

**Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

PREAMENDED

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

LLS NO. 24-1045.01 Yelana Love x2295

HOUSE BILL 24-1373

HOUSE SPONSORSHIP

Amabile and Ricks, McCluskie, Clifford, Snyder, Mabrey, Mauro, McLachlan

SENATE SPONSORSHIP

Roberts and Will,

House Committees

Business Affairs & Labor
Finance
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING PERSONS LICENSED TO SELL ALCOHOL BEVERAGES, AND,**
102 **IN CONNECTION THEREWITH, CONVERTING CERTAIN**
103 **LIQUOR-LICENSED DRUGSTORE LICENSES TO FERMENTED MALT**
104 **BEVERAGE AND WINE RETAILER LICENSES, UPDATING THE**
105 **REQUIREMENTS FOR WHOLESALERS, REMOVING THE CAP ON THE**
106 **AMOUNT OF ALCOHOL BEVERAGES A RETAILER CAN PURCHASE**
107 **FROM RETAIL LIQUOR STORES, PROHIBITING A FERMENTED**
108 **MALT BEVERAGE AND WINE RETAILER FROM DISPLAYING**
109 **ALCOHOL BEVERAGES IN CERTAIN LOCATIONS ON THE**
110 **RETAILER'S SALES FLOOR, EXPANDING CERTAIN LICENSEES'**
111 **ABILITY TO DELIVER ALCOHOL TO CERTAIN OTHER LICENSEES,**
112 **PROHIBITING A FERMENTED MALT BEVERAGE AND WINE**
113 **RETAILER FROM SELLING WINE WITH GREATER THAN**

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

101 **TWENTY-ONE PERCENT ALCOHOL BY VOLUME OR FERMENTED**
102 **MALT BEVERAGES WITH GREATER THAN FOURTEEN PERCENT**
103 **ALCOHOL BY VOLUME AND MAKING AN APPROPRIATION.**

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>.)

Sections 1 and 2 of the bill eliminate the liquor-licensed drugstore license, effective January 1, 2025. All active liquor-licensed drugstore licenses will convert to a fermented malt beverage and wine retailer license on that date; except that a licensee with a single location may choose to convert the liquor-licensed drugstore license to a retail liquor store license. **Sections 18 through 29** make conforming amendments to account for the removal of the liquor-licensed drugstore license.

Sections 3 and 4 require fermented malt beverage and wine retailers to display alcohol beverages for sale in a single location on the licensed premises and prohibit fermented malt beverage and wine retailers from selling alcohol beverages with greater than 14% alcohol by volume.

Sections 5 and 6 expand on a wholesaler's duty not to discriminate when selling products to retailers and allows the state licensing authority to recover the cost of enforcing the anti-discrimination laws from a person found in violation of the anti-discrimination laws.

Current law limits the amount of alcohol beverages certain retailers can purchase from retail liquor stores, liquor-licensed drugstores, and fermented malt beverage and wine retailers. **Sections 7 through 17** remove the cap as it applies to retail liquor stores.

For the delivery of alcohol beverages:

- **Section 4** prohibits fermented malt beverage and wine retailers from delivering alcohol beverages to another person licensed to sell alcohol beverages; and
- **Section 24** removes the prohibition on a retail liquor store delivering alcohol beverages to another retail liquor store.

Section 18 allows automated teller machine (ATM) cards associated with public assistance programs to be used at ATMs in grocery stores.

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 (26); and **add** (21.5) 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 (21.5) "INDEPENDENT PHARMACY" HAS THE SAME MEANING AS IN
7 SECTION 25-4-2404 (1)(a).

8 (26) "Liquor-licensed drugstore" means any ~~drugstore~~
9 INDEPENDENT PHARMACY licensed by the state board of pharmacy that has
10 also applied for and has been granted a license by the state licensing
11 authority to sell malt, vinous, and spirituous liquors in original sealed
12 containers for consumption off the premises.

13 **SECTION 2.** In Colorado Revised Statutes, 44-3-410, **amend**
14 (1)(a)(I), (2)(a)(I), and (2)(b); **repeal** (1)(b), (4)(b)(IV), (4)(b)(V), (4)(c),
15 and (7); and **add** (8) as follows:

16 **44-3-410. Liquor-licensed drugstore license - multiple licenses**
17 **permitted - requirements - rules.** (1) (a) (I) A liquor-licensed drugstore
18 license shall be issued to persons selling malt, vinous, and spirituous
19 liquors in sealed containers not to be consumed at the place where sold.
20 ~~On and after July 1, 2016, except as permitted under subsection (1)(b) of~~
21 ~~this section, JANUARY 1, 2025, the state and local licensing authorities~~
22 ~~shall not issue a ANY new liquor-licensed drugstore license if the licensed~~
23 ~~premises for which a liquor-licensed drugstore license is sought is~~
24 ~~located:~~ LICENSES.

25 ~~(A) Within one thousand five hundred feet of a retail liquor store~~
26 ~~licensed under section 44-3-409;~~

1 ~~(B) For a drugstore premises located in a municipality with a~~
2 ~~population of ten thousand or fewer, within three thousand feet of a retail~~
3 ~~liquor store licensed under section 44-3-409; or~~

4 ~~(C) For a drugstore premises located in a municipality with a~~
5 ~~population of ten thousand or fewer that is contiguous to the city and~~
6 ~~county of Denver, within one thousand five hundred feet of a retail liquor~~
7 ~~store licensed under section 44-3-409.~~

8 ~~(b) (f) On or after January 1, 2017, to qualify for an additional~~
9 ~~liquor-licensed drugstore license under this section, a liquor-licensed~~
10 ~~drugstore licensee, or a retail liquor store licensee that was licensed as a~~
11 ~~liquor-licensed drugstore on February 21, 2016, must apply to the state~~
12 ~~and local licensing authorities, as part of a single application, for a~~
13 ~~transfer of ownership of at least two licensed retail liquor stores that were~~
14 ~~licensed or had applied for a license on or before May 1, 2016, a change~~
15 ~~of location of one of the retail liquor stores, and a merger and conversion~~
16 ~~of the retail liquor store licenses into a single liquor-licensed drugstore~~
17 ~~license. The applicant may apply for a transfer, change of location, and~~
18 ~~merger and conversion only if all of the following requirements are met:~~

