

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 22-0510.01 Jery Payne x2157

SENATE BILL 22-033

SENATE SPONSORSHIP

Priola,

HOUSE SPONSORSHIP

Cutter,

Senate Committees

Business, Labor, & Technology

House Committees

A BILL FOR AN ACT

101 CONCERNING THE EXCLUSION OF REVENUES FROM THE SALE OF
102 CERTAIN FOODS FROM THE CALCULATION OF TOTAL ANNUAL
103 GROSS SALES REVENUES FOR PURPOSES OF THE LIMIT ON THE
104 AMOUNT OF NONALCOHOL ITEMS A RETAIL LIQUOR STORE MAY
105 SELL.

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>.)

Current law limits, with some exceptions, the amount of nonalcohol products a retail liquor store may sell by limiting the amount

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.

of annual gross revenues derived from the sale of nonalcohol products to 20% of the store's total annual gross sales revenues. The bill adds fruit, vegetables, nuts, and meat, if not substantially modified, to the list of items a retail liquor store may sell without including the sales revenues from those products in the calculation of the 20% limit. These food items may be cut, canned, dried, frozen, shelled, or packaged.

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

2 **SECTION 1.** In Colorado Revised Statutes, 44-3-409, **amend**
3 (1)(b)(III); and **add** (1)(b)(V) and (1)(b)(VI) as follows:

4 **44-3-409. Retail liquor store license - rules.** (1) (b) In addition,
5 retail liquor stores may sell any nonalcohol products, but only if the
6 annual gross revenues from the sale of nonalcohol products do not exceed
7 twenty percent of the retail liquor store's total annual gross sales revenues.
8 For purposes of calculating the annual gross revenues from the sale of
9 nonalcohol products, sales revenues from the following products are
10 excluded:

11 (III) Ice, soft drinks, and mixers; **and**

12 (V) FRUIT, VEGETABLES, AND NUTS IF THE FRUIT, VEGETABLES, OR
13 NUTS HAVE NOT BEEN SUBSTANTIALLY MODIFIED FROM THE FORM THEY
14 HAD WHEN GROWN; EXCEPT THAT THE FRUIT, VEGETABLES, OR NUTS MAY
15 BE CUT, CANNED, DRIED, FROZEN, SHELLLED, OR PACKAGED; AND

16 (VI) MEAT THAT HAS NOT BEEN SUBSTANTIALLY MODIFIED FROM
17 THE FORM IT HAD WHEN CUT OUT OF AN ANIMAL; EXCEPT THAT THE MEAT
18 MAY BE CUT, CANNED, DRIED, COOKED, FROZEN, OR PACKAGED.

19 **SECTION 2. Act subject to petition - effective date -**
20 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
21 the expiration of the ninety-day period after final adjournment of the
22 general assembly; except that, if a referendum petition is filed pursuant

1 to section 1 (3) of article V of the state constitution against this act or an
2 item, section, or part of this act within such period, then the act, item,
3 section, or part will not take effect unless approved by the people at the
4 general election to be held in November 2022 and, in such case, will take
5 effect on the date of the official declaration of the vote thereon by the
6 governor.

7 (2) This act applies to sales made on or after the applicable
8 effective date of this act.