

First Regular Session  
Seventieth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 15-0082.01 Christy Chase x2008

HOUSE BILL 15-1204

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HOUSE SPONSORSHIP

**Pabon**, Ginal, Arndt, Singer, Melton

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Business Affairs and Labor  
Finance

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A BILL FOR AN ACT

101 **CONCERNING THE CREATION OF A DISTILLERY PUB LICENSE.**

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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>.)*

The bill creates a new license under the "Colorado Liquor Code", referred to as a distillery pub license, that would enable a spirituous liquor (spirits) producer to operate a pub that serves alcohol beverages, including spirits the producer ferments and distills, for consumption on the licensed premises. A distillery pub license would operate similar to a brew pub license in that the licensee must:

- ! Serve meals;
- ! Gross at least 15% of on-premises food and drink income

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.*

- from the sale of food;
- ! Limit wholesale sales of spirits it ferments and distills on the licensed premises to not more than 2,700 liters (300 cases) per product per year; and
- ! Limit its total annual production of spirits to 45,000 liters (5,000 cases).

A distillery pub licensee is subject to the same state and local annual licensing fees as a brew pub, \$325 and \$500, respectively. Additionally, similar to brew pub licensees, a distillery pub licensee may own or have an interest in another alcohol beverage licensee authorized to serve alcohol for on-premises consumption.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 12-47-424 as  
3 follows:

4 **12-47-424. Distillery pub license - legislative declaration -**  
5 **definition.** (1) THE GENERAL ASSEMBLY FINDS AND DETERMINES THAT:

6 (a) COLORADO IS A STATE THAT WELCOMES AND ENCOURAGES  
7 ENTREPRENEURS AND NEW BUSINESS OPPORTUNITIES;

8 (b) CURRENTLY, MANUFACTURING OF SPIRITUOUS LIQUORS BY  
9 PERSONS LICENSED AS MANUFACTURERS PURSUANT TO SECTION 12-47-402  
10 IS A THRIVING INDUSTRY, WITH NEW DISTILLERIES OPENING THROUGHOUT  
11 THE STATE AND INCREASING THE AVAILABILITY OF COLORADO-PRODUCED  
12 CRAFT SPIRITS BOTH WITHIN AND OUTSIDE THE STATE;

13 (c) THE SPIRITUOUS LIQUORS MANUFACTURING BUSINESS FOCUSES  
14 PRIMARILY ON PRODUCING A SPIRITUOUS LIQUOR PRODUCT THAT THE  
15 LICENSED SPIRITS MANUFACTURER CAN THEN SELL AND DISTRIBUTE,  
16 THROUGH A WHOLESALER, THROUGHOUT THE STATE AND IN OTHER STATES  
17 TO RETAIL OUTLETS;

18 (d) WHILE LICENSED SPIRITS MANUFACTURERS ARE PERMITTED TO  
19 SELL THEIR PRODUCTS DIRECTLY TO CONSUMERS, THE MAJORITY OF THE

1 MANUFACTURING BUSINESS IS SELLING THE BULK OF A MANUFACTURER'S  
2 PRODUCT TO RETAIL OUTLETS THAT THEN SELL THE PRODUCT TO  
3 CONSUMERS;

4 (e) ON THE OTHER HAND, THE MAIN FOCUS OF A DISTILLERY PUB  
5 BUSINESS AUTHORIZED BY THIS SECTION IS TO OPERATE A LOCAL PUB IN  
6 WHICH FOOD AND ALCOHOL BEVERAGES, INCLUDING A SMALL QUANTITY  
7 OF SPIRITUOUS LIQUORS FERMENTED AND DISTILLED ON SITE, ARE SOLD  
8 AND SERVED FOR ON-PREMISES CONSUMPTION;

