

First Regular Session  
Sixty-eighth General Assembly  
STATE OF COLORADO

**REENGROSSED**

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

LLS NO. 11-0294.01 Christy Chase

**SENATE BILL 11-060**

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**SENATE SPONSORSHIP**

**Boyd and White,**

**HOUSE SPONSORSHIP**

**Gardner B. and Kerr A.,**

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**Senate Committees**

Local Government and Energy

**House Committees**

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**A BILL FOR AN ACT**

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

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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, 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  
3rd Reading Unamended  
April 20, 2011

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.

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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.