

**First Regular Session  
Seventy-second General Assembly  
STATE OF COLORADO**

**REVISED**

*This Version Includes All Amendments Adopted  
on Second Reading in the Second House*

LLS NO. 19-0286.01 Yelana Love x2295

**SENATE BILL 19-011**

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**A BILL FOR AN ACT**

101      **CONCERNING THE CONVERSION OF CERTAIN FERMENTED MALT**  
102              **BEVERAGE LICENSES ISSUED UNDER THE "COLORADO BEER**  
103              **CODE" TO MALT LIQUOR LICENSES ISSUED UNDER THE**  
104              **"COLORADO LIQUOR CODE".**

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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://leg.colorado.gov>.)*

As of January 1, 2019, fermented malt beverages and malt liquors are defined similarly for purposes of the "Colorado Beer Code" (beer code) and the "Colorado Liquor Code" (liquor code). However, a person

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters or bold & italic numbers indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*

HOUSE  
2nd Reading Unamended  
January 18, 2019

SENATE  
3rd Reading Unamended  
January 15, 2019

SENATE  
2nd Reading Unamended  
January 14, 2019

who manufacturers, sells at wholesale, or imports both fermented malt beverages and malt liquor must obtain a separate license under each code. The bill removes the dual licensing requirement by:

- ! Converting each manufacturer's license issued under the beer code to a manufacturer's license issued under the liquor code;
- ! Converting each wholesaler's license issued under the beer code to a wholesaler's beer license issued under the liquor code;
- ! Converting each nonresident manufacturer's license issued under the beer code to a nonresident manufacturer's license issued under the liquor code;
- ! Converting each importer's license issued under the beer code to a malt liquor importer's license issued under the liquor code; and
- ! Repealing the authority of the state licensing authority to issue new licenses under the beer code, except for licenses authorizing the retail sale of fermented malt beverages.

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

2 **SECTION 1.** In Colorado Revised Statutes, **amend** 44-4-102 as  
3 follows:

4 **44-4-102. Legislative declaration.** (1) The general assembly  
5 hereby declares that it is in the public interest that fermented malt  
6 beverages shall be ~~manufactured, imported, and~~ sold AT RETAIL only by  
7 persons licensed as provided in this article 4. ~~and article 3 of this title 44.~~  
8 The general assembly further declares that it is lawful to ~~manufacture and~~  
9 sell fermented malt beverages AT RETAIL subject to this article 4 and  
10 applicable provisions of articles 3 and 5 of this title 44.

11 (2) The general assembly further recognizes that fermented malt  
12 beverages and malt liquors are separate and distinct from, and have a  
13 unique regulatory history in relation to, vinous and spirituous liquors; ~~and~~  
14 ~~as such require the retention of a separate and distinct regulatory~~  
15 ~~framework under this article 44~~ HOWEVER, MAINTAINING A SEPARATE

1 REGULATORY FRAMEWORK AND LICENSING STRUCTURE FOR FERMENTED  
2 MALT BEVERAGES UNDER THIS ARTICLE 4 IS NO LONGER NECESSARY  
3 EXCEPT AT THE RETAIL LEVEL. FURTHERMORE, to aid administrative  
4 efficiency, ~~however,~~ article 3 of this title 44 applies to the regulation of  
5 fermented malt beverages, except when otherwise expressly provided for  
6 in this ~~article 44~~ ARTICLE 4.

7 **SECTION 2.** In Colorado Revised Statutes, 44-4-103, **amend**  
8 (1)(a) and (2); and **repeal** (5) as follows:

9 **44-4-103. Definitions.** Definitions applicable to this article 4 also  
10 appear in article 3 of this title 44. As used in this article 4, unless the  
11 context otherwise requires:

12 (1) (a) "Fermented malt beverage" means ~~beer and any other~~  
13 ~~beverage obtained by the fermentation of any infusion or decoction of~~  
14 ~~barley, malt, hops, or any similar product or any combination thereof in~~  
15 ~~water containing not less than one-half of one percent alcohol by volume~~  
16 MALT LIQUORS, WHEN PURCHASED BY A FERMENTED MALT BEVERAGE  
17 RETAILER FROM A WHOLESALER LICENSED PURSUANT TO ARTICLE 3 OF  
18 THIS TITLE 44; OR WHEN SOLD BY A FERMENTED MALT BEVERAGE  
19 RETAILER TO CONSUMERS OR TO PERSONS LICENSED UNDER SECTION  
20 44-3-411, 44-3-413, 44-3-414, 44-3-416 TO 44-3-420, 44-3-422, 44-3-426,  
21 OR 44-3-428.

22 (2) "License" means a grant to a licensee to ~~manufacture or sell~~  
23 fermented malt beverages AT RETAIL as provided by this article 4.

24 (5) ~~"Sell at wholesale" means selling to any other than the~~  
25 ~~intended consumer of fermented malt beverages. "Sell at wholesale" shall~~  
26 ~~not be construed to prevent a brewer or wholesale beer dealer from selling~~  
27 ~~fermented malt beverages to the intended consumer thereof or to prevent~~

1 a licensed manufacturer or importer from selling such beverages to a  
2 licensed wholesaler.

3 **SECTION 3.** In Colorado Revised Statutes, 44-4-104, **amend** (1)  
4 introductory portion, (1)(c)(I), and (4); **repeal** (1)(a), (1)(b), (1)(d), and  
5 (3); and **add** (1)(e) as follows:

6 **44-4-104. Licenses - state license fees - requirements - repeal.**

7 (1) The licenses to be granted and issued by the state licensing authority  
8 pursuant to this article 4 for the ~~manufacture, importation, and~~ RETAIL  
9 sale of fermented malt beverages are as follows:

10 (a) ~~(I) A manufacturer's license shall be granted and issued to any~~  
11 ~~person, partnership, association, organization, or corporation qualifying~~  
12 ~~under section 44-3-301 and not prohibited from licensure under section~~  
13 ~~44-3-307 to manufacture and sell fermented malt beverages upon the~~  
14 ~~payment of an annual license fee of one hundred fifty dollars to the state~~  
15 ~~licensing authority. A manufacturer so licensed may have additional~~  
16 ~~warehouses in the state upon payment of the wholesaler's license fee as~~  
17 ~~provided in this section.~~

18 ~~(II) A manufacturer that has received a license pursuant to this~~  
19 ~~subsection (1)(a) shall be authorized to manufacture fermented malt~~  
20 ~~beverages upon an alternating proprietor licensed premises, as defined in~~  
21 ~~section 44-3-103, as approved by the state licensing authority, but the~~  
22 ~~manufacturer shall not conduct retail sales of fermented malt beverages~~  
23 ~~from an area licensed or defined as an alternating proprietor licensed~~  
24 ~~premises.~~

25 (b) ~~A wholesaler's license shall be granted and issued to any~~  
26 ~~person, partnership, association, organization, or corporation qualifying~~  
27 ~~under section 44-3-301 and not prohibited from licensure under section~~

1 ~~44-3-307 to sell fermented malt beverages upon the payment of an annual~~  
2 ~~license fee of one hundred fifty dollars to the state licensing authority.~~  
3 ~~Each wholesaler's license application shall designate the territory within~~  
4 ~~which the licensee may sell the designated products of any manufacturer,~~  
5 ~~as agreed upon by the licensee and the manufacturer of such products.~~

6 (c) (I) (A) ~~On and after June 4, 2018,~~ A retailer's license shall be  
7 granted and issued to any person, partnership, association, organization,  
8 or corporation qualifying under section 44-3-301 and not prohibited from  
9 licensure under section 44-3-307 to sell at retail fermented malt beverages  
10 either for consumption off the licensed premises or on the licensed  
11 premises, but not for consumption on and off the licensed premises, upon  
12 paying an annual license fee of seventy-five dollars to the state licensing  
13 authority.