9 (f) WHILE A DISTILLERY PUB IS ALLOWED TO PRODUCE, SERVE, AND  
10 DISTRIBUTE ITS OWN SPIRITUOUS LIQUORS, UNLIKE A LICENSED SPIRITS  
11 MANUFACTURER, THE PRODUCTION LEVEL FOR A DISTILLERY PUB IS  
12 CAPPED, AND THE ABILITY TO DISTRIBUTE TO RETAIL OUTLETS IS GREATLY  
13 RESTRICTED, THEREBY ESTABLISHING A NEW BUSINESS MODEL THAT IS  
14 DISTINCT FROM, AND SERVES A DIFFERENT CLIENTELE THAN, A LICENSED  
15 SPIRITS MANUFACTURER;

16 (g) ADDITIONALLY, UNLIKE A LICENSED SPIRITS MANUFACTURER,  
17 WHICH IS ONLY REQUIRED TO OBTAIN A LICENSE FROM THE STATE  
18 LICENSING AUTHORITY, A DISTILLERY PUB MUST OBTAIN BOTH A STATE  
19 AND LOCAL LICENSE AFTER DEMONSTRATING THAT THE DISTILLERY PUB  
20 MEETS THE REASONABLE REQUIREMENTS AND THE DESIRES OF THE ADULT  
21 INHABITANTS OF THE NEIGHBORHOOD IN WHICH IT WILL BE SITUATED; AND

22 (h) IT IS IMPORTANT TO ENCOURAGE THE NEW DISTILLERY PUB  
23 BUSINESS MODEL, WHICH WILL ADD TO THE THRIVING CRAFT SPIRITS  
24 INDUSTRY IN THIS STATE WITHOUT DISRUPTING THE EVER-GROWING  
25 SPIRITUOUS LIQUORS MANUFACTURING INDUSTRY.

26 (2) A DISTILLERY PUB LICENSE MAY BE ISSUED TO ANY PERSON  
27 OPERATING A DISTILLERY PUB AND ALSO SELLING FOOD AND ALCOHOL

1 BEVERAGES FOR CONSUMPTION ON THE PREMISES. AT LEAST FIFTEEN  
2 PERCENT OF THE GROSS ON-PREMISES FOOD AND ALCOHOL BEVERAGE  
3 INCOME OF THE LICENSED DISTILLERY PUB MUST BE FROM THE SALE OF  
4 FOOD. FOR PURPOSES OF THIS SUBSECTION (2), "FOOD" MEANS A QUANTITY  
5 OF FOODSTUFFS OF A NATURE THAT IS ORDINARILY CONSUMED BY AN  
6 INDIVIDUAL AT REGULAR INTERVALS FOR THE PURPOSE OF SUSTENANCE.

7 (3) DURING THE HOURS ESTABLISHED IN SECTION 12-47-901 (5)  
8 (b), A LICENSED DISTILLERY PUB MAY, WITH REGARD TO SPIRITUOUS  
9 LIQUORS FERMENTED AND DISTILLED BY THE DISTILLERY PUB LICENSEE ON  
10 THE LICENSED PREMISES:

11 (a) FURNISH ITS SPIRITUOUS LIQUORS FOR CONSUMPTION ON THE  
12 PREMISES;

13 (b) SELL ITS SPIRITUOUS LIQUORS TO INDEPENDENT WHOLESALERS  
14 FOR DISTRIBUTION TO LICENSED RETAILERS;

15 (c) SELL ITS SPIRITUOUS LIQUORS TO THE PUBLIC IN SEALED  
16 CONTAINERS FOR OFF-PREMISES CONSUMPTION, AS LONG AS THE  
17 SPIRITUOUS LIQUORS ARE FERMENTED, DISTILLED, AND PACKAGED ON THE  
18 LICENSED PREMISES BY THE LICENSEE; OR

19 (d) SELL ITS SPIRITUOUS LIQUORS AT WHOLESALE TO LICENSED  
20 RETAILERS IN AN AMOUNT UP TO TWO THOUSAND SEVEN HUNDRED LITERS  
21 PER SPIRITUOUS LIQUOR PRODUCT PER CALENDAR YEAR.