19 ~~(A) The retail liquor stores that are the subject of the transfer of~~
20 ~~ownership are located within the same local licensing authority~~
21 ~~jurisdiction as the drugstore premises for which the applicant is seeking~~
22 ~~a liquor-licensed drugstore license, and, if any retail liquor stores are~~
23 ~~located within one thousand five hundred feet of the drugstore premises~~
24 ~~or, for a drugstore premises located in a municipality with a population~~
25 ~~of ten thousand or fewer, within three thousand feet of the drugstore~~
26 ~~premises, the applicant applies to transfer ownership of all retail liquor~~
27 ~~stores located within that distance. If there are no licensed retail liquor~~

1 ~~stores or only one licensed retail liquor store within the same local~~
2 ~~licensing authority jurisdiction as the drugstore premises for which a~~
3 ~~liquor-licensed drugstore license is sought, the applicant shall apply to~~
4 ~~transfer ownership of one or two retail liquor stores, as necessary, that are~~
5 ~~located in the local licensing authority jurisdiction that is nearest to the~~
6 ~~jurisdiction in which the drugstore premises is located.~~

7 (B) ~~Upon transfer and conversion of the retail liquor store licenses~~
8 ~~to a single liquor-licensed drugstore license, the drugstore premises for~~
9 ~~which the liquor-licensed drugstore license is sought will be located at~~
10 ~~least one thousand five hundred feet from all licensed retail liquor stores~~
11 ~~that are within the same local licensing authority jurisdiction as the~~
12 ~~drugstore premises or, for a drugstore premises located in a municipality~~
13 ~~with a population of ten thousand or fewer, at least three thousand feet~~
14 ~~from all licensed retail liquor stores that are within the same local~~
15 ~~licensing authority jurisdiction as the drugstore premises.~~

16 (H) ~~For purposes of determining whether the distance~~
17 ~~requirements specified in subsection (1)(b)(I) of this section are satisfied,~~
18 ~~the distance shall be determined by a radius measurement that begins at~~
19 ~~the principal doorway of the drugstore premises for which the application~~
20 ~~is made and ends at the principal doorway of the licensed retail liquor~~
21 ~~store.~~

22 (III) ~~In making its determination on the transfer of ownership,~~
23 ~~change of location, and license merger and conversion application, the~~
24 ~~local licensing authority shall consider the reasonable requirements of the~~
25 ~~neighborhood and the desires of the adult inhabitants in accordance with~~
26 ~~section 44-3-312.~~

27 (IV) ~~In addition to any other requirements for licensure under this~~

1 ~~section or this article 3, a person applying for a new liquor-licensed~~
2 ~~drugstore license in accordance with this subsection (1)(b) on or after~~
3 ~~January 1, 2017, or to renew a liquor-licensed drugstore license issued on~~
4 ~~or after January 1, 2017, under this subsection (1)(b) must:~~

5 ~~(A) Provide evidence to the state and local licensing authorities~~
6 ~~that at least twenty percent of the licensee's gross annual income derived~~
7 ~~from total sales during the prior twelve months at the drugstore premises~~
8 ~~for which a new or renewal licenses is sought is from the sale of food~~
9 ~~items, as defined by the state licensing authority by rule; and~~

10 ~~(B) Make and keep its premises open to the public.~~

11 (2) (a) A person licensed under this section to sell malt, vinous,
12 and spirituous liquors as provided in this section shall:

13 (I) Purchase malt, vinous, and spirituous liquors only from a
14 wholesaler licensed under this article 3 OR FROM A RETAILER LICENSED
15 PURSUANT TO SECTION 44-3-409;

16 (b) A person licensed under this section on or after January 1,
17 2017, shall not purchase malt, vinous, or spirituous liquors from a
18 wholesaler OR RETAILER on credit and shall effect payment upon delivery
19 of the alcohol beverages.

20 (4) (b) An owner, part owner, shareholder, or person interested
21 directly or indirectly in a liquor-licensed drugstore may have an interest
22 in:

23 (IV) For a liquor-licensed drugstore licensed on or before January
24 1, 2016, or a liquor-licensed drugstore licensee that was licensed as a
25 liquor-licensed drugstore on February 21, 2016, that converted its license
26 to a retail liquor store license after February 21, 2016, and that applied on
27 or before May 1, 2017, to convert its retail liquor store license back to a

1 ~~liquor-licensed drugstore license, additional liquor-licensed drugstore~~
2 ~~licenses as follows, but only if obtained in accordance with subsection~~
3 ~~(1)(b) of this section:~~

4 ~~(A) On or after January 1, 2017, and before January 1, 2022, four~~
5 ~~additional liquor-licensed drugstore licenses, for a maximum of five total~~
6 ~~liquor-licensed drugstore licenses;~~

7 ~~(B) On or after January 1, 2022, and before January 1, 2027, up~~
8 ~~to seven additional liquor-licensed drugstore licenses, for a maximum of~~
9 ~~eight total liquor-licensed drugstore licenses;~~

10 ~~(C) On or after January 1, 2027, and before January 1, 2032, up~~
11 ~~to twelve additional liquor-licensed drugstore licenses, for a maximum of~~
12 ~~thirteen total liquor-licensed drugstore licenses;~~

13 ~~(D) On or after January 1, 2032, and before January 1, 2037, up~~
14 ~~to nineteen additional liquor-licensed drugstore licenses, for a maximum~~
15 ~~of twenty total liquor-licensed drugstore licenses; and~~

16 ~~(E) On or after January 1, 2037, an unlimited number of additional~~
17 ~~liquor-licensed drugstore licenses.~~

18 ~~(V) For a liquor-licensed drugstore that submitted an application~~
19 ~~for a new liquor-licensed drugstore license before October 1, 2016,~~
20 ~~additional liquor-licensed drugstore licenses as follows, but only if~~
21 ~~obtained in accordance with subsection (1)(b) of this section:~~

22 ~~(A) On or after January 1, 2019, and before January 1, 2022, four~~
23 ~~additional liquor-licensed drugstore licenses, for a maximum of five total~~
24 ~~liquor-licensed drugstore licenses;~~