14 (B) A PERSON LICENSED PURSUANT TO THIS SUBSECTION (1)(c) TO  
15 SELL FERMENTED MALT BEVERAGES AT RETAIL SHALL PURCHASE THE  
16 FERMENTED MALT BEVERAGES ONLY FROM A WHOLESALER LICENSED  
17 PURSUANT TO ARTICLE 3 OF THIS TITLE 44.

18 (d) (I) ~~A nonresident manufacturer's license shall be granted and~~  
19 ~~issued to any person manufacturing fermented malt beverages outside of~~  
20 ~~the state of Colorado for the sole purposes listed in subsection (1)(d)(III)~~  
21 ~~of this section, upon the payment of an annual license fee of one hundred~~  
22 ~~fifty dollars to the state licensing authority.~~

23 (II) ~~An importer's license shall be granted and issued to any~~  
24 ~~person importing fermented malt beverages into this state for the sole~~  
25 ~~purposes listed in subsection (1)(d)(III) of this section, upon the payment~~  
26 ~~of an annual license fee of one hundred fifty dollars to the state licensing~~  
27 ~~authority.~~

1           ~~(HH) The licenses referred to in subsections (1)(d)(I) and (1)(d)(H)~~  
2 ~~of this section shall be issued for the following purposes only:~~

3           ~~(A) To import and sell fermented malt beverages within this state~~  
4 ~~to a person licensed as a wholesaler pursuant to this section;~~

5           ~~(B) To maintain stocks of fermented malt beverages and to~~  
6 ~~operate fermented malt beverages warehouses by procuring a wholesaler's~~  
7 ~~license as provided in this section;~~

8           ~~(C) To solicit orders from retail licensees and fill such orders~~  
9 ~~through licensed wholesalers.~~

10           ~~(IV) Each applicant for a license as a manufacturer, nonresident~~  
11 ~~manufacturer, or importer of fermented malt beverages shall enter into a~~  
12 ~~written contract with each wholesaler with which the applicant intends to~~  
13 ~~do business, which contract shall designate the territory within which the~~  
14 ~~product of such applicant shall be sold by the respective wholesaler. The~~  
15 ~~contract shall be submitted to the state licensing authority with an~~  
16 ~~application, and the applicant, if licensed, shall have a continuing duty to~~  
17 ~~submit any subsequent revisions, amendments, or superseding contracts~~  
18 ~~to the state licensing authority.~~

19           ~~(V) A manufacturer, nonresident manufacturer, or importer~~  
20 ~~licensed to sell fermented malt beverages under this article 4 shall not~~  
21 ~~contract with more than one wholesaler to sell the products of such~~  
22 ~~manufacturer, nonresident manufacturer, or importer in the same territory.~~

23           (e) (I) NOTWITHSTANDING ANY LAW TO THE CONTRARY,  
24 BEGINNING ON THE EFFECTIVE DATE OF THIS SUBSECTION (1)(e), THE  
25 STATE LICENSING AUTHORITY SHALL NOT ISSUE OR RENEW ANY LICENSES  
26 UNDER THIS SECTION EXCEPT FOR LICENSES AUTHORIZED UNDER  
27 SUBSECTION (1)(c) OF THIS SECTION.

1 (II) LICENSES ISSUED BY THE STATE LICENSING AUTHORITY UNDER  
2 SUBSECTION (1)(a), (1)(b), OR (1)(d) OF THIS SECTION IN EFFECT ON THE  
3 EFFECTIVE DATE OF THIS SUBSECTION (1)(e) IMMEDIATELY CONVERT, ON  
4 THE EFFECTIVE DATE OF THIS SUBSECTION (1)(e), WITHOUT ANY FURTHER  
5 ACT BY THE STATE LICENSING AUTHORITY OR THE LICENSEE, AS FOLLOWS:

6 (A) A MANUFACTURER'S LICENSE THAT WAS ISSUED UNDER  
7 SUBSECTION (1)(a) OF THIS SECTION, AS IT EXISTED BEFORE THE EFFECTIVE  
8 DATE OF THIS SUBSECTION (1)(e), CONVERTS TO A MANUFACTURER'S  
9 LICENSE ISSUED PURSUANT TO SECTION 44-3-402 FOR THE MANUFACTURE  
10 OF MALT LIQUORS;

11 (B) A WHOLESALER'S LICENSE THAT WAS ISSUED UNDER  
12 SUBSECTION (1)(b) OF THIS SECTION, AS IT EXISTED BEFORE THE EFFECTIVE  
13 DATE OF THIS SUBSECTION (1)(e), CONVERTS TO A WHOLESALER'S BEER  
14 LICENSE ISSUED PURSUANT TO SECTION 44-3-407 (1)(b);

15 (C) A NONRESIDENT MANUFACTURER'S LICENSE THAT WAS ISSUED  
16 UNDER SUBSECTION (1)(d)(I) OF THIS SECTION, AS IT EXISTED BEFORE THE  
17 EFFECTIVE DATE OF THIS SUBSECTION (1)(e), CONVERTS TO A  
18 NONRESIDENT MANUFACTURER'S LICENSE ISSUED PURSUANT TO SECTION  
19 44-3-406 (1); AND

20 (D) AN IMPORTER'S LICENSE THAT WAS ISSUED UNDER SUBSECTION  
21 (1)(d)(II) OF THIS SECTION, AS IT EXISTED BEFORE THE EFFECTIVE DATE OF  
22 THIS SUBSECTION (1)(e), CONVERTS TO A MALT LIQUOR IMPORTER'S  
23 LICENSE ISSUED PURSUANT TO SECTION 44-3-406 (2).

24 (III) THE CONVERSION OF A LICENSE ISSUED UNDER SUBSECTION  
25 (1)(a), (1)(b), OR (1)(d) OF THIS SECTION TO A LICENSE ISSUED UNDER  
26 ARTICLE 3 OF THIS TITLE 44 PURSUANT TO SUBSECTION (1)(e)(II) OF THIS  
27 SECTION IS A CONTINUATION OF THE PRIOR LICENSE ISSUED PURSUANT TO

1 THIS ARTICLE 4 AND DOES NOT AFFECT:

2 (A) ANY PRIOR DISCIPLINE, LIMITATION, OR CONDITION IMPOSED  
3 BY THE STATE LICENSING AUTHORITY ON A LICENSEE;

4 (B) THE DEADLINE FOR RENEWAL OF A LICENSE; OR

5 (C) ANY PENDING OR FUTURE INVESTIGATION OR ADMINISTRATIVE  
6 PROCEEDING.