22 (4) (a) EXCEPT AS PROVIDED IN PARAGRAPH (b) OF THIS  
23 SUBSECTION (4), EVERY PERSON SELLING ALCOHOL BEVERAGES PURSUANT  
24 TO THIS SECTION MUST PURCHASE ALCOHOL BEVERAGES, OTHER THAN  
25 THOSE THAT ARE FERMENTED AND DISTILLED AT THE LICENSED DISTILLERY  
26 PUB, FROM A WHOLESALER LICENSED PURSUANT TO THIS ARTICLE OR  
27 ARTICLE 46 OF THIS TITLE.

1 (b) (I) DURING A CALENDAR YEAR, A PERSON SELLING ALCOHOL  
2 BEVERAGES AS PROVIDED IN THIS SECTION MAY PURCHASE NOT MORE  
3 THAN TWO THOUSAND DOLLARS' WORTH OF:

4 (A) MALT, VINOUS, AND SPIRITUOUS LIQUORS FROM A RETAILER  
5 LICENSED PURSUANT TO SECTION 12-47-407 OR 12-47-408; AND

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

8 (II) THE DISTILLERY PUB LICENSEE SHALL RETAIN EVIDENCE OF  
9 EACH PURCHASE OF MALT, VINOUS, AND SPIRITUOUS LIQUORS FROM A  
10 RETAILER LICENSED PURSUANT TO SECTION 12-47-407 OR 12-47-408 AND  
11 EACH PURCHASE OF FERMENTED MALT BEVERAGES FROM A RETAILER  
12 LICENSED PURSUANT TO SECTION 12-46-104 (1) (c), IN THE FORM OF A  
13 PURCHASE RECEIPT SHOWING THE NAME OF THE LICENSED RETAILER, THE  
14 DATE OF PURCHASE, A DESCRIPTION OF THE ALCOHOL BEVERAGES  
15 PURCHASED, AND THE PRICE PAID FOR THE ALCOHOL BEVERAGES. THE  
16 LICENSEE SHALL RETAIN THE RECEIPT AND MAKE IT AVAILABLE TO STATE  
17 AND LOCAL LICENSING AUTHORITIES AT ALL TIMES DURING BUSINESS  
18 HOURS.

19 (5) (a) EXCEPT AS PROVIDED IN PARAGRAPH (b) OF THIS  
20 SUBSECTION (5), IT IS UNLAWFUL FOR ANY OWNER, PART OWNER,  
21 SHAREHOLDER, OR PERSON INTERESTED DIRECTLY OR INDIRECTLY IN A  
22 DISTILLERY PUB LICENSE TO CONDUCT, OWN EITHER IN WHOLE OR IN PART,  
23 OR BE DIRECTLY OR INDIRECTLY INTERESTED IN ANY OTHER BUSINESS  
24 LICENSED PURSUANT TO THIS ARTICLE OR ARTICLE 46 OF THIS TITLE.

25 (b) A PERSON INTERESTED DIRECTLY OR INDIRECTLY IN A  
26 DISTILLERY PUB LICENSE MAY CONDUCT, OWN EITHER IN WHOLE OR IN  
27 PART, OR BE DIRECTLY OR INDIRECTLY INTERESTED IN:

- 1 (I) OTHER DISTILLERY PUB LICENSES;
- 2 (II) A LICENSE DESCRIBED IN SECTION 12-46-104 (1) (c),
- 3 12-47-401 (1) (j) TO (1) (t), OR 12-47-410 (1); OR
- 4 (III) A FINANCIAL INSTITUTION REFERRED TO IN SECTION
- 5 12-47-308 (4).