25 ~~(B) On or after January 1, 2022, and before January 1, 2027, up~~
26 ~~to seven additional liquor-licensed drugstore licenses, for a maximum of~~
27 ~~eight total liquor-licensed drugstore licenses;~~

1 ~~(C) On or after January 1, 2027, and before January 1, 2032, up~~
2 ~~to twelve additional liquor-licensed drugstore licenses, for a maximum of~~
3 ~~thirteen total liquor-licensed drugstore licenses;~~

4 ~~(D) On or after January 1, 2032, and before January 1, 2037, up~~
5 ~~to nineteen additional liquor-licensed drugstore licenses, for a maximum~~
6 ~~of twenty total liquor-licensed drugstore licenses; and~~

7 ~~(E) On or after January 1, 2037, an unlimited number of additional~~
8 ~~liquor-licensed drugstore licenses.~~

9 ~~(c) Subsection (4)(b)(V) of this section does not apply to a~~
10 ~~liquor-licensed drugstore licensee that was licensed as a liquor-licensed~~
11 ~~drugstore on February 21, 2016, that converted its license to a retail liquor~~
12 ~~store license after February 21, 2016, and that applied on or before May~~
13 ~~1, 2017, to convert its retail liquor store license back to a liquor-licensed~~
14 ~~drugstore license.~~

15 ~~(7) A person licensed under this section that obtains additional~~
16 ~~liquor-licensed drugstore licenses in accordance with subsection~~
17 ~~(4)(b)(IV) or (4)(b)(V) of this section may operate under a single or~~
18 ~~consolidated corporate entity but shall not commingle purchases of or~~
19 ~~credit extensions for purchases of malt, vinous, or spirituous liquors from~~
20 ~~a wholesaler licensed under this article 3 for more than one licensed~~
21 ~~premises. A wholesaler licensed under this article 3 shall not base the~~
22 ~~price for the malt, vinous, or spirituous liquors it sells to a liquor-licensed~~
23 ~~drugstore licensed under this section on the total volume of malt, vinous,~~
24 ~~or spirituous liquors that the licensee purchases for multiple licensed~~
25 ~~premises.~~

26 ~~(8) ON AND AFTER ONE YEAR AFTER THE EFFECTIVE DATE OF THIS~~
27 ~~SECTION, AS AMENDED, THE STATE OR LOCAL LICENSING AUTHORITY~~

1 SHALL NOT ISSUE ANY NEW LIQUOR-LICENSED DRUGSTORE LICENSES. ON
2 AND AFTER ONE YEAR AFTER THE EFFECTIVE DATE OF THIS SECTION, AS
3 AMENDED, THE STATE OR LOCAL LICENSING AUTHORITY MAY RENEW A
4 LIQUOR-LICENSED DRUGSTORE LICENSE ONLY IF THE LICENSEE IS AN
5 INDEPENDENT PHARMACY.

6 (b) THE STATE AND LOCAL LICENSING AUTHORITIES SHALL TREAT
7 ANY PENDING APPLICATION FOR A LIQUOR-LICENSED DRUGSTORE LICENSE
8 OR RENEWAL LICENSE BY A DRUGSTORE THAT IS NOT AN INDEPENDENT
9 PHARMACY AS AN APPLICATION FOR A FERMENTED MALT BEVERAGE AND
10 WINE RETAILER LICENSE OR RENEWAL LICENSE FOR CONSUMPTION OFF THE
11 LICENSED PREMISES ISSUED PURSUANT TO SECTION 44-4-104 (1)(c).

12 (c) ONE YEAR AFTER THE EFFECTIVE DATE OF THIS SECTION, AS
13 AMENDED, EVERY LIQUOR-LICENSED DRUGSTORE LICENSE THAT WAS IN
14 EFFECT ON ONE DAY PRIOR TO ONE YEAR AFTER THE EFFECTIVE DATE OF
15 THIS SECTION, AS AMENDED, AND THAT WAS ISSUED TO A LICENSEE THAT
16 WAS NOT AN INDEPENDENT PHARMACY, AUTOMATICALLY CONVERTS TO A
17 FERMENTED MALT BEVERAGE AND WINE RETAILER LICENSE FOR
18 CONSUMPTION OFF THE LICENSED PREMISES ISSUED PURSUANT TO SECTION
19 44-4-104 (1)(c).

20
21 (d) THE CONVERSION OF A LICENSE ISSUED UNDER THIS SECTION TO
22 A LICENSE ISSUED UNDER SECTION 44-3-409 OR 44-4-104 (1)(c) PURSUANT
23 TO THIS SUBSECTION (8) IS A CONTINUATION OF THE PRIOR LICENSE AND
24 DOES NOT AFFECT:

25 (I) ANY PRIOR DISCIPLINE, LIMITATION, OR CONDITION IMPOSED BY
26 THE STATE LICENSING AUTHORITY ON A LICENSEE;

27 (II) THE DEADLINE FOR RENEWAL OF A LICENSE; OR

1 (III) ANY PENDING OR FUTURE INVESTIGATION OR
2 ADMINISTRATIVE PROCEEDING.

3

4 **SECTION 3.** In Colorado Revised Statutes, 44-4-104, **add (5),**
5 **(6), and (7)** as follows:

6 **44-4-104. Licenses - state license fees - requirements -**
7 **limitations - definition.** (5) A PERSON LICENSED TO SELL FERMENTED
8 MALT BEVERAGES AND WINE UNDER SUBSECTION (1)(c) OF THIS SECTION
9 SHALL NOT PLACE ANY TEMPORARY DISPLAYS OF ALCOHOL BEVERAGES:

10 (a) IMMEDIATELY ADJACENT TO NONALCOHOLIC SOFT DRINKS,
11 FRUIT JUICES, BOTTLED WATER, CANDY, OR TOYS;

12 (b) NEAR AN ENTRY OR EXIT OF THE LICENSED PREMISES; OR

13 (c) OUTSIDE OF THE AREA APPROVED BY THE LOCAL LICENSING
14 AUTHORITY FOR THE DISPLAY OF ALCOHOL BEVERAGES.

