANT TO THIS SECTION SHALL, AT THE TIME OF APPLICATION TO THE  
19 STATE LICENSING AUTHORITY, SEND A COPY OF THE APPLICATION OR  
20 SUPPLEMENTAL APPLICATION FOR A SALES ROOM TO THE LOCAL LICENSING  
21 AUTHORITY IN THE JURISDICTION IN WHICH THE SALES ROOM IS PROPOSED.  
22 THE LOCAL LICENSING AUTHORITY MAY SUBMIT A RESPONSE TO THE  
23 APPLICATION, INCLUDING ITS DETERMINATION \_\_\_\_\_ SPECIFIED IN  
24 SUB-SUBPARAGRAPH (B) OF THIS SUBPARAGRAPH (II), TO THE STATE  
25 LICENSING AUTHORITY BUT MUST SUBMIT ITS RESPONSE WITHIN  
26 FORTY-FIVE DAYS AFTER THE WHOLESALER'S BEER LICENSEE SUBMITS ITS  
27 SALES ROOM APPLICATION TO THE STATE LICENSING AUTHORITY. IF THE

1 LOCAL LICENSING AUTHORITY DOES NOT SUBMIT A RESPONSE TO THE  
2 STATE LICENSING AUTHORITY WITHIN FORTY-FIVE DAYS AFTER  
3 SUBMISSION OF THE SALES ROOM APPLICATION, THE STATE LICENSING  
4 AUTHORITY SHALL DEEM THAT THE LOCAL LICENSING AUTHORITY HAS  
5 DETERMINED THAT THE PROPOSED SALES ROOM WILL NOT IMPACT TRAFFIC,  
6 NOISE, OR OTHER NEIGHBORHOOD CONCERNS OR THAT THE APPLICANT  
7 WILL SUFFICIENTLY MITIGATE ANY IMPACTS IDENTIFIED BY THE LOCAL  
8 LICENSING AUTHORITY.

9 (B) THE STATE LICENSING AUTHORITY MUST CONSIDER THE  
10 RESPONSE FROM THE LOCAL LICENSING AUTHORITY, IF ANY, AND MAY  
11 DENY THE PROPOSED SALES ROOM APPLICATION IF THE LOCAL LICENSING  
12 AUTHORITY DETERMINES THAT APPROVAL OF THE PROPOSED SALES ROOM  
13 WILL IMPACT TRAFFIC, NOISE, OR OTHER NEIGHBORHOOD CONCERNS,  
14 WHICH MAY BE DETERMINED BY THE LOCAL LICENSING AUTHORITY  
15 WITHOUT REQUIRING A PUBLIC HEARING, OR THAT THE APPLICANT CANNOT  
16 SUFFICIENTLY MITIGATE ANY POTENTIAL IMPACTS IDENTIFIED BY THE  
17 LOCAL LICENSING AUTHORITY.

18 ==  
19 (C) A WHOLESALER'S BEER LICENSEE THAT IS OPERATING A SALES  
20 ROOM AS OF THE EFFECTIVE DATE OF THIS SUBPARAGRAPH (II), OR THAT  
21 IS GRANTED APPROVAL PURSUANT TO THIS SUBPARAGRAPH (II) TO  
22 OPERATE A SALES ROOM ON OR AFTER THE EFFECTIVE DATE OF THIS  
23 SUBPARAGRAPH (II), SHALL NOTIFY THE STATE LICENSING AUTHORITY OF  
24 ITS SALES ROOM. THE STATE LICENSING AUTHORITY SHALL MAINTAIN A  
25 LIST OF ALL WHOLESALER'S BEER LICENSEE SALES ROOMS IN THE STATE  
26 AND MAKE THE LIST AVAILABLE ON ITS WEB SITE.

27 (D) THE LOCAL LICENSING AUTHORITY MAY REQUEST THAT THE

1 STATE LICENSING AUTHORITY TAKE ACTION IN ACCORDANCE WITH  
2 SECTION 12-47-601 AGAINST A WHOLESALER'S BEER LICENSEE APPROVED  
3 TO OPERATE A SALES ROOM IF THE LOCAL LICENSING AUTHORITY  
4 DEMONSTRATES TO THE STATE LICENSING AUTHORITY THAT THE LICENSEE  
5 HAS ENGAGED IN AN UNLAWFUL ACT AS SET FORTH IN PART 9 OF THIS  
6 ARTICLE OR SHOWS GOOD CAUSE AS SPECIFIED IN SECTION 12-47-103 (9)  
7 (a), (9) (b), OR (9) (d).

8 (E) THIS SUBPARAGRAPH (II) DOES NOT APPLY IF THE  
9 WHOLESALER'S BEER LICENSEE DOES NOT SELL AND SERVE MALT LIQUORS  
10 IN ITS SALES ROOM FOR CONSUMPTION ON THE LICENSED PREMISES.

11 **SECTION 6. Appropriation.** For the 2015-16 state fiscal year,  
12 \$3,060 is appropriated to the department of revenue for use by the liquor  
13 and tobacco enforcement division. This appropriation is from the liquor  
14 enforcement division and state licensing authority cash fund created in  
15 section 24-35-401, C.R.S. To implement this act, the division may use  
16 this appropriation for personal services.

17 **SECTION 7. Act subject to petition - effective date -**  
18 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following  
19 the expiration of the ninety-day period after final adjournment of the  
20 general assembly (August 5, 2015, if adjournment sine die is on May 6,  
21 2015); except that, if a referendum petition is filed pursuant to section 1  
22 (3) of article V of the state constitution against this act or an item, section,  
23 or part of this act within such period, then the act, item, section, or part  
24 will not take effect unless approved by the people at the general election  
25 to be held in November 2016 and, in such case, will take effect on the  
26 date of the official declaration of the vote thereon by the governor.

- 1           (2) This act applies to applications for sales rooms submitted on
- 2   or after the applicable effective date of this act.