6 **SECTION 2.** In Colorado Revised Statutes, 12-47-103, **amend**  
7 (7.5) (c); and **add** (6.9), (7.3), and (7.7) as follows:

8 **12-47-103. Definitions.** As used in this article and article 46 of  
9 this title, unless the context otherwise requires:

10 (6.9) "DISTILL" OR "DISTILLATION" MEANS THE PROCESS BY WHICH  
11 ALCOHOL THAT IS CREATED BY FERMENTATION IS SEPARATED FROM THE  
12 PORTION OF THE LIQUID THAT HAS NO ALCOHOL CONTENT.

13 (7.3) "DISTILLERY PUB" MEANS A RETAIL ESTABLISHMENT:

14 (a) WHOSE PRIMARY PURPOSE IS SELLING AND SERVING FOOD AND  
15 ALCOHOL BEVERAGES FOR ON-PREMISES CONSUMPTION; AND

16 (b) THAT FERMENTS AND DISTILLS NOT MORE THAN FORTY-FIVE  
17 THOUSAND LITERS OF SPIRITUOUS LIQUOR ON ITS LICENSED PREMISES EACH  
18 CALENDAR YEAR.

19 (7.5) "Entertainment district" means an area that:

20 (c) Contains at least twenty thousand square feet of premises  
21 licensed as a tavern, hotel and restaurant, brew pub, DISTILLERY PUB,  
22 retail gaming tavern, or vintner's restaurant at the time the district is  
23 created.

24 (7.7) "FERMENT" OR "FERMENTATION" MEANS THE CHEMICAL  
25 PROCESS BY WHICH SUGAR IS CONVERTED INTO ALCOHOL.

26 **SECTION 3.** In Colorado Revised Statutes, 12-47-309, **add** (1)  
27 (m) as follows:

1           **12-47-309. Local licensing authority - applications - optional**  
2 **premises licenses.** (1) A local licensing authority may issue only the  
3 following alcohol beverage licenses upon payment of the fee specified in  
4 section 12-47-505:

5           (m) DISTILLERY PUB LICENSE.

6           **SECTION 4.** In Colorado Revised Statutes, 12-47-401, **add** (1)  
7 (v) as follows:

8           **12-47-401. Classes of licenses.** (1) For the purpose of regulating  
9 the manufacture, sale, and distribution of alcohol beverages, the state  
10 licensing authority in its discretion, upon application in the prescribed  
11 form made to it, may issue and grant to the applicant a license or permit  
12 from any of the following classes, subject to the provisions and  
13 restrictions provided by this article:

14           (v) DISTILLERY PUB LICENSE.

15           **SECTION 5.** In Colorado Revised Statutes, 12-47-501, **amend**  
16 (1) (l) as follows:

17           **12-47-501. State fees.** (1) The following license and permit fees  
18 shall be paid to the department of revenue annually in advance:

19           (l) For each brew pub, DISTILLERY PUB, or vintner's restaurant  
20 license, three hundred twenty-five dollars;

21           **SECTION 6.** In Colorado Revised Statutes, 12-47-505, **amend**  
22 (1) (i) as follows:

23           **12-47-505. Local license fees.** (1) The following license fees  
24 shall be paid to the treasurer of the municipality, city and county, or  
25 county where the licensed premises is located annually in advance:

26           (i) For each brew pub, DISTILLERY PUB, or vintner's restaurant  
27 license, five hundred dollars;

1           **SECTION 7.** In Colorado Revised Statutes, 12-47-301, **amend**  
2 (2) (a), (10) (c) introductory portion, (10) (c) (II), (11) (c) (II)  
3 introductory portion, and (11) (e) (I) as follows:

4           **12-47-301. Licensing in general.** (2) (a) Before granting any  
5 license, all licensing authorities shall consider, except where this article  
6 and article 46 of this title specifically provide otherwise, the reasonable  
7 requirements of the neighborhood, the desires of the adult inhabitants as  
8 evidenced by petitions, remonstrances, or otherwise, and all other  
9 reasonable restrictions that are or may be placed upon the neighborhood  
10 by the local licensing authority. With respect to a second or additional  
11 license described in section 12-47-401 (1) (j) to (1) (t), ~~or~~ 12-47-424, OR  
12 12-47-410 (1) or in a financial institution referred to in section 12-47-308  
13 (4) for the same licensee, all licensing authorities shall consider the effect  
14 on competition of the granting or disapproving of additional licenses to  
15 such licensee, and no application for a second or additional hotel and  
16 restaurant or vintner's restaurant license that would have the effect of  
17 restraining competition shall be approved.