7 ~~(3) The manufacturer's or wholesaler's licenses provided by this~~  
8 ~~article 4 shall permit the licensee to sell fermented malt beverages in~~  
9 ~~sealed containers to retailers and consumers, thereof, as long as the~~  
10 ~~beverages have been unloaded and placed in the physical possession of~~  
11 ~~a licensed wholesaler at its licensed premises in this state and inventoried~~  
12 ~~for purposes of tax collection before being delivered to any such retailer~~  
13 ~~or consumer. Wholesalers of fermented malt beverages receiving~~  
14 ~~products to be held as required by this subsection (3) shall be liable for~~  
15 ~~the payment of any tax due on the products under section 44-3-503.~~

16 ~~(4) It is unlawful for any manufacturer or wholesaler or any~~  
17 ~~person, partnership, association, organization, or corporation interested~~  
18 ~~financially in or with any of the licensees described in this article 4 to be~~  
19 ~~interested financially, directly or indirectly, in the business of any retail~~  
20 ~~licensee licensed pursuant to this article 4, or for any retail licensee under~~  
21 ~~this article 4 to be interested financially, directly or indirectly, in the~~  
22 ~~business of any manufacturer or wholesaler or any person, partnership,~~  
23 ~~association, organization, or corporation interested in or with any of the~~  
24 ~~manufacturers or wholesalers licensed pursuant to this article 4~~ ARTICLE  
25 3 OF THIS TITLE 44.

26 **SECTION 4.** In Colorado Revised Statutes, 44-3-103, **amend** (3),  
27 (5), (6), (30), and (40)(b) as follows:



1           **44-3-103. Definitions.** As used in this article 3 and article 4 of  
2 this title 44, unless the context otherwise requires:

3           (3) "Alternating proprietor licensed premises" means a distinct  
4 and definite area, as specified in an alternating use of premises  
5 application, that is owned by or in possession of a person licensed  
6 pursuant to section 44-3-402, 44-3-403, OR 44-3-417 ~~or 44-4-104 (1)(a)~~  
7 and within which ~~such~~ THE licensee and other persons licensed pursuant  
8 to section 44-3-402, 44-3-403, OR 44-3-417 ~~or 44-4-104 (1)(a)~~ are  
9 authorized to manufacture and store vinous liquors OR malt liquors ~~or~~  
10 ~~fermented malt beverages~~ in accordance with the provisions of this article  
11 3. ~~or article 4 of this title 44, as applicable.~~

12           (5) "Brew pub" means a retail establishment that manufactures not  
13 more than one million eight hundred sixty thousand gallons of malt liquor  
14 ~~and fermented malt beverages~~ on its licensed premises or licensed  
15 alternating proprietor licensed premises, combined, each calendar year.

16           (6) "Brewery" means any establishment where malt liquors ~~or~~  
17 ~~fermented malt beverages~~ are manufactured, except brew pubs licensed  
18 under this article 3.

19           (30) (a) "Malt liquors" includes beer and means any beverage  
20 obtained by the alcoholic fermentation of any infusion or decoction of  
21 barley, malt, hops, or any other similar product, or any combination  
22 thereof, in water containing not less than one-half of one percent alcohol  
23 by volume.

24           (b) FOR PURPOSES OF LICENSES DESCRIBED IN SECTION 44-3-401  
25 (1)(j) TO (1)(p), (1)(s), (1)(t), (1)(v), AND (1)(w), "MALT LIQUORS"  
26 INCLUDES FERMENTED MALT BEVERAGES WHEN PURCHASED FROM A  
27 RETAILER LICENSED PURSUANT TO SECTION 44-4-104 (1)(c).

1 (40) "Qualified employee" means an individual who:

2 (b) Is engaged in manufacturing and tasting ~~fermented malt~~  
3 ~~beverages or~~ malt liquors for teaching or research purposes; and

4 **SECTION 5.** In Colorado Revised Statutes, 44-3-106, **amend**  
5 (2)(a), (2)(b), and (2)(c) as follows:

6 **44-3-106. Exemptions.** (2) (a) Notwithstanding any provision of  
7 this article 3 ~~or article 4 of this title 44~~ to the contrary, when permitted by  
8 federal law and rules and regulations promulgated pursuant thereto, an  
9 adult may produce, for personal use and not for sale, an amount of  
10 ~~fermented malt beverage or~~ malt or vinous liquor equal to the amount that  
11 is exempt from the federal excise tax on the alcohol beverage when  
12 produced by an adult for personal use and not for sale.

13 (b) The production of ~~fermented malt beverages or~~ malt or vinous  
14 liquors under the circumstances set forth in this subsection (2) shall be in  
15 strict conformity with federal law and rules and regulations issued  
16 pursuant thereto.

17 (c) ~~Fermented malt beverages or~~ Malt or vinous liquors produced  
18 pursuant to ~~the provisions of~~ this subsection (2) shall be exempt from any  
19 tax imposed by this article 3, and the producer shall not be required to  
20 obtain any license provided by this article 3. ~~or article 4 of this title 44.~~

21 **SECTION 6.** In Colorado Revised Statutes, 44-3-301, **amend**  
22 (3)(a) as follows:

23 **44-3-301. Licensing in general.** (3) (a) Each license issued under  
24 this article 3 and article 4 of this title 44 is separate and distinct. It is  
25 unlawful for any person to exercise any of the privileges granted under  
26 any license other than ~~that which~~ THE LICENSE the person holds or for any  
27 licensee to allow any other person to exercise ~~such~~ THE privileges granted

1 under the licensee's license, except as provided in section 44-3-402 (3),  
2 44-3-403 (2)(a), 44-3-404, OR 44-3-417 (1)(b). ~~or section 44-4-104(1)(a).~~  
3 A separate license must be issued for each specific business or business  
4 entity and each geographic location, and in the license the particular  
5 alcohol beverages the applicant is authorized to manufacture or sell must  
6 be named and described. For purposes of this section, a resort complex  
7 with common ownership, a campus liquor complex, a hotel and restaurant  
8 licensee with optional premises, an optional premises licensee for  
9 optional premises located on an outdoor sports and recreational facility,  
10 and a wine festival at which more than one licensee participates pursuant  
11 to a wine festival permit is considered a single business and location.

