

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

**PREAMENDED**

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

LLS NO. 21-0275.01 Duane Gall x4335

**HOUSE BILL 21-1044**

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**HOUSE SPONSORSHIP**

**Hooton and Larson,**

**SENATE SPONSORSHIP**

**Bridges and Gardner,**

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**House Committees**

Business Affairs & Labor  
Finance  
Appropriations

**Senate Committees**

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**A BILL FOR AN ACT**

101      **CONCERNING ALLOWING A MANUFACTURER OF VINOUS LIQUORS TO**  
102            **MAINTAIN LICENSED PREMISES CONSISTING OF MULTIPLE**  
103            **NONCONTIGUOUS LOCATIONS, AND, IN CONNECTION**  
104            **THEREWITH, MAKING AN APPROPRIATION.**

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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>.)*

The bill allows a winery that holds a manufacturer's or limited winery license to maintain licensed premises comprising up to 5 noncontiguous locations within a 10-mile radius. The department of

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.

revenue must approve an application for the use of a proposed noncontiguous location if the alcohol and tobacco tax and trade bureau of the United States department of the treasury has approved the description and diagram of the premises at that location, subject to proof of compliance with local codes and zoning requirements.

Any additional noncontiguous locations that fall outside the approved boundaries of an entertainment district or a common consumption area are excluded from that district or area, and any noncontiguous location that is to be used as a sales room is subject to individual approval for use as a sales room. Only one sales room may be located at a noncontiguous location.

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

2 **SECTION 1.** In Colorado Revised Statutes, 44-3-103, **amend**  
3 (38) as follows:

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

6 (38) (a) "Premises" means a distinct and definite location, which  
7 may include a building, a part of a building, a room, or any other definite  
8 contiguous area.

9 (b) NOTWITHSTANDING SUBSECTION (38)(a) OF THIS SECTION, FOR  
10 A WINERY AUTHORIZED TO MANUFACTURE VINOUS LIQUORS PURSUANT TO  
11 SECTION 44-3-402 OR 44-3-403, THE LICENSED PREMISES MAY INCLUDE UP  
12 TO **TWO** NONCONTIGUOUS LOCATIONS, ALL OF WHICH ARE USED FOR  
13 MANUFACTURING PURPOSES, WITHIN A RADIUS OF TEN MILES.

14 **SECTION 2.** In Colorado Revised Statutes, 44-3-301, **amend**  
15 (3)(a) and (11)(d); and **add** (2)(c) as follows:

16 **44-3-301. Licensing in general.** (2) (c) THE STATE LICENSING  
17 AUTHORITY SHALL APPROVE THE PROPOSED PREMISES FOR A WINERY  
18 APPLYING PURSUANT TO SECTION 44-3-402 OR 44-3-403, WHICH PREMISES  
19 INCLUDES UP TO **TWO** NONCONTIGUOUS LOCATIONS USED FOR

1 MANUFACTURING VINOUS LIQUORS, OR A MODIFICATION OF THE LICENSED  
2 PREMISES OF A WINERY LICENSED PURSUANT TO SECTION 44-3-402 OR  
3 44-3-403 TO INCLUDE UP TO TWO NONCONTIGUOUS LOCATIONS USED FOR  
4 MANUFACTURING VINOUS LIQUORS IF THE ALCOHOL AND TOBACCO TAX  
5 AND TRADE BUREAU OF THE UNITED STATES DEPARTMENT OF THE  
6 TREASURY HAS APPROVED THE DESCRIPTION AND DIAGRAM OF THE  
7 PROPOSED OR MODIFIED PREMISES. ADDITIONALLY, WITH THE INITIAL  
8 LICENSE APPLICATION THAT INCLUDES NONCONTIGUOUS LOCATIONS  
9 WITHIN THE PROPOSED PREMISES OR A SUBSEQUENT APPLICATION TO  
10 MODIFY THE PREMISES TO INCLUDE NONCONTIGUOUS LOCATIONS, THE  
11 WINERY LICENSEE MUST SUBMIT PROOF FROM THE MUNICIPALITY IN WHICH  
12 THE PREMISES IS LOCATED OF COMPLIANCE WITH ALL APPLICABLE ZONING,  
13 BUILDING, FIRE, AND OTHER REQUIREMENTS FOR OCCUPANCY AND  
14 OPERATION. THE STATE LICENSING AUTHORITY MAY, BY RULE, ESTABLISH  
15 A ONE-TIME APPLICATION FEE AND AN ANNUAL RENEWAL FEE, NEITHER OF  
16 WHICH MAY EXCEED FIVE HUNDRED DOLLARS PER LOCATION, FOR  
17 APPLICATIONS UNDER THIS SUBSECTION (2)(c).

18 (3) (a) (I) Each license issued under this article 3 and article 4 of  
19 this title 44 is separate and distinct. It is unlawful for any person to  
20 exercise any of the privileges granted under any license other than the  
21 license the person holds or for any licensee to allow any other person to  
22 exercise the privileges granted under the licensee's license, except as  
23 provided in section 44-3-402 (3), 44-3-403 (2)(a), 44-3-404, or 44-3-417  
24 (1)(b). A separate license must be issued for each specific business or  
25 business entity and each geographic location, and in the license the  
26 particular alcohol beverages the applicant is authorized to manufacture or  
27 sell must be named and described.

