

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

PREAMENDED

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

LLS NO. 13-0448.01 Christy Chase x2008

SENATE BILL 13-043

SENATE SPONSORSHIP

Kerr,

HOUSE SPONSORSHIP

Gardner,

Senate Committees
Judiciary

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE PROHIBITION AGAINST KNOWINGLY PERMITTING**
102 **REMOVAL OF ALCOHOL BEVERAGES FROM AN ESTABLISHMENT**
103 **LICENSED TO SELL ALCOHOL BEVERAGES FOR ON-PREMISES**
104 **CONSUMPTION.**

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>.)

Current law prohibits a retail gaming licensee that is licensed to sell alcohol beverages for on-premises consumption from knowingly

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.*

permitting patrons to remove an alcohol beverage from the licensed premises and protects a retail gaming licensee from prosecution if the licensee either stations personnel at each exit to prevent removal of alcohol beverages from the premises or posts a sign by each exit notifying patrons that removal of alcohol beverages is illegal.

The bill applies the prohibition and protection from prosecution to all persons licensed under the "Colorado Liquor Code" to sell alcohol beverages for on-premises consumption. Additionally, the on-premises licensee may post a sign that is smaller than that required at retail gaming establishments.

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

2 **SECTION 1.** In Colorado Revised Statutes, 12-47-901, **amend**
3 (1) (m) and (9) as follows:

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 (m) To remove an alcohol beverage from a licensed retail gaming
7 facility PREMISES where the liquor license for such facility THE LICENSED
8 PREMISES allows only on-premises consumption of alcohol beverages,
9 EXCEPT AS PERMITTED UNDER SUBPARAGRAPH (VI) OF PARAGRAPH (h) OF
10 THIS SUBSECTION (1).

11 (9) (a) (I) EXCEPT AS PROVIDED IN PARAGRAPH (c) OF THIS
12 SUBSECTION (9), it is unlawful for a retail gaming licensee PERSON who
13 holds a license issued by the limited gaming commission IS LICENSED TO
14 SELL ALCOHOL BEVERAGES FOR CONSUMPTION ON THE LICENSED PREMISES
15 to knowingly permit the removal of an alcohol beverage from a THE
16 licensed premises. that is licensed only for on-premises consumption of
17 alcohol beverages. A retail gaming

18 (II) (A) THE licensee who holds a license issued by the limited
19 gaming commission shall not be charged with permitting the removal of
20 an alcohol beverage from the licensed premises when the licensee has

1 either:

2 (a) Stationed personnel at each exit used by the public in order to
3 prevent the removal of an alcohol beverage from the premises; or

4 (b) posted a sign at least ~~twelve~~ TEN inches wide and ~~eighteen~~ SIX
5 inches high by each exit used by the public that contains the following
6 notice in type that is at least one-half inch in height:

7 WARNING

8 DO NOT LEAVE THE PREMISES OF THIS
9 ESTABLISHMENT WITH AN ALCOHOL BEVERAGE.

10 IT IS ILLEGAL TO CONSUME AN ALCOHOL
11 BEVERAGE IN A PUBLIC PLACE.

12 A FINE OF UP TO \$250 MAY BE IMPOSED BY
13 THE COURTS FOR A VIOLATION OF THIS
14 PROVISION.

15 (B) A PERSON LICENSED PURSUANT TO SECTION 12-47-414 MUST
16 POST A SIGN WITH THE SPECIFIED NOTICE AND IN THE MINIMUM TYPE SIZE
17 REQUIRED BY SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (II) THAT
18 IS AT LEAST TWELVE INCHES WIDE AND EIGHTEEN INCHES HIGH.

19 (III) IN ADDITION TO POSTING A SIGN AS DESCRIBED IN
20 SUBPARAGRAPH (II) OF THIS PARAGRAPH (a), A LICENSEE MAY ALSO
21 STATION PERSONNEL AT EACH EXIT USED BY THE PUBLIC IN ORDER TO
22 PREVENT THE REMOVAL OF AN ALCOHOL BEVERAGE FROM THE LICENSED
23 PREMISES.

24 (b) THIS SUBSECTION (9) APPLIES TO PERSONS LICENSED TO SELL
25 ALCOHOL BEVERAGES FOR CONSUMPTION ON THE LICENSED PREMISES
26 PURSUANT TO SECTION 12-47-403, 12-47-409, 12-47-410, 12-47-411,
27 12-47-412, 12-47-413, 12-47-414, 12-47-415, 12-47-416, 12-47-417,

1 12-47-418, 12-47-419, 12-47-420, OR 12-47-422.

2 (c) THIS SUBSECTION (9) DOES NOT PRECLUDE A LICENSEE
3 DESCRIBED IN SECTION 12-47-421 (2) FROM PERMITTING A CUSTOMER TO
4 REMOVE FROM THE LICENSED PREMISES ONE OPENED CONTAINER OF
5 PARTIALLY CONSUMED VINOUS LIQUOR THAT WAS PURCHASED ON THE
6 LICENSED PREMISES AND HAS BEEN RESEALED, AS PERMITTED BY SECTION
7 12-47-421 (1).

8 **SECTION 2.** In Colorado Revised Statutes, 12-47-103, **amend**
9 **(7.5) as follows:**

10 **12-47-103. Definitions.** As used in this article and article 46 of
11 **this title, unless the context otherwise requires:**

12 **(7.5) "Entertainment district" means an area THAT:**

13 **(a) IS located within a municipality ~~that~~ AND is designated IN**
14 **ACCORDANCE WITH SECTION 12-47-301 (11) (b) as ~~its~~ AN entertainment**
15 **district; of**

16 **(b) COMPRISES no more than one hundred acres; ~~containing~~ AND**

17 **(c) CONTAINS at least twenty thousand square feet of premises**
18 **licensed as a tavern, hotel and restaurant, brew pub, retail gaming tavern,**
19 **or vintner's restaurant ~~when~~ AT THE TIME the district is created.**

20 **SECTION 3. Safety clause.** The general assembly hereby finds,
21 determines, and declares that this act is necessary for the immediate
22 preservation of the public peace, health, and safety.