18           (10) (c) Tastings ~~shall be~~ ARE subject to the following limitations:

19           (II) The alcohol BEVERAGE used in tastings ~~shall~~ MUST be  
20 purchased through a licensed wholesaler, licensed brew pub, LICENSED  
21 DISTILLERY PUB, or winery licensed pursuant to section 12-47-403 at a  
22 cost that is not less than the laid-in cost of ~~such~~ THE alcohol BEVERAGE.

23           (11) (c) (II) An association or tavern, hotel and restaurant, brew  
24 pub, DISTILLERY PUB, retail gaming tavern, or vintner's restaurant licensee  
25 who wishes to create a promotional association may submit an application  
26 to the local licensing authority. To qualify for certification, the  
27 promotional association must:



1 (e) (I) A tavern, hotel and restaurant, brew pub, DISTILLERY PUB,  
2 retail gaming tavern, or vintner's restaurant licensee who wishes to attach  
3 to a common consumption area may submit an application to the local  
4 licensing authority. To qualify, the licensee must include a request for  
5 authority to attach to the common consumption area from the certified  
6 promotional association of the common consumption area unless the  
7 promotional association does not exist when the application is submitted;  
8 if so, the applicant shall request the authority when a promotional  
9 association is certified and shall demonstrate to the local licensing  
10 authority that the authority has been obtained by the time the applicant's  
11 license issued under this article is renewed.

12 **SECTION 8.** In Colorado Revised Statutes, 12-47-308, **amend**  
13 (8) as follows:

14 **12-47-308. Unlawful financial assistance.** (8) It is unlawful for  
15 an owner, part owner, shareholder, or person interested directly or  
16 indirectly in a brew pub, DISTILLERY PUB, or vintner's restaurant license  
17 to conduct, own in whole or in part, or be directly or indirectly interested  
18 in a wholesaler's license issued under this article or article 46 of this title.

19 **SECTION 9.** In Colorado Revised Statutes, 12-47-409, **amend**  
20 (3) as follows:

21 **12-47-409. Beer and wine license.** (3) It is unlawful for any  
22 owner, part owner, shareholder, or person interested directly or indirectly  
23 in a beer and wine license to conduct, own either in whole or in part, or  
24 be directly or indirectly interested in any other business licensed pursuant  
25 to this article or article 46 of this title; except that ~~such a~~ THE person may  
26 have an interest in a license described in section 12-46-104 (1) (c),  
27 12-47-401 (1) (j) to (1) (t), ~~or~~ 12-47-401 (1) (v), OR 12-47-410 (1) or in

1 a financial institution referred to in section 12-47-308 (4).

2 **SECTION 10.** In Colorado Revised Statutes, 12-47-410, **amend**  
3 (5) as follows:

4 **12-47-410. Bed and breakfast permit.** (5) It is unlawful for any  
5 owner, part owner, shareholder, or person interested directly or indirectly  
6 in a bed and breakfast permit to conduct, own either in whole or in part,  
7 or be directly or indirectly interested in any other business licensed  
8 pursuant to this article or article 46 of this title; except that a person  
9 regulated under this section may have an interest in other bed and  
10 breakfast permits, in a license described in section 12-46-104 (1) (c), ~~or~~  
11 12-47-401 (1) (j) to (1) (t), OR 12-47-401 (1) (v) or in a financial  
12 institution referred to in section 12-47-308 (4).