12 **SECTION 7.** In Colorado Revised Statutes, 44-3-308, **amend**  
13 (1)(a)(I) introductory portion, (1)(a)(II)(B), and (5)(b)(II) as follows:

14 **44-3-308. Unlawful financial assistance.** (1) (a) (I) It is unlawful  
15 for any person licensed pursuant to this article 3 ~~or article 4 of this title~~  
16 ~~44~~ as a manufacturer, limited winery, wholesaler, or importer, or any  
17 person, partnership, association, organization, or corporation interested  
18 financially in or with any of said licensees, to furnish, supply, or loan, in  
19 any manner, directly or indirectly, to any person licensed to sell at retail  
20 pursuant to this article 3 or article 4 or 5 of this title 44:

- 21 (II) This subsection (1) does not:
  - 22 (B) Prevent a representative, employee, or agent of a person  
23 licensed under this article 3 ~~or article 4 of this title 44~~ as a manufacturer,  
24 limited winery, wholesaler, or importer from pouring or serving the  
25 licensee's alcohol beverage products as part of a tasting being conducted  
26 on the licensed premises of a person licensed under this article 3 to sell  
27 alcohol beverages at retail for off-premises consumption, and pouring or

1 serving the licensee's alcohol beverages does not constitute labor  
2 provided by a person licensed under this article 3 ~~or article 4 of this title~~  
3 ~~44~~ as a manufacturer, limited winery, wholesaler, or importer to a person  
4 licensed under this article 3 to sell alcohol beverages at retail.

5 (5) (b) This subsection (5) does not:

6 (II) Prevent a representative, employee, or agent of a person  
7 licensed under this article 3 ~~or article 4 of this title 44~~ as a manufacturer,  
8 limited winery, wholesaler, or importer from pouring or serving the  
9 licensee's alcohol beverage products as part of a tasting being conducted  
10 on the licensed premises of a person licensed under this article 3 to sell  
11 alcohol beverages at retail for off-premises consumption, and pouring or  
12 serving the licensee's alcohol beverages does not constitute labor  
13 provided by a person licensed under this article 3 ~~or article 4 of this title~~  
14 ~~44~~ as a manufacturer, limited winery, wholesaler, or importer to a person  
15 licensed under this article 3 to sell alcohol beverages at retail.

16 **SECTION 8.** In Colorado Revised Statutes, 44-3-402, **amend**  
17 (3)(c) and (5)(a) as follows:

18 **44-3-402. Manufacturer's license.** (3) (c) Any winery or  
19 brewery that holds a wholesaler's license pursuant to section 44-3-407 ~~or~~  
20 ~~44-4-104 (1)(b)~~ may engage in the wholesale sale of alcohol beverages  
21 that the licensee manufactured at an alternating proprietor licensed  
22 premises from both its licensed premises and the alternating proprietor  
23 licensed premises where the alcohol beverages were manufactured.

24 (5) (a) It is unlawful for a manufacturer licensed under this article  
25 3 or any person, partnership, association, organization, or corporation  
26 interested financially in or with a licensed manufacturer to be interested  
27 financially, directly or indirectly, in the business of any person licensed

1 to sell at retail pursuant to this article 3 OR ARTICLE 4 OF THIS TITLE 44.

2 **SECTION 9.** In Colorado Revised Statutes, 44-3-406, **amend**  
3 (3)(c) and (6) as follows:

4 **44-3-406. Nonresident manufacturers and importers of malt**  
5 **liquor.** (3) The licenses referred to in subsections (1) and (2) of this  
6 section shall be issued for the following purposes only:

7 (c) To solicit orders from retail licensees LICENSED UNDER THIS  
8 ARTICLE 3 OR ARTICLE 4 OF THIS TITLE 44 and fill ~~such~~ THE orders through  
9 malt liquor wholesalers.

10 (6) It is unlawful for a nonresident manufacturer licensed under  
11 this article 3, or any person, partnership, association, organization, or  
12 corporation interested financially in or with ~~such a~~ THE licensee, to be  
13 interested financially, directly or indirectly, in the business of any person  
14 licensed to sell at retail pursuant to this article 3 OR ARTICLE 4 OF THIS  
15 TITLE 44.

16 **SECTION 10.** In Colorado Revised Statutes, 44-3-407, **amend**  
17 (1)(b)(I) introductory portion, (1)(b)(I)(B), (1)(d), (2), and (4)(a) as  
18 follows:

19 **44-3-407. Wholesaler's license - discrimination in wholesale**  
20 **sales prohibited.** (1) (b) (I) A wholesaler's beer license shall be issued  
21 to persons ~~selling~~ THAT SELL malt liquors at wholesale ~~who~~ TO RETAILERS  
22 LICENSED UNDER THIS ARTICLE 3 OR ARTICLE 4 OF THIS TITLE 44 AND THAT  
23 designate to the state licensing authority on their application the territory  
24 within which the licensee may sell the designated products of any brewer  
25 as agreed upon by the licensee and the brewer of ~~such~~ THE products for  
26 the following purposes only:

27 (B) To take orders for malt liquors at any place within the territory

1 designated on the license application and deliver malt liquors on orders  
2 previously taken to any place within the designated geographical territory,  
3 if the licensee has procured a wholesaler's beer license and the place  
4 where orders are taken and delivered is a place regularly licensed TO SELL  
5 AT RETAIL FOR CONSUMPTION ON OR OFF THE LICENSED PREMISES pursuant  
6 to ~~the provisions of~~ this article 3 OR ARTICLE 4 OF THIS TITLE 44.

7 (d) All malt, vinous, and spirituous liquors purchased by any  
8 licensee under this section, and all malt, vinous, and spirituous liquors  
9 shipped into this state by or to any such licensee, shall be placed in the  
10 physical possession of the licensee at the licensee's warehouse facilities  
11 prior to delivery to persons holding licenses ~~under~~ PURSUANT TO this  
12 article 3 OR ARTICLE 4 OF THIS TITLE 44.

13 (2) It is unlawful for any licensed wholesaler or any person,  
14 partnership, association, organization, or corporation interested  
15 financially in or with a licensed wholesaler to be interested financially,  
16 directly or indirectly, in the business of any person licensed to sell at retail  
17 pursuant to this article 3 OR ARTICLE 4 OF THIS TITLE 44.

18 (4) (a) A wholesaler shall make available to all ~~licensed~~ retailers  
19 LICENSED PURSUANT TO THIS ARTICLE 3 AND ARTICLE 4 OF THIS TITLE 44  
20 in this state without discrimination all malt, vinous, and spirituous liquors  
21 offered by the wholesaler for sale at wholesale. A wholesaler shall use its  
22 best efforts to make available to licensed retailers each brand of alcohol  
23 beverage that the wholesaler has been authorized to distribute.

24 **SECTION 11.** In Colorado Revised Statutes, 44-3-408, **amend**  
25 (9)(c) and (9)(g) as follows:

26 **44-3-408. Termination of wholesalers - remedies - definitions.**

27 (9) As used in this section:

1 (c) "Products" means ~~fermented malt beverages and~~ malt liquors.

2 (g) "Wholesaler" means the holder of a Colorado wholesaler's  
3 beer license. ~~or wholesaler's license to sell fermented malt beverages.~~

4 **SECTION 12.** In Colorado Revised Statutes, 44-3-411, **amend**  
5 (1) and (2) as follows:

6 **44-3-411. Beer and wine license.** (1) A beer and wine license  
7 shall be issued to persons selling malt and vinous liquors ~~and fermented~~  
8 ~~malt beverages~~ for consumption on the premises. Beer and wine licensees  
9 shall have sandwiches and light snacks available for consumption on the  
10 premises during business hours, but need not have meals available for  
11 consumption.

