

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

**INTRODUCED**

LLS NO. 21-0003.02 Jery Payne x2157

**SENATE BILL 21-082**

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**SENATE SPONSORSHIP**

**Priola,**

**HOUSE SPONSORSHIP**

**(None),**

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**Senate Committees**

Business, Labor, & Technology

**House Committees**

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**A BILL FOR AN ACT**

101     **CONCERNING AUTHORIZATION FOR CERTAIN ALCOHOL BEVERAGE**  
102             **LICENSE HOLDERS TO HOLD FESTIVALS FOR ALCOHOL**  
103             **BEVERAGE RETAIL ACTIVITY.**

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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>.)*

Under current law, a limited winery or a wine manufacturer may obtain a permit to hold up to 9 wine festivals in 12 months, with each festival lasting no longer than 72 hours. Other limited wineries and wine manufacturers may participate in the wine festival. Wine tastings and retail sales are conducted at a wine festival.

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.

The bill authorizes the following to also hold festivals where they can conduct joint tastings and engage in any retail operations authorized by their licenses or permits:

- A retail liquor store licensee;
- A beer and wine licensee;
- A hotel and restaurant licensee;
- A tavern licensee;
- A retail gaming tavern licensee;
- A brew pub licensee;
- An arts licensee;
- A vintner's restaurant licensee;
- A distillery pub licensee;
- A winery or limited winery operating a sales room;
- A spirits manufacturer operating a sales room; and
- A beer manufacturer operating a sales room.

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

2           **SECTION 1.** In Colorado Revised Statutes, 44-3-301, **amend**  
3 (3)(a) as follows:

4           **44-3-301. Licensing in general.** (3) (a) Each license issued under  
5 this article 3 and article 4 of this title 44 is separate and distinct. It is  
6 unlawful for any person to exercise any of the privileges granted under  
7 any license other than the license the person holds or for any licensee to  
8 allow any other person to exercise the privileges granted under the  
9 licensee's license, except as provided in section 44-3-402 (3), 44-3-403  
10 (2)(a), 44-3-404, or 44-3-417 (1)(b). A separate license must be issued for  
11 each specific business or business entity and each geographic location,  
12 and in the license the particular alcohol beverages the applicant is  
13 authorized to manufacture or sell must be named and described. For  
14 purposes of this section, a resort complex with common ownership, a  
15 campus liquor complex, a hotel and restaurant licensee with optional  
16 premises, an optional premises licensee for optional premises located on  
17 an outdoor sports and recreational facility, and a ~~wine~~ festival at which

1 more than one licensee participates pursuant to a ~~wine~~ festival permit is  
2 considered a single business and location.

3 **SECTION 2.** In Colorado Revised Statutes, 44-3-404, **amend** (1),  
4 (2), (4) introductory portion, (5), (6), and (7); and **add** (9) as follows:

5 **44-3-404. Festival permit.** (1) (a) A ~~wine~~ PERSON LISTED IN  
6 SUBSECTION (9) OF THIS SECTION MAY FILE A festival permit application  
7 ~~may be filed~~ with the state licensing authority. ~~by any limited winery~~  
8 ~~licensee or by any manufacturer licensee that is licensed to manufacture~~  
9 ~~vinous liquors.~~ The applicant ~~shall~~ MUST:

10 (I) Specify the licensed premises for the first of the ~~wine~~ festivals  
11 to be held; ~~which application shall be filed~~

12 (II) FILE THE APPLICATION at least ten business days before the  
13 festival is to be held; ~~The applicant shall~~ AND

14 (III) Include a twenty-five dollar annual processing fee with the  
15 application filed with the state licensing authority.

16 (b) ~~Such fee shall entitle the permittee to use the wine festival~~  
17 ~~permit for twelve months after the date of issuance, so long as the~~  
18 ~~permittee notifies the state licensing authority and the appropriate local~~  
19 ~~licensing authority of the location of all other wine festivals under this~~  
20 ~~permit at least ten business days before any such festival is to be held. A~~  
21 ~~wine festival permit shall entitle the permittee to hold no more than nine~~  
22 ~~wine festivals during the twelve-month period~~ IF A FESTIVAL PERMITTEE  
23 NOTIFIES THE STATE LICENSING AUTHORITY AND THE APPROPRIATE LOCAL  
24 LICENSING AUTHORITY OF THE LOCATION OF AND DATES OF EACH FESTIVAL  
25 AT LEAST TEN BUSINESS DAYS BEFORE HOLDING THE FESTIVAL, THE  
26 PERMITTEE MAY HOLD UP TO, BUT NO MORE THAN, NINE FESTIVALS DURING  
27 THE TWELVE MONTHS AFTER THE FESTIVAL PERMIT IS ISSUED.