13 **SECTION 11.** In Colorado Revised Statutes, 12-47-411, **amend**  
14 (13) (b) as follows:

15 **12-47-411. Hotel and restaurant license - definition - rules.**  
16 (13) (b) Notwithstanding paragraph (a) of this subsection (13), an owner,  
17 part owner, shareholder, or person interested directly or indirectly in a  
18 hotel and restaurant license may conduct, own either in whole or in part,  
19 or be directly or indirectly interested in a license described in section  
20 12-46-104 (1) (c), 12-47-401 (1) (j) to (1) (t), ~~or~~ 12-47-401 (1) (v), OR  
21 12-47-410 (1) or in a financial institution referred to in section 12-47-308  
22 (4).

23 **SECTION 12.** In Colorado Revised Statutes, 12-47-412, **amend**  
24 (3) as follows:

25 **12-47-412. Tavern license.** (3) It is unlawful for any owner, part  
26 owner, shareholder, or person interested directly or indirectly in tavern  
27 licenses to conduct, own either in whole or in part, or be directly or

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

6 **SECTION 13.** In Colorado Revised Statutes, 12-47-413, **amend**  
7 (2) (b) as follows:

8 **12-47-413. Optional premises license.** (2) (b) Notwithstanding  
9 paragraph (a) of this subsection (2), an owner, part owner, shareholder,  
10 or person interested directly or indirectly in an optional premises license  
11 may own, either in whole or in part, or be directly or indirectly interested  
12 in a license described in section 12-46-104 (1) (c), 12-47-401 (1) (j) to (1)  
13 (t), ~~or~~ 12-47-401 (1) (v), OR 12-47-410 (1) or in a financial institution  
14 referred to in section 12-47-308 (4).

15 **SECTION 14.** In Colorado Revised Statutes, 12-47-414, **amend**  
16 (4) as follows:

17 **12-47-414. Retail gaming tavern license.** (4) It is unlawful for  
18 any owner, part owner, shareholder, or person interested directly or  
19 indirectly in a retail gaming tavern license to conduct, own either in  
20 whole or in part, or be directly or indirectly interested in any other  
21 business licensed pursuant to this article or article 46 of this title; except  
22 that ~~such a~~ THE person may have an interest in a license described in  
23 section 12-46-104 (1) (c), 12-47-401 (1) (j) to (1) (t), ~~or~~ 12-47-401 (1)  
24 (v), OR 12-47-410 (1) or in a financial institution referred to in section  
25 12-47-308 (4).

26 **SECTION 15.** In Colorado Revised Statutes, 12-47-415, **amend**  
27 (5) (b) as follows:

1           **12-47-415. Brew pub license.** (5) (b) Notwithstanding paragraph  
2 (a) of this subsection (5), a person interested directly or indirectly in a  
3 brew pub license may conduct, own either in whole or in part, or be  
4 directly or indirectly interested in a license described in section 12-46-104  
5 (1) (c), 12-47-401 (1) (j) to (1) (t), ~~or~~ 12-47-401 (1) (v), OR 12-47-410 (1)  
6 or in a financial institution referred to in section 12-47-308 (4).

7           **SECTION 16.** In Colorado Revised Statutes, 12-47-418, **amend**  
8 (4) as follows:

9           **12-47-418. Racetrack license.** (4) It is unlawful for any owner,  
10 part owner, shareholder, or person interested directly or indirectly in a  
11 racetrack license to conduct, own either in whole or in part, or be directly  
12 or indirectly interested in any other business licensed pursuant to this  
13 article or article 46 of this title; except that a person licensed under this  
14 section may have an interest in a license described in section 12-46-104  
15 (1) (c), 12-47-401 (1) (j) to (1) (t), ~~or~~ 12-47-401 (1) (v), OR 12-47-410 (1)  
16 or in a financial institution referred to in section 12-47-308 (4).