12 (2)(a) Every person selling malt and vinous liquors ~~and fermented~~  
13 ~~malt beverages~~ as provided in this section shall purchase malt and vinous  
14 liquors ~~and fermented malt beverages~~ only from a wholesaler licensed  
15 pursuant to this article 3; ~~or article 4 of this title 44;~~ except that, during  
16 a calendar year, any person selling malt and vinous liquors ~~and fermented~~  
17 ~~malt beverages~~ as provided in this section may purchase not more than  
18 two thousand dollars' worth of

19 ~~(F)~~ malt and vinous liquors from ~~a retailer~~ RETAILERS licensed  
20 pursuant to ~~section~~ SECTIONS 44-3-409, ~~or~~ 44-3-410, and

21 ~~(H)~~ ~~Fermented malt beverages from a retailer licensed pursuant to~~  
22 ~~section~~ 44-4-104 (1)(c).

23 (b) A beer and wine licensee shall retain evidence of each  
24 purchase of malt and vinous liquors from a retailer licensed pursuant to  
25 section 44-3-409, ~~or~~ 44-3-410, ~~and each purchase of fermented malt~~  
26 ~~beverages from a retailer licensed pursuant to section~~ OR 44-4-104 (1)(c),  
27 in the form of a purchase receipt showing the name of the licensed

1 retailer, the date of purchase, a description of the malt or vinous liquor ~~or~~  
2 ~~fermented malt beverages~~ purchased, and the price paid for the purchase.  
3 The beer and wine licensee shall retain the receipt and shall make it  
4 available to the state and local licensing authorities at all times during  
5 business hours.

6 **SECTION 13.** In Colorado Revised Statutes, 44-3-413, **amend**  
7 (7) as follows:

8 **44-3-413. Hotel and restaurant license - definitions - rules.**

9 (7) (a) Except as provided in subsection (7)(b) of this section, every  
10 person selling alcohol beverages as provided in this section shall purchase  
11 alcohol beverages only from a wholesaler licensed pursuant to this article  
12 3. ~~or article 4 of this title 44.~~

13 (b) (I) During a calendar year, a person selling alcohol beverages  
14 as provided in this section may purchase not more than two thousand  
15 dollars' worth of

16 ~~(A) malt, vinous, and spirituous liquors from a retailer~~ RETAILERS  
17 licensed pursuant to ~~section~~ SECTIONS 44-3-409, ~~or~~ 44-3-410, and

18 ~~(B) Fermented malt beverages from a retailer licensed pursuant to~~  
19 ~~section~~ 44-4-104 (1)(c).

20 (II) A hotel and restaurant licensee shall retain evidence of each  
21 purchase of malt, vinous, or spirituous liquors from a retailer licensed  
22 pursuant to section 44-3-409, ~~or~~ 44-3-410, ~~and each purchase of~~  
23 ~~fermented malt beverages from a retailer licensed pursuant to section~~ OR  
24 44-4-104 (1)(c), in the form of a purchase receipt showing the name of  
25 the licensed retailer, the date of purchase, a description of the alcohol  
26 beverages purchased, and the price paid for the alcohol beverages. The  
27 licensee shall retain the receipt and make it available to the state and local



1 licensing authorities at all times during business hours.

2 **SECTION 14.** In Colorado Revised Statutes, 44-3-414, **amend**  
3 (2) as follows:

4 **44-3-414. Tavern license.** (2) (a) Every person selling alcohol  
5 beverages as provided in this section shall purchase alcohol beverages  
6 only from a wholesaler licensed pursuant to this article 3; ~~or article 4 of~~  
7 ~~this title 44;~~ except that, during a calendar year, a person selling alcohol  
8 beverages as provided in this section may purchase not more than two  
9 thousand dollars' worth of

10 ~~(F) malt, vinous, and spirituous liquors from a retailer~~ RETAILERS  
11 licensed pursuant to ~~section~~ SECTIONS 44-3-409, ~~or~~ 44-3-410, and

12 ~~(H) Fermented malt beverages from a retailer licensed pursuant to~~  
13 ~~section~~ 44-4-104 (1)(c).

14 (b) A tavern licensee shall retain evidence of each purchase of  
15 malt, vinous, or spirituous liquors from a retailer licensed pursuant to  
16 section 44-3-409, ~~or~~ 44-3-410, ~~and each purchase of fermented malt~~  
17 ~~beverages from a retailer licensed pursuant to section~~ OR 44-4-104 (1)(c),  
18 in the form of a purchase receipt showing the name of the licensed  
19 retailer, the date of purchase, a description of the alcohol beverages  
20 purchased, and the price paid for the alcohol beverages. The tavern  
21 licensee shall retain the receipt and make it available to the state and local  
22 licensing authorities at all times during business hours.

23 **SECTION 15.** In Colorado Revised Statutes, 44-3-416, **amend**  
24 (2) as follows:

25 **44-3-416. Retail gaming tavern license.** (2) (a) Every person  
26 selling alcohol beverages as described in this section shall purchase the  
27 alcohol beverages only from a wholesaler licensed pursuant to this article

1 3; ~~or article 4 of this title 44;~~ except that, during a calendar year, a person  
2 selling alcohol beverages as provided in this section may purchase not  
3 more than two thousand dollars' worth of

4 ~~(F) malt, vinous, or spirituous liquors from a retailer~~ RETAILERS  
5 licensed pursuant to ~~section~~ SECTIONS 44-3-409, ~~or~~ 44-3-410, and

6 ~~(H) Fermented malt beverages from a retailer licensed pursuant to~~  
7 ~~section~~ 44-4-104 (1)(c).

8 (b) A retail gaming tavern licensee shall retain evidence of each  
9 purchase of malt, vinous, or spirituous liquors from a retailer licensed  
10 pursuant to section 44-3-409, ~~or~~ 44-3-410, ~~and each purchase of~~  
11 ~~fermented malt beverages from a retailer licensed pursuant to section~~ OR  
12 44-4-104 (1)(c), in the form of a purchase receipt showing the name of  
13 the licensed retailer, the date of purchase, a description of the alcohol  
14 beverages purchased, and the price paid for the alcohol beverages. The  
15 licensee shall retain the receipt and make it available to the state and local  
16 licensing authorities at all times during business hours.

17 **SECTION 16.** In Colorado Revised Statutes, 44-3-417, **amend**  
18 (1)(b), (2)(a) introductory portion, (2)(a)(III), (2)(b), and (3) as follows:

19 **44-3-417. Brew pub license - definition.** (1) (b) A brew pub  
20 licensed pursuant to this section to manufacture malt liquors ~~or fermented~~  
21 ~~malt beverages~~ upon its licensed premises may, upon approval of the state  
22 licensing authority, manufacture malt liquors ~~or fermented malt beverages~~  
23 upon alternating proprietor licensed premises within the restrictions  
24 specified in section 44-3-103 (5).