15 (6) A PERSON LICENSED PURSUANT TO SUBSECTION (1)(c) OF THIS
16 SECTION SHALL NOT SELL:

17 (a) A FERMENTED MALT BEVERAGE THAT IS GREATER THAN
18 FOURTEEN PERCENT ALCOHOL BY VOLUME; OR

19 (b) WINE THAT IS GREATER THAN TWENTY-ONE PERCENT ALCOHOL
20 BY VOLUME.

21 (7) EXCEPT AS PROVIDED IN SECTION 44-3-407 (5), A PERSON
22 LICENSED PURSUANT TO SUBSECTION (1)(c) OF THIS SECTION SHALL
23 ENSURE THAT ALL WORK PERFORMED ON THE LICENSED PREMISES IN
24 CONNECTION WITH THE HANDLING, SALE, AND DELIVERY OF FERMENTED
25 MALT BEVERAGES AND WINE IS PERFORMED BY AN EMPLOYEE OF THE
26 LICENSEE.

27 **SECTION 4.** In Colorado Revised Statutes, 44-4-107, **amend**

1 (6)(a)(I); and **add** (8) and (9) as follows:

2 **44-4-107. Local licensing authority - application - fees -**
3 **definitions - rules.** (6) (a) A person licensed under subsection (1)(a) of
4 this section who complies with this subsection (6) and rules promulgated
5 under this subsection (6) may deliver fermented malt beverages and wine
6 in sealed containers to a person of legal age if:

7 (I) The person receiving the delivery of fermented malt beverages
8 or wine is located at a place that is not licensed pursuant to ~~this section~~
9 ARTICLE 3 OF THIS TITLE 44 OR THIS ARTICLE 4;

10 (8) A PERSON LICENSED PURSUANT TO SUBSECTION (1)(a) OF THIS
11 SECTION SHALL NOT PLACE ANY TEMPORARY DISPLAYS OF ALCOHOL
12 BEVERAGES:

13 (a) IMMEDIATELY ADJACENT TO NONALCOHOLIC SOFT DRINKS,
14 FRUIT JUICES, BOTTLED WATER, CANDY, OR TOYS;

15 (b) NEAR AN ENTRY OR EXIT OF THE LICENSED PREMISES; OR

16 (c) OUTSIDE OF THE AREA APPROVED BY THE LOCAL LICENSING
17 AUTHORITY FOR THE DISPLAY OF ALCOHOL BEVERAGES.

18 (9) A PERSON LICENSED PURSUANT TO SUBSECTION (1)(a) OF THIS
19 SECTION SHALL NOT SELL:

20 (a) A FERMENTED MALT BEVERAGE THAT IS GREATER THAN
21 FOURTEEN PERCENT ALCOHOL BY VOLUME; OR

22 (b) WINE THAT IS GREATER THAN TWENTY-ONE PERCENT ALCOHOL
23 BY VOLUME.

24 **SECTION 5.** In Colorado Revised Statutes, 44-3-407, **amend** (4);
25 and **add** (5) as follows:

26 **44-3-407. Wholesaler's license - prohibitions - discrimination**
27 **in wholesale sales - legislative intent - labor - enforcement.** (4) (a) A

1 wholesaler shall make available to all retailers licensed pursuant to this
2 article 3 and article 4 of this title 44 in this state without discrimination
3 all malt, vinous, and spirituous liquors offered by the wholesaler for sale
4 at wholesale. A wholesaler shall use its best efforts to make available to
5 licensed retailers each brand of alcohol beverage that the wholesaler has
6 been authorized to distribute. A WHOLESALER MAY OFFER VARIABLE
7 PRICING BASED ON QUANTITIES ORDERED BY A LICENSED RETAILER ON A
8 PER-LICENSED-LOCATION BASIS, INCLUDING MULTIPLE CASE DISCOUNTS.
9 A WHOLESALER SHALL NOT OTHERWISE OFFER MORE FAVORABLE PRICING
10 TO ANY LICENSED RETAILER THAT IS NOT ALSO OFFERED TO EVERY RETAIL
11 LIQUOR STORE LICENSEE. A WHOLESALER SHALL NOT OFFER MORE
12 FAVORABLE PRODUCT AVAILABILITY; RELEVANT INFORMATION
13 REGARDING PRODUCTS THE WHOLESALER OFFERS FOR SALE, INCLUDING
14 VINTAGES AND QUANTITIES ON HAND; DEAL QUANTITIES, FEE STRUCTURES,
15 DISCOUNTS, REBATES, CREDITS, OR ACCESS TO SUPPLIER COUPONS; OR
16 OTHER TERMS OR CONDITIONS OF SALE TO A LICENSED RETAILER THAT ARE
17 NOT ALSO OFFERED TO EVERY RETAIL LIQUOR STORE LICENSEE.

18 (b) (I) Nothing in this section prohibits a wholesaler from
19 establishing reasonable allocation procedures when the anticipated
20 demand for a product is greater than the supply of the product PURSUANT
21 TO THIS SUBSECTION (4)(b).

22 (II) A WHOLESALER SHALL USE REASONABLE, GOOD FAITH,
23 NONDISCRIMINATORY JUDGMENT IN ALLOCATING A LIMITED SUPPLY OF A
24 PRODUCT AMONG THE LICENSED RETAILERS DESIRING TO PURCHASE THE
25 PRODUCT. IN DETERMINING HOW TO ALLOCATE THE PRODUCT, A
26 WHOLESALER MAY TAKE INTO ACCOUNT THE ANNUAL PURCHASE VOLUME
27 OF LICENSED RETAILERS ON A PER-LICENSED-LOCATION BASIS BUT SHALL

1 NOT AGGREGATE THE PURCHASES OF MULTIPLE LOCATIONS LICENSED TO
2 SELL AT RETAIL FOR CONSUMPTION OFF THE LICENSED PREMISES, WHICH
3 LICENSES ARE HELD BY THE SAME OR A RELATED GROUP OF PERSONS.

