

CHAPTER 236

PROFESSIONS AND OCCUPATIONS

HOUSE BILL 18-1441

BY REPRESENTATIVE(S) Kraft-Tharp and Wist, Gray, Herod, Danielson, Melton, Michaelson Jenet;
also SENATOR(S) Holbert and Guzman, Todd.

AN ACT

CONCERNING A LIMITATION ON THE LOCATION OF A BUILDING IN WHICH FERMENTED MALT BEVERAGES ARE SOLD AT RETAIL IN PROXIMITY TO CERTAIN EDUCATIONAL INSTITUTIONS.

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

SECTION 1. In Colorado Revised Statutes, 12-47-313, **amend** (1) introductory portion; and **add** (1)(e) as follows:

12-47-313. Restrictions for applications for new license - repeal. (1) ~~No~~ AN application for the issuance of any license specified in section 12-47-309 (1) or 12-46-107 (1) shall NOT be received or acted upon:

(e) (I) IF THE BUILDING IN WHICH THE FERMENTED MALT BEVERAGES ARE TO BE SOLD PURSUANT TO A LICENSE UNDER SECTION 12-46-107 (1) IS LOCATED WITHIN FIVE HUNDRED FEET OF ANY PUBLIC OR PAROCHIAL SCHOOL OR THE PRINCIPAL CAMPUS OF ANY COLLEGE, UNIVERSITY, OR SEMINARY; EXCEPT THAT THIS SUBSECTION (1)(e)(I) DOES NOT:

(A) AFFECT THE RENEWAL OR REISSUANCE OF A LICENSE ONCE GRANTED;

(B) APPLY TO LICENSED PREMISES LOCATED OR TO BE LOCATED ON LAND OWNED BY A MUNICIPALITY;

(C) APPLY TO AN EXISTING LICENSED PREMISES ON LAND OWNED BY THE STATE;

(D) APPLY TO A FERMENTED MALT BEVERAGE RETAILER THAT HELD A VALID LICENSE AND WAS ACTIVELY DOING BUSINESS BEFORE THE PRINCIPAL CAMPUS WAS CONSTRUCTED;

Capital letters or bold & italic numbers indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(E) APPLY TO A CLUB LOCATED WITHIN THE PRINCIPAL CAMPUS OF ANY COLLEGE, UNIVERSITY, OR SEMINARY THAT LIMITS ITS MEMBERSHIP TO THE FACULTY OR STAFF OF THE INSTITUTION; OR

(F) APPLY TO A CAMPUS LIQUOR COMPLEX.

(II) THE DISTANCES REFERRED TO IN SUBSECTION (1)(e)(I) OF THIS SECTION ARE TO BE COMPUTED BY DIRECT MEASUREMENT FROM THE NEAREST PROPERTY LINE OF THE LAND USED FOR SCHOOL PURPOSES TO THE NEAREST PORTION OF THE BUILDING IN WHICH FERMENTED MALT BEVERAGES ARE TO BE SOLD, USING A ROUTE OF DIRECT PEDESTRIAN ACCESS.

(III) THE LOCAL LICENSING AUTHORITY OF ANY CITY AND COUNTY, BY RULE OR REGULATION, THE GOVERNING BODY OF ANY OTHER MUNICIPALITY, BY ORDINANCE, OR THE GOVERNING BODY OF ANY OTHER COUNTY, BY RESOLUTION, MAY:

(A) ELIMINATE OR MODIFY THE DISTANCE RESTRICTIONS IMPOSED BY THIS SUBSECTION (1)(e); OR

(B) ELIMINATE ONE OR MORE TYPES OF SCHOOLS OR CAMPUSES FROM THE APPLICATION OF ANY DISTANCE RESTRICTION ESTABLISHED BY OR PURSUANT TO THIS SUBSECTION (1)(e).

(IV) IN ADDITION TO THE REQUIREMENTS OF SECTION 12-47-312 (2), THE LOCAL LICENSING AUTHORITY SHALL CONSIDER THE EVIDENCE AND MAKE A SPECIFIC FINDING OF FACT AS TO WHETHER THE BUILDING IN WHICH THE FERMENTED MALT BEVERAGES ARE TO BE SOLD IS LOCATED WITHIN ANY DISTANCE RESTRICTION ESTABLISHED BY OR PURSUANT TO THIS SUBSECTION (1)(e). THE FINDING IS SUBJECT TO JUDICIAL REVIEW PURSUANT TO SECTION 12-47-802.

(V) THIS SUBSECTION (1)(e) APPLIES TO APPLICATIONS SUBMITTED ON OR AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (1)(e):

(A) FOR NEW FERMENTED MALT BEVERAGE RETAILER'S LICENSES UNDER SECTION 12-46-107 (1); AND

(B) UNDER SECTION 12-47-301 (9) BY FERMENTED MALT BEVERAGE RETAILERS LICENSED UNDER SECTION 12-46-107 (1) TO CHANGE THE PERMANENT LOCATION OF THE FERMENTED MALT BEVERAGE RETAILER'S LICENSED PREMISES.

SECTION 2. Effective date. This act takes effect upon passage only if Senate Bill 18-243 does not become law.

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

Approved: May 24, 2018