

**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

HOUSE SPONSORSHIP

Hooton and Larson,

SENATE SPONSORSHIP

Bridges,

House Committees

Business Affairs & Labor
Finance

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING ALLOWING A MANUFACTURER OF VINOUS LIQUORS TO**
102 **MAINTAIN LICENSED PREMISES CONSISTING OF MULTIPLE**
103 **NONCONTIGUOUS LOCATIONS.**

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 revenue must approve an application for the use of a proposed noncontiguous location if the alcohol and tobacco tax and trade bureau 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.

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.

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
20 MANUFACTURING VINOUS LIQUORS, OR A MODIFICATION OF THE LICENSED

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

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

27 (II) For purposes of this section, EACH OF THE FOLLOWING IS

1 CONSIDERED A SINGLE BUSINESS AND LOCATION:

2 (A) A resort complex with common ownership;

3 (B) A campus liquor complex;

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

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

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

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

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

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

25 **44-3-402. Manufacturer's license.** (2) (a) A winery licensed
26 pursuant to this section may conduct tastings and sell vinous liquors of its
27 own manufacture, as well as other vinous liquors manufactured by other

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

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

13 **44-3-403. Limited winery license - rules.** (2) A limited winery
14 licensee is authorized:

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

1 OUTLINED IN SUBSECTION (2)(e)(II) OF THIS SECTION.

2 **SECTION 5. 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.