25 (2) (a) Except as provided in subsection (2)(b) of this section,  
26 during the hours established in section 44-3-901 (6)(b), malt liquors ~~or~~  
27 ~~fermented malt beverages~~ manufactured by a brew pub licensee on the

1 licensed premises or alternating proprietor licensed premises may be:

2 (III) Sold to the public in sealed containers for off-premises  
3 consumption. Only malt liquors ~~or fermented malt beverages~~  
4 manufactured and packaged on the licensed premises or alternating  
5 proprietor licensed premises by the licensee shall be sold in sealed  
6 containers.

7 (b) A brew pub authorized to manufacture malt liquors ~~or~~  
8 ~~fermented malt beverages~~ upon alternating proprietor licensed premises  
9 shall not conduct retail sales of malt liquors ~~or fermented malt beverages~~  
10 from an area licensed or defined as an alternating proprietor licensed  
11 premises.

12 (3) (a) Every person selling alcohol beverages pursuant to this  
13 section shall purchase alcohol beverages, other than those that are  
14 manufactured at the licensed brew pub, from a wholesaler licensed  
15 pursuant to this article 3; ~~or article 4 of this title 44;~~ except that, during  
16 a calendar year, a person selling alcohol beverages as provided in this  
17 section may purchase not more than two thousand dollars' worth of

18 ~~(F) malt, vinous, and spirituous liquors from a retailer~~ RETAILERS  
19 licensed pursuant to ~~section~~ SECTIONS 44-3-409, ~~or~~ 44-3-410, and

20 ~~(H) Fermented malt beverages from a retailer licensed pursuant to~~  
21 ~~section~~ 44-4-104 (1)(c).

22 (b) The brew pub licensee shall retain evidence of each purchase  
23 of malt, vinous, and spirituous liquors from a retailer licensed pursuant  
24 to section 44-3-409, ~~or~~ 44-3-410, ~~and each purchase of fermented malt~~  
25 ~~beverages from a retailer licensed pursuant to section~~ OR 44-4-104 (1)(c),  
26 in the form of a purchase receipt showing the name of the licensed  
27 retailer, the date of purchase, a description of the alcohol beverages

1 purchased, and the price paid for the alcohol beverages. The licensee shall  
2 retain the receipt and make it available to state and local licensing  
3 authorities at all times during business hours.

4 **SECTION 17.** In Colorado Revised Statutes, 44-3-418, **amend**  
5 (2) as follows:

6 **44-3-418. Club license - legislative declaration.** (2) (a) Every  
7 person selling alcohol beverages as provided in this section shall purchase  
8 the alcohol beverages only from a wholesaler licensed pursuant to this  
9 article 3; ~~or article 4 of this title 44;~~ except that, during a calendar year,  
10 a person selling alcohol beverages as provided in this section may  
11 purchase not more than two thousand dollars' worth of

12 ~~(F) malt, vinous, and spirituous liquors from a retailer~~ RETAILERS  
13 licensed pursuant to ~~section~~ SECTIONS 44-3-409, ~~or~~ 44-3-410, and

14 ~~(H) Fermented malt beverages from a retailer licensed pursuant to~~  
15 ~~section~~ 44-4-104 (1)(c).

16 (b) The club licensee shall retain evidence of each purchase of  
17 malt, vinous, or spirituous liquors from a retailer licensed pursuant to  
18 section 44-3-409, ~~or~~ 44-3-410, ~~and each purchase of fermented malt~~  
19 ~~beverages from a retailer licensed pursuant to section~~ OR 44-4-104 (1)(c),  
20 in the form of a purchase receipt showing the name of the licensed  
21 retailer, the date of purchase, a description of the alcohol beverages  
22 purchased, and the price paid for the alcohol beverages. The licensee shall  
23 retain the receipt and make it available to the state and local licensing  
24 authorities at all times during business hours.

25 **SECTION 18.** In Colorado Revised Statutes, 44-3-419, **amend**  
26 (4) as follows:

27 **44-3-419. Arts license - definition.** (4) (a) Every person selling

1 alcohol beverages as provided in this section shall purchase the alcohol  
2 beverages only from a wholesaler licensed pursuant to this article 3; ~~or~~  
3 ~~article 4 of this title 44~~; except that, during a calendar year, a person  
4 selling alcohol beverages as provided in this section may purchase not  
5 more than two thousand dollars' worth of

6 ~~(F)~~ malt, vinous, and spirituous liquors from ~~a retailer~~ RETAILERS  
7 licensed pursuant to ~~section~~ SECTIONS 44-3-409, ~~or~~ 44-3-410, and

8 ~~(H)~~ Fermented malt beverages from a retailer licensed pursuant to  
9 ~~section~~ 44-4-104 (1)(c).

10 (b) An arts licensee shall retain evidence of each purchase of malt,  
11 vinous, or spirituous liquors from a retailer licensed pursuant to section  
12 44-3-409, ~~or~~ 44-3-410, ~~and each purchase of fermented malt beverages~~  
13 ~~from a retailer licensed pursuant to section~~ OR 44-4-104 (1)(c), in the  
14 form of a purchase receipt showing the name of the licensed retailer, the  
15 date of purchase, a description of the alcohol beverages purchased, and  
16 the price paid for the alcohol beverages. The licensee shall retain the  
17 receipt and make it available to the state and local licensing authorities at  
18 all times during business hours.

19 **SECTION 19.** In Colorado Revised Statutes, 44-3-420, **amend**  
20 (2) as follows:

21 **44-3-420. Racetrack license.** (2) (a) Every person selling alcohol  
22 beverages as provided in this section shall purchase the alcohol beverages  
23 only from a wholesaler licensed pursuant to this article 3; ~~or article 4 of~~  
24 ~~this title 44~~; except that, during a calendar year, a person selling alcohol  
25 beverages as provided in this section may purchase not more than two  
26 thousand dollars' worth of

27 ~~(F)~~ malt, vinous, and spirituous liquors from ~~a retailer~~ RETAILERS

1 licensed pursuant to ~~section~~ SECTIONS 44-3-409, ~~or~~ 44-3-410, and  
2 (H) ~~Fermented malt beverages from a retailer licensed pursuant to~~  
3 ~~section 44-4-104 (1)(c).~~

4 (b) A racetrack licensee shall retain evidence of each purchase of  
5 malt, vinous, or spirituous liquors from a retailer licensed pursuant to  
6 section 44-3-409, ~~or~~ 44-3-410, ~~and each purchase of fermented malt~~  
7 ~~beverages from a retailer licensed pursuant to section~~ OR 44-4-104 (1)(c),  
8 in the form of a purchase receipt showing the name of the licensed  
9 retailer, the date of purchase, a description of the alcohol beverages  
10 purchased, and the price paid for the alcohol beverages. The licensee shall  
11 retain the receipt and make it available to the state and local licensing  
12 authorities at all times during business hours.