4 (III) A WHOLESALER SHALL USE REASONABLE, GOOD FAITH
5 EFFORTS TO ACQUIRE FROM ITS SUPPLIERS AS MUCH OF THE PRODUCT IN
6 QUESTION AS NECESSARY TO SUPPLY FERMENTED MALT BEVERAGE AND
7 WINE RETAILERS AND RETAIL LIQUOR STORE LICENSEES DESIRING TO
8 PURCHASE SUCH PRODUCT IN THE AMOUNTS REQUESTED.

9 (IV) A WHOLESALER SHALL NOT INTENTIONALLY LIMIT ITS SUPPLY
10 OR THE AVAILABILITY OF ANY PRODUCT FOR THE PURPOSE OF OR WITH THE
11 RESULT OF A DISCRIMINATORY AMOUNT OF THAT PRODUCT BEING
12 ALLOCATED TO A PARTICULAR RETAILER OR RETAILERS.

13 (c) THE INTENT OF THIS SUBSECTION (4) IS TO:

14 (I) ENSURE THAT RETAILERS LICENSED TO SELL FOR CONSUMPTION
15 OFF THE LICENSED PREMISES WITH MULTIPLE LICENSEES AND MULTIPLE
16 LOCATIONS DO NOT RECEIVE ANY PREFERENTIAL TREATMENT OVER
17 INDEPENDENT, SINGLE LOCATION RETAILERS; AND

18 (II) PROHIBIT A RETAILER LICENSED TO SELL FOR CONSUMPTION
19 OFF THE LICENSED PREMISES FROM MAINTAINING CERTAIN PRODUCTS AS
20 "PRIVATE LABELS" AVAILABLE ONLY AT THE RETAILER'S LOCATION.

21 (d) THE STATE LICENSING AUTHORITY MAY RECOVER THE COST OF
22 ENFORCING THIS SUBSECTION (4) FROM A PERSON FOUND IN VIOLATION OF
23 THIS SUBSECTION (4). MONEY COLLECTED PURSUANT TO THIS SUBSECTION
24 (4)(d) SHALL BE DEPOSITED IN THE LIQUOR ENFORCEMENT DIVISION AND
25 STATE LICENSING AUTHORITY CASH FUND CREATED IN SECTION 44-6-101.

26 (5) A WHOLESALER SHALL NOT PROVIDE ANY LABOR TO OR FOR
27 THE BENEFIT OF A PERSON LICENSED TO SELL FERMENTED MALT

1 BEVERAGES AND WINE PURSUANT TO SECTION 44-4-104 (1)(c) ON THE
2 PERSON'S LICENSED PREMISES BEYOND THE DELIVERY OF PRODUCT FROM
3 THE WHOLESALER'S DELIVERY VEHICLE TO THE NEAREST LOCATION INSIDE
4 THE LICENSED PREMISES THAT DOES NOT BLOCK INGRESS TO OR EGRESS
5 FROM THE LICENSED PREMISES.

6 **SECTION 6.** In Colorado Revised Statutes, **amend** 44-6-101 as
7 follows:

8 **44-6-101. Liquor enforcement division and state licensing**
9 **authority cash fund.** There is hereby created in the state treasury the
10 liquor enforcement division and state licensing authority cash fund. The
11 fund consists of money transferred in accordance with sections **44-3-407**
12 **(4)(d)**, 44-3-502 (1), 44-4-105 (2), and 44-7-104.5 (6). The general
13 assembly shall make annual appropriations from the fund for a portion of
14 the direct and indirect costs of the liquor enforcement division and the
15 state licensing authority in the administration and enforcement of articles
16 3 to 5 and 7 of this title 44. Any money remaining in the fund at the end
17 of each STATE fiscal year remains in the fund and does not revert to the
18 general fund or any other fund. The fund shall be maintained in
19 accordance with section 24-75-402.

20 **SECTION 7.** In Colorado Revised Statutes, 44-3-411, **amend** (2)
21 as follows:

22 **44-3-411. Beer and wine license.** (2) (a) Every person selling
23 malt and vinous liquors as provided in this section shall purchase THE
24 malt and vinous liquors only from a wholesaler licensed pursuant to this
25 article 3 OR FROM A RETAILER LICENSED PURSUANT TO SECTION 44-3-409;
26 except that, during a calendar year, ~~any~~ A person selling malt and vinous
27 liquors as provided in this section may purchase not more than two

1 thousand dollars' worth of malt and vinous liquors from retailers licensed
2 pursuant to sections ~~44-3-409~~, 44-3-410 and 44-4-104 (1)(c).

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

11 

12 **SECTION 8.** In Colorado Revised Statutes, 44-3-413, **amend** (7)
13 as follows:

14 **44-3-413. Hotel and restaurant license - definitions - rules.**

15 (7) (a) Except as provided in subsection (7)(b) of this section, every
16 person selling alcohol beverages as provided in this section shall purchase
17 THE alcohol beverages only from a wholesaler licensed pursuant to this
18 article 3 OR FROM A RETAILER LICENSED PURSUANT TO SECTION 44-3-409.

19 (b) (I) During a calendar year, a person selling alcohol beverages
20 as provided in this section may purchase not more than two thousand
21 dollars' worth of malt, vinous, and spirituous liquors from retailers
22 licensed pursuant to sections ~~44-3-409~~, 44-3-410 and 44-4-104 (1)(c).

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

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

4 [REDACTED]
5 **SECTION 9.** In Colorado Revised Statutes, 44-3-414, **amend** [REDACTED]
6 (2) as follows:

7 **44-3-414. Tavern license.** (2) (a) Every person selling alcohol
8 beverages as provided in this section shall purchase THE alcohol
9 beverages only from a wholesaler licensed pursuant to this article 3 OR
10 FROM A RETAILER LICENSED PURSUANT TO SECTION 44-3-409; except that,
11 during a calendar year, a person selling alcohol beverages as provided in
12 this section may purchase not more than two thousand dollars' worth of
13 malt, vinous, and spirituous liquors from retailers licensed pursuant to
14 sections ~~44-3-409~~, 44-3-410 and 44-4-104 (1)(c).