17           **SECTION 17.** In Colorado Revised Statutes, 12-47-420, **amend**  
18 (5) (b) as follows:

19           **12-47-420. Vintner's restaurant license.** (5) (b) A person  
20 interested directly or indirectly in a vintner's restaurant license may  
21 conduct, own either in whole or in part, or be directly or indirectly  
22 interested in a license described in section 12-46-104 (1) (c), 12-47-401  
23 (1) (j) to (1) (t), ~~or~~ 12-47-401 (1) (v), OR 12-47-410 (1) or in a financial  
24 institution referred to in section 12-47-308 (4).

25           **SECTION 18.** In Colorado Revised Statutes, 12-47-421, **amend**  
26 (2) introductory portion and (2) (a) as follows:

27           **12-47-421. Removal of vinous liquor from licensed premises.**

1 (2) ~~The provisions of This section shall apply~~ APPLIES to a licensee  
2 PERSON:

- 3 (a) That is duly licensed as a: ~~manufacturer's licensee~~
- 4 (I) MANUFACTURER under section 12-47-402; ~~a~~
- 5 (II) Limited winery ~~licensee~~ under section 12-47-403; ~~a~~
- 6 (III) Beer and wine licensee under section 12-47-409; ~~a~~
- 7 (IV) Hotel and restaurant ~~licensee~~ under section 12-47-411; ~~a~~
- 8 (V) Tavern ~~licensee~~ under section 12-47-412; ~~a~~
- 9 (VI) Brew pub ~~licensee~~ under section 12-47-415; ~~or a~~
- 10 (VII) Vintner's restaurant ~~licensee~~ under section 12-47-420; OR
- 11 (VIII) DISTILLERY PUB UNDER SECTION 12-47-424; and

12 **SECTION 19.** In Colorado Revised Statutes, 12-47-422, **amend**  
13 (6) as follows:

14 **12-47-422. Art gallery permit - definition.** (6) It is unlawful for  
15 any owner, part owner, shareholder, or person interested directly or  
16 indirectly in an art gallery permit to conduct, own either in whole or in  
17 part, or be directly or indirectly interested in any other business licensed  
18 pursuant to this article or article 46 of this title; except that a person  
19 regulated under this section may have an interest in other art gallery  
20 permits; in a license described in section 12-46-104 (1) (c), 12-47-401 (1)  
21 (j) to (1) (t), ~~or~~ 12-47-401 (1) (v), OR 12-47-410 (1); or in a financial  
22 institution referred to in section 12-47-308 (4).

23 **SECTION 20.** In Colorado Revised Statutes, 12-47-423, **amend**  
24 (2) (a) as follows:

25 **12-47-423. Wine packaging permit - limitations - rules.** (2) A  
26 licensed winery or limited winery that obtains a wine packaging permit  
27 pursuant to this section shall not sell or distribute tax-paid wine it

1 packages:

2 (a) To a person licensed to sell alcohol beverages at retail, for  
3 consumption on or off the licensed premises, under section 12-47-407,  
4 12-47-408, 12-47-409, 12-47-410, 12-47-411, 12-47-412, 12-47-413,  
5 12-47-414, 12-47-415, 12-47-416, 12-47-417, 12-47-418, 12-47-419,  
6 12-47-420, ~~or~~ 12-47-422, OR 12-47-424; or

7 **SECTION 21.** In Colorado Revised Statutes, 12-47-503, **amend**  
8 (1) (a) as follows:

9 **12-47-503. Excise tax - records - definition.** (1) (a) An excise  
10 tax at the rate of 8.0 cents per gallon, or the same per unit volume tax  
11 applied to metric measure, on all malt liquors, fermented malt beverages,  
12 and hard cider, 7.33 cents per liter on all vinous liquors except hard cider,  
13 and 60.26 cents per liter on all spirituous liquors is imposed, and such  
14 taxes shall be collected on all such respective beverages, not otherwise  
15 exempt from the tax, sold, offered for sale, or used in this state; except  
16 that, upon the same beverages, only one such tax shall be paid in this  
17 state. The manufacturer thereof, the holder of a winery direct shipper's  
18 permit, or the first licensee receiving alcohol beverages in this state if  
19 shipped from without the state, shall be primarily liable for the payment  
20 of any tax or tax surcharge imposed pursuant to this section; but, if such  
21 beverage is transported by a manufacturer or wholesaler to a point outside  
22 of the state and there disposed of, then such manufacturer or wholesaler,  
23 upon the filing with the state licensing authority of a duplicate bill of  
24 lading, invoice, or affidavit showing such transaction, shall not be subject  
25 to the tax provided in this section on such beverages, and, if such tax has  
26 already been paid, it shall be refunded to said manufacturer or wholesaler.  
27 For purposes of this section, "manufacturer" includes brew pub, ~~licensees~~

1 DISTILLERY PUB, and vintner's restaurant licensees.

2 **SECTION 22.** In Colorado Revised Statutes, 12-47-901, **amend**  
3 (2) and (9) (b) as follows:

4 **12-47-901. Unlawful acts - exceptions.** (2) It is unlawful for any  
5 person licensed as a manufacturer, limited winery, ~~or~~ brew pub, OR  
6 DISTILLERY PUB pursuant to this article or article 46 of this title to  
7 manufacture alcohol beverages ~~except~~ in ANY LOCATION OTHER THAN the  
8 permanent location specifically designated in the license for ~~such~~  
9 ~~manufacture~~ MANUFACTURING, except as allowed pursuant to section  
10 12-46-104 (1) (a), 12-47-402 (2.5), 12-47-403 (2) (a), or 12-47-415 (1)  
11 (b).

12 (9) (b) This subsection (9) applies to persons licensed to sell  
13 alcohol beverages for consumption on the licensed premises pursuant to  
14 section 12-47-403, 12-47-409, 12-47-410, 12-47-411, 12-47-412,  
15 12-47-413, 12-47-414, 12-47-415, 12-47-416, 12-47-417, 12-47-418,  
16 12-47-419, 12-47-420, ~~or~~ 12-47-422, OR 12-47-424.

17 **SECTION 23.** In Colorado Revised Statutes, 27-80-116, **amend**  
18 (3) and (4) (c) as follows:

19 **27-80-116. Fetal alcohol spectrum disorders - legislative**  
20 **declaration - health warning signs - commission - repeal.** (3) Each  
21 person licensed pursuant to section 12-47-401 (1) (h) to (1) (t) OR  
22 12-47-401 (1) (v), C.R.S., to sell malt, vinous, and spirituous liquors or  
23 licensed pursuant to section 12-46-104 (1) (c), C.R.S., to sell fermented  
24 malt beverages is hereby encouraged to post a health warning sign  
25 pursuant to paragraph (c) of subsection (4) of this section, informing  
26 patrons that the consumption of alcohol during pregnancy may cause birth  
27 defects, including fetal alcohol spectrum disorders.

1 (4) (c) The commission shall develop a health warning sign and  
2 other informational materials for use by persons licensed pursuant to  
3 section 12-47-401 (1) (h) to (1) (t) OR 12-47-401 (1) (v), C.R.S., to sell  
4 malt, vinous, and spirituous liquors or licensed pursuant to section  
5 12-46-104 (1) (c), C.R.S., to sell fermented malt beverages and a plan for  
6 making the sign and other informational materials available on-line to  
7 ~~such~~ THE licensed persons and other interested parties. At a minimum, the  
8 health warning sign shall read as follows:

9 HEALTH WARNING  
10 DRINKING ANY ALCOHOLIC BEVERAGE DURING  
11 PREGNANCY MAY CAUSE BIRTH DEFECTS.

12 **SECTION 24. Safety clause.** The general assembly hereby finds,  
13 determines, and declares that this act is necessary for the immediate  
14 preservation of the public peace, health, and safety.