13 **SECTION 20.** In Colorado Revised Statutes, 44-3-422, **amend**  
14 (3) as follows:

15 **44-3-422. Vintner's restaurant license.** (3) (a) Every person  
16 selling alcohol beverages pursuant to this section shall purchase the  
17 alcohol beverages, other than those that are manufactured at the licensed  
18 vintner's restaurant, from a wholesaler licensed pursuant to this article 3;  
19 ~~or article 4 of this title 44;~~ except that, during a calendar year, a person  
20 may purchase not more than two thousand dollars' worth of

21 (H) ~~malt, vinous, and spirituous liquors from a retailer~~ RETAILERS  
22 licensed pursuant to ~~section~~ SECTIONS 44-3-409, ~~or~~ 44-3-410, and

23 (H) ~~Fermented malt beverages from a retailer licensed pursuant to~~  
24 ~~section 44-4-104 (1)(c).~~

25 (b) The vintner's restaurant licensee shall retain evidence of each  
26 purchase of malt, vinous, and spirituous liquors from a retailer licensed  
27 pursuant to section 44-3-409, ~~or~~ 44-3-410, ~~and each purchase of~~

1 ~~fermented malt beverages from a retailer licensed pursuant to section~~ OR  
2 44-4-104 (1)(c), in the form of a purchase receipt showing the name of  
3 the licensed retailer, the date of purchase, a description of the alcohol  
4 beverages purchased, and the price paid for the alcohol beverages. The  
5 licensee shall retain the receipt and make it available to state and local  
6 licensing authorities at all times during business hours.

7 **SECTION 21.** In Colorado Revised Statutes, 44-3-426, **amend**  
8 (4) as follows:

9 **44-3-426. Distillery pub license - legislative declaration -**  
10 **definition.** (4) (a) Except as provided in subsection (4)(b) of this section,  
11 every person selling alcohol beverages pursuant to this section must  
12 purchase alcohol beverages, other than those that are fermented and  
13 distilled at the licensed distillery pub, from a wholesaler licensed pursuant  
14 to this article 3. ~~or article 4 of this title 44.~~

15 (b) (I) During a calendar year, a person selling alcohol beverages  
16 as provided in this section may purchase not more than two thousand  
17 dollars' worth of

18 ~~(A) malt, vinous, and spirituous liquors from a retailer~~ RETAILERS  
19 licensed pursuant to ~~section~~ SECTIONS 44-3-409, ~~or~~ 44-3-410, and

20 ~~(B) Fermented malt beverages from a retailer licensed pursuant to~~  
21 ~~section~~ 44-4-104 (1)(c).

22 (II) The distillery pub licensee shall retain evidence of each  
23 purchase of malt, vinous, and spirituous liquors from a retailer licensed  
24 pursuant to section 44-3-409, ~~or~~ 44-3-410, ~~and each purchase of~~  
25 ~~fermented malt beverages from a retailer licensed pursuant to section~~ OR  
26 44-4-104 (1)(c), in the form of a purchase receipt showing the name of  
27 the licensed retailer, the date of purchase, a description of the alcohol

1 beverages purchased, and the price paid for the alcohol beverages. The  
2 licensee shall retain the receipt and make it available to state and local  
3 licensing authorities at all times during business hours.

4 **SECTION 22.** In Colorado Revised Statutes, 44-3-428, **amend**  
5 (2) as follows:

6 **44-3-428. Lodging and entertainment license.** (2) (a) A lodging  
7 and entertainment facility licensed to sell alcohol beverages as provided  
8 in this section shall purchase alcohol beverages only from a wholesaler  
9 licensed pursuant to this article 3; ~~or article 4 of this title 44~~, except that,  
10 during a calendar year, a lodging and entertainment facility licensed to  
11 sell alcohol beverages as provided in this section may purchase not more  
12 than two thousand dollars' worth of

13 ~~(F) malt, vinous, and spirituous liquors from a retailer~~ RETAILERS  
14 licensed pursuant to ~~section~~ SECTIONS 44-3-409, ~~or~~ 44-3-410, and

15 ~~(H) Fermented malt beverages from a retailer licensed pursuant to~~  
16 ~~section~~ 44-4-104 (1)(c).

17 (b) A lodging and entertainment facility licensee shall retain  
18 evidence of each purchase of malt, vinous, or spirituous liquors from a  
19 retailer licensed pursuant to section 44-3-409, ~~or~~ 44-3-410, ~~and each~~  
20 ~~purchase of fermented malt beverages from a retailer licensed pursuant~~  
21 ~~to section~~ OR 44-4-104 (1)(c), in the form of a purchase receipt showing  
22 the name of the licensed retailer, the date of purchase, a description of the  
23 alcohol beverages purchased, and the price paid for the alcohol  
24 beverages. The lodging and entertainment facility licensee shall retain the  
25 receipt and make it available to the state and local licensing authorities at  
26 all times during business hours.

27 **SECTION 23.** In Colorado Revised Statutes, 44-3-501, **amend**



1 (3)(a)(V) as follows:

2 **44-3-501. State fees.** (3) (a) The state licensing authority shall  
3 establish fees for processing the following types of applications, notices,  
4 or reports required to be submitted to the state licensing authority:

5 (V) Applications for alternating use of premises pursuant to  
6 section 44-3-402 (3), 44-3-403 (2)(a), OR 44-3-417 (1)(b) ~~or 44-4-104~~  
7 ~~(1)(a)~~, and rules adopted pursuant to those sections;

8 **SECTION 24.** In Colorado Revised Statutes, 44-3-503, **amend**  
9 (1)(a) and (4)(g) as follows:

10 **44-3-503. Excise tax - records - rules - definition.** (1) (a) An  
11 excise tax at the rate of 8.0 cents per gallon, or the same per unit volume  
12 tax applied to metric measure, on all malt liquors ~~fermented malt~~  
13 ~~beverages~~, and hard cider, 7.33 cents per liter on all vinous liquors except  
14 hard cider, and 60.26 cents per liter on all spirituous liquors is imposed,  
15 and the taxes shall be collected on all such respective beverages, not  
16 otherwise exempt from the tax, sold, offered for sale, or used in this state;  
17 except that, upon the same beverages, only one such tax shall be paid in  
18 this state. The manufacturer, thereof, the holder of a winery direct  
19 shipper's permit, or the first licensee receiving alcohol beverages in this  
20 state if shipped from without the state, shall be primarily liable for the  
21 payment of any tax or tax surcharge imposed pursuant to this section; but,  
22 if the beverage is transported by a manufacturer or wholesaler to a point  
23 outside of the state and disposed of there, then the manufacturer or  
24 wholesaler, upon the filing with the state licensing authority of a duplicate  
25 bill of lading, invoice, or affidavit showing such transaction, shall not be  
26 subject to the tax provided in this section on such beverages, and, if such  
27 tax has already been paid, it shall be refunded to said manufacturer or

1 wholesaler. For purposes of this section, "manufacturer" includes brew  
2 pub, distillery pub, and vintner's restaurant licensees.