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

23 [REDACTED]
24 **SECTION 10.** In Colorado Revised Statutes, 44-3-416, **amend**
25 (2) as follows:

26 **44-3-416. Retail gaming tavern license.** (2) (a) Every person
27 selling alcohol beverages as ~~described~~ PROVIDED in this section shall

1 purchase the alcohol beverages only from a wholesaler licensed pursuant
2 to this article 3 OR FROM A RETAILER LICENSED PURSUANT TO SECTION
3 44-3-409; except that, during a calendar year, a person selling alcohol
4 beverages as provided in this section may purchase not more than two
5 thousand dollars' worth of malt, vinous, or spirituous liquors from
6 retailers licensed pursuant to sections ~~44-3-409~~, 44-3-410 and 44-4-104
7 (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~~, 44-3-410 or 44-4-104 (1)(c) in the form of
11 a purchase receipt showing the name of the licensed retailer, the date of
12 purchase, a description of the alcohol beverages purchased, and the price
13 paid for the alcohol beverages. The licensee shall retain the receipt and
14 make it available to the state and local licensing authorities at all times
15 during business hours.

16 
17 **SECTION 11.** In Colorado Revised Statutes, 44-3-417, **amend**
18 **(3)** as follows:

19 **44-3-417. Brew pub license - definitions - repeal.** (3) (a) Every
20 person selling alcohol beverages ~~pursuant to~~ AS PROVIDED IN this section
21 shall purchase alcohol beverages, other than those that are manufactured
22 at the licensed brew pub, ONLY from a wholesaler licensed pursuant to
23 this article 3 OR FROM A RETAILER LICENSED PURSUANT TO SECTION
24 44-3-409; 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 malt, vinous, and spirituous liquors from
27 retailers licensed pursuant to sections ~~44-3-409~~, 44-3-410 and 44-4-104

1 (1)(c).

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

10

11 **SECTION 12.** In Colorado Revised Statutes, 44-3-418, **amend**
12 **(2)** as follows:

13 **44-3-418. Club license - legislative declaration.** (2) (a) Every
14 person selling alcohol beverages as provided in this section shall purchase
15 the alcohol beverages only from a wholesaler licensed pursuant to this
16 article 3 OR FROM A RETAILER LICENSED PURSUANT TO SECTION 44-3-409;
17 except that, during a calendar year, a person selling alcohol beverages as
18 provided in this section may purchase not more than two thousand dollars'
19 worth of malt, vinous, and spirituous liquors from retailers licensed
20 pursuant to sections ~~44-3-409~~, 44-3-410 and 44-4-104 (1)(c).

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

1 business hours.

2

3 **SECTION 13.** In Colorado Revised Statutes, 44-3-419, **amend**
4 (4) as follows:

5 **44-3-419. Arts license - definition.** (4) (a) Every person selling
6 alcohol beverages as provided in this section shall purchase the alcohol
7 beverages only from a wholesaler licensed pursuant to this article 3 OR
8 FROM A RETAILER LICENSED PURSUANT TO SECTION 44-3-409; except that,
9 during a calendar year, a person selling alcohol beverages as provided in
10 this section may purchase not more than two thousand dollars' worth of
11 malt, vinous, and spirituous liquors from retailers licensed pursuant to
12 sections ~~44-3-409~~, 44-3-410 and 44-4-104 (1)(c).

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

21

22 **SECTION 14.** In Colorado Revised Statutes, 44-3-420, **amend**
23 (2) as follows:

24 **44-3-420. Racetrack license.** (2) (a) Every person selling alcohol
25 beverages as provided in this section shall purchase the alcohol beverages
26 only from a wholesaler licensed pursuant to this article 3 OR FROM A
27 RETAILER LICENSED PURSUANT TO SECTION 44-3-409; except that, during

1 a calendar year, a person selling alcohol beverages as provided in this
2 section may purchase not more than two thousand dollars' worth of malt,
3 vinous, and spirituous liquors from retailers licensed pursuant to sections
4 ~~44-3-409~~, 44-3-410 and 44-4-104 (1)(c).

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

13

14 **SECTION 15.** In Colorado Revised Statutes, 44-3-422, **amend**
15 **(3)** as follows:

16 **44-3-422. Vintner's restaurant license.** (3) (a) Every person
17 selling alcohol beverages ~~pursuant to~~ AS PROVIDED IN this section shall
18 purchase the alcohol beverages, other than those that are manufactured at
19 the licensed vintner's restaurant, ONLY from a wholesaler licensed
20 pursuant to this article 3 OR FROM A RETAILER LICENSED PURSUANT TO
21 SECTION 44-3-409; except that, during a calendar year, a person may
22 purchase not more than two thousand dollars' worth of malt, vinous, and
23 spirituous liquors from retailers licensed pursuant to sections ~~44-3-409~~,
24 44-3-410 and 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~~, 44-3-410 or 44-4-104 (1)(c) in the form of

1 a purchase receipt showing the name of the licensed retailer, the date of
2 purchase, a description of the alcohol beverages purchased, and the price
3 paid for the alcohol beverages. The licensee shall retain the receipt and
4 make it available to THE state and local licensing authorities at all times
5 during business hours.

6

7 **SECTION 16.** 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~~ AS PROVIDED IN this
12 section ~~must~~ SHALL purchase alcohol beverages, other than those that are
13 fermented and distilled at the licensed distillery pub, ONLY from a
14 wholesaler licensed pursuant to this article 3 OR FROM A RETAILER
15 LICENSED PURSUANT TO SECTION 44-3-409.

16 (b) (I) During a calendar year, a person selling alcohol beverages
17 as provided in this section may purchase not more than two thousand
18 dollars' worth of malt, vinous, and spirituous liquors from retailers
19 licensed pursuant to sections ~~44-3-409~~, 44-3-410 and 44-4-104 (1)(c).

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

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SECTION 17. In Colorado Revised Statutes, 44-3-428, **amend**
(2) as follows:

44-3-428. Lodging and entertainment license. (2) (a) A lodging and entertainment facility licensed to sell alcohol beverages as provided in this section shall purchase THE alcohol beverages only from a wholesaler licensed pursuant to this article 3 OR FROM A RETAILER LICENSED PURSUANT TO SECTION 44-3-409; except that, during a calendar year, a lodging and entertainment facility licensed to sell alcohol beverages as provided in this section may purchase not more than two thousand dollars' worth of malt, vinous, and spirituous liquors from retailers licensed pursuant to sections ~~44-3-409~~, 44-3-410 and 44-4-104 (1)(c).