1 (II) For purposes of this section, EACH OF THE FOLLOWING IS  
2 CONSIDERED A SINGLE BUSINESS AND LOCATION:

3 (A) A resort complex with common ownership;

4 (B) A campus liquor complex;

5 (C) A hotel and restaurant licensee with optional premises;

6 (D) An optional premises licensee for optional premises located  
7 on an outdoor sports and recreational facility;

8 (E) A WINERY LICENSED PURSUANT TO SECTION 44-3-402 OR  
9 44-3-403 THAT HAS NONCONTIGUOUS LOCATIONS INCLUDED IN THE  
10 LICENSED PREMISES; and

11 (F) A wine festival at which more than one licensee participates  
12 pursuant to a wine festival permit. ~~is considered a single business and~~  
13 ~~location.~~

14 (11) (d) A person shall not attach a premises licensed under this  
15 article 3 to a common consumption area unless authorized by the local  
16 licensing authority. ANY NONCONTIGUOUS LOCATION INCLUDED IN THE  
17 LICENSED PREMISES OF A WINERY LICENSED PURSUANT TO SECTION  
18 44-3-402 OR 44-3-403 THAT FALLS OUTSIDE THE APPROVED BOUNDARIES  
19 OF AN ENTERTAINMENT DISTRICT OR A COMMON CONSUMPTION AREA  
20 AUTHORIZED PURSUANT TO THIS SUBSECTION (11) SHALL NOT BE  
21 INCLUDED AS PART OF A CERTIFIED PROMOTIONAL ASSOCIATION OR  
22 ENTERTAINMENT DISTRICT EVEN THOUGH THE LICENSED PREMISES OF  
23 THAT WINERY IS WITHIN THE ENTERTAINMENT DISTRICT.

24 **SECTION 3.** In Colorado Revised Statutes, 44-3-402, **amend**  
25 (2)(a) as follows:

26 **44-3-402. Manufacturer's license.** (2) (a) A winery licensed  
27 pursuant to this section may conduct tastings and sell vinous liquors of its

1 own manufacture, as well as other vinous liquors manufactured by other  
2 Colorado wineries licensed pursuant to this section or section 44-3-403,  
3 on the licensed premises of the winery and at one other approved sales  
4 room location at no additional cost, whether included in the license at the  
5 time of the original license issuance or by supplemental application. IF  
6 THE LICENSED PREMISES INCLUDES MULTIPLE NONCONTIGUOUS  
7 LOCATIONS, THE WINERY MAY OPERATE A SALES ROOM ON ONLY ONE OF  
8 THOSE NONCONTIGUOUS LOCATIONS. ANY ADDITIONAL SALES ROOM  
9 OPERATED ON A NONCONTIGUOUS LOCATION OF THE LICENSED PREMISES  
10 MUST BE APPROVED IN ACCORDANCE WITH THE PROCESS OUTLINED IN  
11 SUBSECTION (2)(c) OF THIS SECTION.

12 **SECTION 4.** In Colorado Revised Statutes, 44-3-403, **amend**  
13 (2)(e)(I)(A) as follows:

14 **44-3-403. Limited winery license - rules.** (2) A limited winery  
15 licensee is authorized:

16 (e) (I) (A) Except as provided in subsection (2)(e)(I)(B) of this  
17 section and subject to subsection (2)(e)(II) of this section, to conduct  
18 tastings and sell vinous liquors of its own manufacture, as well as vinous  
19 liquors manufactured by other Colorado wineries, on the licensed  
20 premises of the limited winery and up to five other approved sales room  
21 locations, whether included in the license at the time of the original  
22 license issuance or by supplemental application. IF THE LICENSED  
23 PREMISES INCLUDES MULTIPLE NONCONTIGUOUS LOCATIONS, THE  
24 LICENSEE MAY OPERATE A SALES ROOM ON ONLY ONE OF THOSE  
25 NONCONTIGUOUS LOCATIONS. ANY ADDITIONAL SALES ROOM OPERATED  
26 ON A NONCONTIGUOUS LOCATION OF THE LICENSED PREMISES MUST BE  
27 APPROVED AS ONE OF THE LICENSEE'S ADDITIONAL SALES ROOMS ALLOWED

1 UNDER THIS SUBSECTION (2)(e)(I)(A) IN ACCORDANCE WITH THE PROCESS  
2 OUTLINED IN SUBSECTION (2)(e)(II) OF THIS SECTION.

3 **SECTION 5. Appropriation.** (1) For the 2021-22 state fiscal  
4 year, \$13,247 is appropriated to the department of revenue for use by the  
5 liquor and tobacco enforcement division. This appropriation is from the  
6 liquor enforcement division and state licensing authority cash fund  
7 created in section 44-6-101, C.R.S. To implement this act, the division  
8 may use this appropriation as follows:

9 (a) \$8,747 for personal services, which amount is based on an  
10 assumption that the division will require an additional 0.2 FTE; and

11 (b) \$4,500 for operating expenses.

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