3 (4) Each licensed manufacturer and wholesaler of alcohol  
4 beverages within this state shall file, on or before the twentieth day of  
5 each month, an exact, verified return with the state licensing authority  
6 showing for the preceding calendar month the quantities of alcohol  
7 beverages:

8 (g) For persons licensed pursuant to section 44-3-402 (3),  
9 44-3-403 (2)(a), OR 44-3-417 (1)(b), ~~or 44-4-104 (1)(a)~~, a separate report  
10 of vinous liquors, OR malt liquors, ~~or fermented malt beverages~~, as  
11 applicable, that were manufactured or inventoried in, or transferred from,  
12 an alternating proprietor licensed premises.

13 **SECTION 25.** In Colorado Revised Statutes, 44-3-901, **amend**  
14 (1)(i)(I) introductory portion, (1)(i)(I)(A), (1)(i)(VII), (3), (5) introductory  
15 portion, (5)(b), and (7) as follows:

16 **44-3-901. Unlawful acts - exceptions - definitions - repeal.**

17 (1) Except as provided in section 18-13-122, it is unlawful for any  
18 person:

19 (i) (I) To consume any ~~fermented malt beverage or malt, vinous,~~  
20 ~~or spirituous liquor~~ ALCOHOL BEVERAGES:

21 (A) In any public place except on any licensed premises permitted  
22 under this article 3 or article 4 of this title 44 to sell any ~~fermented malt~~  
23 ~~beverages or malt, vinous, or spirituous liquors~~ ALCOHOL BEVERAGES by  
24 the drink for consumption on the licensed premises;

25 (VII) Notwithstanding subsection (1)(i)(I) of this section, it is not  
26 unlawful for a person who is at least twenty-one years of age to consume  
27 any ~~fermented malt beverage or malt, vinous, or spirituous liquor~~

1 ALCOHOL BEVERAGES in any public place, other than a public right of  
2 way, where consumption of ~~the fermented malt beverage or malt, vinous,~~  
3 ~~or spirituous liquor~~ ALCOHOL BEVERAGES has been specifically authorized  
4 by ordinance, resolution, or rule adopted by a municipality, city and  
5 county, or county or, for purposes of state parks, state wildlife areas, or  
6 other properties open to recreation that are under the supervision of the  
7 parks and wildlife commission created in article 9 of title 33, by the parks  
8 and wildlife commission.

9 (3) It is unlawful for any person licensed as a manufacturer,  
10 limited winery, brew pub, or distillery pub pursuant to this article 3 ~~or~~  
11 ~~article 4 of this title 44~~ to manufacture alcohol beverages in any location  
12 other than the permanent location specifically designated in the license  
13 for manufacturing, except as allowed pursuant to section 44-3-402 (3),  
14 44-3-403 (2)(a), OR 44-3-417 (1)(b). ~~or 44-4-104 (1)(a).~~

15 (5) It is unlawful for any person licensed to sell at wholesale  
16 pursuant to this article 3: ~~or article 4 of this title 44.~~

17 (b) To deliver ~~fermented malt beverages or malt liquors~~ to any  
18 retail licensee located outside the geographic territory designated on the  
19 license application filed with the state licensing authority if the person  
20 holds a wholesaler's beer license;

21 (7) It is unlawful for any importer, manufacturer, or brewer to sell  
22 or to bring into this state for purposes of sale any ~~fermented malt~~  
23 ~~beverage or any~~ malt liquor without causing the same to be unloaded and  
24 placed in the physical possession of a licensed wholesaler at the  
25 wholesaler's licensed premises in this state and to be inventoried for  
26 purposes of tax collection prior to delivery to a retailer or consumer.

27 **SECTION 26.** In Colorado Revised Statutes, 44-4-105, **amend**

1 (1)(a) as follows:

2 **44-4-105. Fees and taxes - allocation.** (1) (a) The state licensing  
3 authority shall establish fees for processing the following types of  
4 applications, notices, or reports required to be submitted to the state  
5 licensing authority: Applications for new fermented malt beverage  
6 licenses pursuant to section 44-3-301 and rules thereunder; applications  
7 for change of location pursuant to section 44-3-301 and rules thereunder;  
8 applications for changing, altering, or modifying licensed premises  
9 pursuant to section 44-3-301 and rules thereunder; ~~applications for~~  
10 ~~warehouse or branch house permits pursuant to section 44-4-104 and~~  
11 ~~rules thereunder~~; applications for duplicate licenses; and notices of  
12 change of name or trade name pursuant to section 44-3-301 and rules  
13 thereunder. The amounts of such fees, when added to the other fees and  
14 taxes transferred to the liquor enforcement division and state licensing  
15 authority cash fund pursuant to subsection (2) of this section and section  
16 44-3-502 (1), shall reflect the direct and indirect costs of the liquor  
17 enforcement division and the state licensing authority in the  
18 administration and enforcement of this article 4 and articles 3 and 5 of  
19 this title 44. At least annually, the amounts of the fees shall be reviewed  
20 and, if necessary, adjusted to reflect such direct and indirect costs.

21 **SECTION 27.** In Colorado Revised Statutes, 44-4-107, **amend**  
22 (5) as follows:

23 **44-4-107. Local licensing authority - application - fees -**  
24 **definition - rules - repeal.** (5) A person licensed under subsection (1)(a)  
25 of this section that holds multiple fermented malt beverage retailer's  
26 licenses for multiple licensed premises may operate under a single or  
27 consolidated corporate entity but shall not commingle purchases of or

1 credit extensions for purchases of ~~fermented malt beverages~~ ALCOHOL  
2 BEVERAGE PRODUCT from a wholesaler licensed under ~~this article 4 or~~  
3 article 3 of this title 44 for more than one licensed premises. A wholesaler  
4 licensed under ~~this article 4 or~~ article 3 of this title 44 shall not base the  
5 price for the ~~fermented malt beverages~~ ALCOHOL BEVERAGE PRODUCT it  
6 sells to a fermented malt beverage retailer licensed under subsection  
7 (1)(a) of this section on the total volume of ~~fermented malt beverages~~  
8 ALCOHOL BEVERAGE PRODUCT that the retailer purchases for multiple  
9 licensed premises.

10 **SECTION 28.** In Colorado Revised Statutes, **repeal** 44-4-108 as  
11 follows:

12 **44-4-108. Exemption.** ~~This article 4 does not apply to a state~~  
13 ~~institution of higher education when the institution is engaged in the~~  
14 ~~manufacture and tasting, at the place of manufacture or at a licensed~~  
15 ~~premises, of fermented malt beverages for teaching or research purposes,~~  
16 ~~so long as the fermented malt beverages are not sold or offered for sale~~  
17 ~~and are only tasted by a qualified employee, qualified student, or expert~~  
18 ~~taster. Any unused fermented malt beverage product that is produced by~~  
19 ~~a state institution of higher education in accordance with this section must~~  
20 ~~be removed from a licensed premises at the end of an event if the event~~  
21 ~~is held at a licensed premises located off campus.~~

22 **SECTION 29. Applicability.** This act applies to conduct  
23 occurring on or after the effective date of this act.

24 **SECTION 30. Safety clause.** The general assembly hereby finds,  
25 determines, and declares that this act is necessary for the immediate  
26 preservation of the public peace, health, and safety.