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



SECTION 18. In Colorado Revised Statutes, 26-2-104, **amend**
(2)(a)(II)(C) and (2)(h)(I)(B) as follows:

26-2-104. Public assistance programs - electronic benefits transfer service - joint reports with department of revenue - signs -

1 **rules.** (2) (a) (II) Only those businesses that offer products or services
2 related to the purpose of the public assistance benefits are allowed to
3 participate in the electronic benefits transfer service through the use of
4 point-of-sale terminals. Clients shall not be allowed to access cash
5 benefits through the electronic benefits transfer service from automated
6 teller machines in this state located in:

7 (C) Retail establishments licensed to sell malt, vinous, or
8 spirituous liquors pursuant to part 3 of article 3 of title 44; except that the
9 prohibition in this subsection (2)(a)(II)(C) does not apply to
10 establishments licensed as liquor-licensed drugstores under section
11 44-3-410 OR FERMENTED MALT BEVERAGE AND WINE RETAILERS AS
12 DEFINED IN SECTION 44-3-103 (18.5);

13 (h) (I) ~~On or before January 1, 2016,~~ The department of revenue
14 shall adopt rules pursuant to the "State Administrative Procedure Act",
15 article 4 of title 24, that relate to a client's use of automated teller
16 machines at locations where the use is prohibited. The rules must apply
17 to the following establishments:

18 (B) Retail establishments licensed to sell malt, vinous, or
19 spirituous liquors pursuant to part 3 of article 3 of title 44, excluding
20 establishments licensed as liquor-licensed drugstores under section
21 44-3-410 AND FERMENTED MALT BEVERAGE AND WINE RETAILERS AS
22 DEFINED IN SECTION 44-3-103 (18.5);

23 ■ ■

24 **SECTION 19.** In Colorado Revised Statutes, 44-3-303, **amend**
25 (1)(b), (1)(c)(I), and (2); and **repeal** (1)(c)(II) as follows:

26 **44-3-303. Transfer of ownership and temporary permits.**

27 (1) (b) When a license has been issued to a ~~husband and wife~~, SPOUSES

1 or to general or limited partners, the death of a spouse or partner shall not
2 require the surviving spouse or partner to obtain a new license. All rights
3 and privileges granted under the original license shall continue in full
4 force and effect as to such survivors for the balance of the license period.

5 (c) (I) ~~Except as provided in subsection (1)(c)(II) of this section,~~
6 For any other transfer of ownership, application must be made to the state
7 and local licensing authorities on forms prepared and furnished by the
8 state licensing authority. In determining whether to permit a transfer of
9 ownership, the licensing authorities shall consider only the requirements
10 of section 44-3-307 and 1 CCR 203-2, rule 47-302, entitled "Changing,
11 Altering, or Modifying Licensed Premises", or any analogous successor
12 rule. The local licensing authority may conduct a hearing on the
13 application for transfer of ownership after providing notice in accordance
14 with subsection (1)(c)(III) of this section. Any transfer of ownership
15 hearing by the state licensing authority must be held in accordance with
16 section 44-3-305 (2).

17 (II) ~~A license merger and conversion as provided for in section~~
18 ~~44-3-410 (1)(b) includes a transfer of ownership of at least two retail~~
19 ~~liquor stores, a change of location of one of the retail liquor stores, and~~
20 ~~a merger and conversion of the retail liquor store licenses into a single~~
21 ~~liquor-licensed drugstore license, all as part of a single transaction, and~~
22 ~~the liquor-licensed drugstore applicant need not apply separately for a~~
23 ~~transfer of ownership under this section. The liquor-licensed drugstore~~
24 ~~applying for a license merger and conversion pursuant to section~~
25 ~~44-3-410 (1)(b) is ineligible for a temporary permit pursuant to this~~
26 ~~section. The local licensing authority shall consider the reasonable~~
27 ~~requirements of the neighborhood pursuant to section 44-3-312 when~~

1 making a determination on the merger and conversion of the retail liquor
2 store licenses into a single liquor-licensed drugstore license. The local
3 licensing authority may hold a hearing on the application for the license
4 merger and conversion after providing notice in accordance with
5 subsection (1)(c)(III) of this section.

6 (2) Notwithstanding any provision of this article 3 to the contrary,
7 a local licensing authority may issue a temporary permit to a transferee of
8 any retail class of alcohol beverage license issued by the local licensing
9 authority pursuant to this article 3 or article 4 of this title 44. ~~except that~~
10 ~~a local licensing authority shall not issue a temporary permit to a~~
11 ~~liquor-licensed drugstore that has acquired ownership of licensed retail~~
12 ~~liquor stores in accordance with section 44-3-410 (1)(b).~~ A temporary
13 permit authorizes a transferee to continue selling alcohol beverages as
14 permitted under the permanent license during the period in which an
15 application to transfer the ownership of the license is pending.

16 **SECTION 20.** In Colorado Revised Statutes, 44-3-312, **amend**
17 (2)(a) as follows:

18 **44-3-312. Results of investigation - decision of authorities.**

19 (2) (a) Before entering any decision approving or denying the AN
20 application, the local licensing authority shall consider, except where this
21 article 3 specifically provides otherwise, the facts and evidence adduced
22 as a result of its investigation, as well as any other facts, the reasonable
23 requirements of the neighborhood for the type of license for which
24 application has been made, the desires of the adult inhabitants, the
25 number, type, and availability of alcohol beverage outlets located in or
26 near the neighborhood under consideration, and any other pertinent
27 matters affecting the qualifications of the applicant for the conduct of the

1 type of business proposed; except that the reasonable requirements of the
2 neighborhood shall not be considered in the issuance of a club liquor
3 license. For the merger and conversion of retail liquor store licenses to a
4 single liquor-licensed drugstore license in accordance with section
5 44-3-410(1)(b), the local licensing authority shall consider the reasonable
6 requirements of the neighborhood and the desires of the adult inhabitants
7 of the neighborhood.