1           (2) ~~The applicant shall be the licensee filing the application, but~~  
2 ~~any wine festival permit that is issued as a result of such application shall~~  
3 ~~be considered to be jointly held by the permittee and the participating~~  
4 ~~limited winery licensees. or manufacturer licensees that are licensed to~~  
5 ~~manufacture vinous liquors~~ THE LICENSEE THAT HOLDS THE FESTIVAL  
6 MUST FILE THE APPLICATION FOR THE PERMIT, BUT OTHER LICENSEES MAY  
7 JOINTLY PARTICIPATE UNDER THE PERMIT ISSUED TO THE LICENSEE THAT  
8 APPLIED FOR THE PERMIT.

9           (4) The state licensing authority may deny a ~~wine~~ festival permit  
10 or supplemental application for any of the following reasons:

11           (5) After the issuance of an initial ~~wine~~ festival permit, all  
12 supplemental applications that are complete and filed in a timely manner  
13 ~~shall be~~ ARE deemed approved unless the state licensing authority  
14 provides the permittee with a notice of denial at least seventy-two hours  
15 prior to the date of the event.

16           (6) The permittee and participating licensees are authorized to use  
17 the licensed premises jointly to conduct ~~wine~~ ALCOHOL BEVERAGE  
18 tastings and ~~sell any vinous liquors manufactured by a Colorado limited~~  
19 ~~winery or manufacturer licensed to manufacture vinous liquors. No wine~~  
20 TO ENGAGE IN THE SAME RETAIL OPERATIONS THAT THE PERMITTEE AND  
21 PARTICIPATING LICENSEES ARE AUTHORIZED TO CONDUCT AT THEIR  
22 LICENSED PREMISES. A festival permit ~~shall~~ DOES NOT authorize the  
23 permittee to use the licensed premises for more than seventy-two hours  
24 for any one ~~wine~~ festival.

25           (7) If a violation of this article 3 occurs during a ~~wine~~ festival and  
26 the licensee responsible for the violation can be identified, the STATE OR  
27 LOCAL LICENSING AUTHORITY MAY CHARGE AND IMPOSE APPROPRIATE

1 PENALTIES ON THE licensee. ~~may be charged and the appropriate penalties~~  
2 ~~shall apply~~. If the responsible party cannot be identified, the state  
3 licensing authority may send a written notice to every licensee identified  
4 on the permit application and may fine each the same dollar amount,  
5 which ~~amount shall~~ FINE MUST not exceed twenty-five dollars per licensee  
6 or two hundred dollars in the aggregate. ~~No~~ A joint fine levied pursuant  
7 to this subsection (7) ~~shall~~ DOES NOT apply to the revocation of the  
8 licensee's license under section 44-3-601.

9 (9) THIS SECTION APPLIES TO:

10 (a) A PERSON LICENSED UNDER SECTION 44-3-409, 44-3-411,  
11 44-3-413, 44-3-414, 44-3-416, 44-3-417, 44-3-419, 44-3-422, OR  
12 44-3-426; AND

13 (b) A PERSON OPERATING A SALES ROOM UNDER SECTION 44-3-402  
14 (2) OR (7), 44-3-403 (2)(e), OR 44-3-407 (1)(b).

15 **SECTION 3.** In Colorado Revised Statutes, 44-5-103, **amend**  
16 (1)(b) as follows:

17 **44-5-103. Grounds for issuance of special permits.** (1) (b) If a  
18 violation of this article 5 or article 3 of this title 44 occurs during a special  
19 event ~~wine~~ festival and the responsible licensee can be identified, ~~such~~  
20 THE STATE OR LOCAL LICENSING AUTHORITY MAY CHARGE AND IMPOSE  
21 APPROPRIATE PENALTIES ON THE licensee. ~~may be charged and the~~  
22 ~~appropriate penalties may apply~~. If the responsible licensee cannot be  
23 identified, the state licensing authority may send written notice to every  
24 licensee identified on the permit applications and may fine each the same  
25 dollar amount. The fine shall not exceed twenty-five dollars per licensee  
26 or two hundred dollars in the aggregate. ~~No~~ A joint fine levied pursuant  
27 to this subsection (1)(b) ~~shall~~ DOES NOT apply to the revocation of a

1 ~~limited wineries~~ LICENSEE'S license under section 44-3-601.

2           **SECTION 4. Act subject to petition - effective date.** This act  
3 takes effect at 12:01 a.m. on the day following the expiration of the  
4 ninety-day period after final adjournment of the general assembly; except  
5 that, if a referendum petition is filed pursuant to section 1 (3) of article V  
6 of the state constitution against this act or an item, section, or part of this  
7 act within such period, then the act, item, section, or part will not take  
8 effect unless approved by the people at the general election to be held in  
9 November 2022 and, in such case, will take effect on the date of the  
10 official declaration of the vote thereon by the governor.