8 **SECTION 21.** In Colorado Revised Statutes, 44-3-409, **amend**
9 **(2)(a)(I); and repeal (3)(a)(I) and (5) as follows:**

10 **44-3-409. Retail liquor store license - rules.** (2) (a) A person
11 licensed under this section to sell malt, vinous, and spirituous liquors in
12 a retail liquor store:

13 (I) Shall purchase the malt, vinous, and spirituous liquors only
14 from a wholesaler licensed pursuant to this article 3 OR FROM A RETAILER
15 LICENSED PURSUANT TO THIS SECTION; and

16 (3) (a) A person licensed to sell at retail who complies with this
17 subsection (3) and rules promulgated pursuant to this subsection (3) may
18 deliver malt, vinous, and spirituous liquors to a person of legal age if:

19 (I) ~~The person receiving the delivery of malt, vinous, or spirituous~~
20 ~~liquors is located at a place that is not licensed pursuant to this section;~~

21 (5) ~~A liquor-licensed drugstore may apply to the state and local~~
22 ~~licensing authorities, as part of a single application, for a merger and~~
23 ~~conversion of retail liquor store licenses to a single liquor-licensed~~
24 ~~drugstore license as provided in section 44-3-410 (1)(b).~~

25 **SECTION 22.**

26 **SECTION 22.** In Colorado Revised Statutes, 44-3-501, **repeal**
27 **(3)(a)(XVI) as follows:**

1 **44-3-501. State fees - rules.** (3) (a) The state licensing authority
2 shall establish fees for processing the following types of applications,
3 notices, or reports required to be submitted to the state licensing
4 authority:

5 (XVI) ~~Applications for transfer of ownership, change of location,~~
6 ~~and license merger and conversion pursuant to section 44-3-410 (1)(b);~~

7 █

8 **SECTION 23.** In Colorado Revised Statutes, 44-3-505, **amend**
9 (1) introductory portion; and **repeal** █ 4(a)(V) as follows:

10 **44-3-505. Local license fees.** (1) The applicant shall pay the
11 following license fees to the treasurer of the ~~municipality~~ CITY, city and
12 county, or county where the licensed premises is located annually in
13 advance:

14 █ █

15 (4) (a) Each application for a license provided for in this article 3
16 and article 4 of this title 44 filed with a local licensing authority must be
17 accompanied by an application fee in an amount determined by the local
18 licensing authority to cover actual and necessary expenses, subject to the
19 following limitations:

20 (V) ~~For a transfer of ownership, change of location, and license~~
21 ~~merger and conversion pursuant to section 44-3-410 (1)(b), not to exceed~~
22 ~~one thousand dollars.~~

23 **SECTION 24.** In Colorado Revised Statutes, 44-3-901, **amend**
24 (1)(g), (6)(k)(I), and (6)(k)(V) as follows:

25 **44-3-901. Unlawful acts - exceptions - definitions.** (1) Except
26 as provided in section 18-13-122, it is unlawful for any person:

27 (g) To sell at retail any malt, vinous, or spirituous liquors in sealed

1 containers without holding a retail liquor store or liquor-licensed
2 drugstore license, except as permitted by section 44-3-107 (2) or 44-3-301
3 (6)(b) or any other provision of this article 3, or to sell at retail any
4 ~~fermented malt beverages in sealed containers without holding a~~
5 ~~fermented malt beverage retailer's license under section 44-4-104 (1)(c)~~
6 or to sell at retail any fermented malt beverages and wine in sealed
7 containers without holding a fermented malt beverage and wine retailer's
8 license under section ~~44-4-104 (1)(c)~~ OR 44-4-107 (1)(a);

9

10 (6) It is unlawful for any person licensed to sell at retail pursuant
11 to this article 3 or article 4 of this title 44:

12

13 (k) (I) Except as provided in subsections (6)(k)(II), (6)(k)(IV), and
14 (6)(k)(V) of this section, to have on the licensed premises, if licensed as
15 a retail liquor store, liquor-licensed drugstore, ~~fermented malt beverage~~
16 ~~retailer~~, or fermented malt beverage and wine retailer, any container that
17 shows evidence of having once been opened or that contains a volume of
18 liquor less than that specified on the label of the container;

19

20 (V) A person holding a retail liquor store or liquor-licensed
21 drugstore license under this article 3 or a fermented malt beverage and
22 wine retailer's license under section 44-4-107 (1)(a) may have upon the
23 licensed premises an open container of an alcohol beverage product that
24 the licensee discovers to be damaged or defective so long as the licensee
25 marks the product as damaged or for return and stores the open container
26 outside the sales area of the licensed premises until the licensee is able to
27 return the product to the wholesaler OR RETAILER from whom the product

1 was purchased.

2

3 **SECTION 25. Appropriation.** (1) For the 2024-25 state fiscal
4 year, \$190,086 is appropriated to the department of revenue. This
5 appropriation is from liquor enforcement division and state licensing
6 authority cash fund created in 44-6-101, C.R.S. To implement this act, the
7 department may use this appropriation as follows:

8 (a) \$50,518 for use by the specialized business group for personal
9 services related to liquor and tobacco enforcement, which amount is
10 based on an assumption that the division will require an additional 0.6
11 FTE;

12 (b) \$14,108 for use by the specialized business group for operating
13 expenses related to liquor and tobacco enforcement; and

14 (c) \$125,460 for the purchase of legal services.

15 (2) For the 2024-25 state fiscal year, \$125,460 is appropriated to
16 the department of law. This appropriation is from reappropriated funds
17 received from the department of revenue under subsection (1)(c) of this
18 section and is based on an assumption that the department of law will
19 require an additional 0.5 FTE. To implement this act, the department of
20 law may use this appropriation to provide legal services for the
21 department of revenue.

22 **SECTION 26. Act subject to petition - effective date.** This act
23 takes effect at 12:01 a.m. on the day following the expiration of the
24 ninety-day period after final adjournment of the general assembly; except
25 that, if a referendum petition is filed pursuant to section 1 (3) of article V
26 of the state constitution against this act or an item, section, or part of this
27 act within such period, then the act, item, section, or part will not take

1 effect unless approved by the people at the general election to be held in
2 November 2024 and, in such case, will take effect on the date of the
3 official declaration of the vote thereon by the governor.