

CHAPTER 369

REVENUE - ACTIVITIES REGULATION

HOUSE BILL 24-1156

BY REPRESENTATIVE(S) Hartsook and Lindstedt, Bird, Bradley, Duran, Frizell, Jodeh, Mauro, Ortiz, Titone, Wilson, Clifford, McLachlan, Weinberg, McCluskie;
also SENATOR(S) Smallwood and Zenzinger, Gardner, Ginal, Hinrichsen, Kirkmeyer, Liston, Lundeen, Michaelson Jenet, Priola.

AN ACT

CONCERNING AUTHORIZATION TO HOLD SPECIAL EVENTS WHERE SUBSTANCES THAT MINORS ARE PROHIBITED FROM PURCHASING ARE SERVED.

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

SECTION 1. In Colorado Revised Statutes, 44-5-102, **amend** (1)(b) and (1)(c); and **add** (1)(d) as follows:

44-5-102. Qualifications for permit. (1) A special event permit issued under this article 5 may be issued to:

(b) A political candidate who has filed the necessary reports and statements with the secretary of state pursuant to article 45 of title 1; ~~or~~

(c) ~~Any~~ A municipality, county, or special district; OR

(d) (I) A CHAMBER OF COMMERCE.

(II) MEMBERS OF A CHAMBER OF COMMERCE MAY PARTICIPATE IN A SPECIAL EVENT FOR WHICH A PERMIT HAS BEEN GRANTED TO THE CHAMBER OF COMMERCE, AND THE PREMISES OF THE MEMBERS AND THE LOCATIONS SPECIFIED IN THE SPECIAL EVENT PERMIT NEED NOT BE CONTIGUOUS; EXCEPT THAT A MEMBER OF A CHAMBER OF COMMERCE SHALL NOT PARTICIPATE IN THE SPECIAL EVENT IF THE MEMBER:

(A) SELLS FIREARMS, MOTOR VEHICLES, MARIJUANA, GASOLINE, OR DIESEL FUEL;

(B) EDUCATES STUDENTS FROM KINDERGARTEN THROUGH TWELFTH GRADE OR PROVIDES CHILD CARE;

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

(C) IS A CONVENIENCE STORE; OR

(D) HOLDS A LIQUOR LICENSE OR PERMIT UNDER ARTICLE 3 OR 4 OF THIS TITLE 44, BUT THE HOLDER OF A PERMIT UNDER SECTION 44-3-424 MAY PARTICIPATE IN THE SPECIAL EVENT IF THE HOLDER IS NOT SERVING COMPLIMENTARY ALCOHOL BEVERAGES SOLD UNDER SECTION 44-3-424 ON THE SAME DATE AND TIME AS THE SPECIAL EVENT.

(III) NOTWITHSTANDING SUBSECTION (1)(d)(II)(D) OF THIS SECTION, A LIQUOR LICENSEE DESCRIBED IN SUBSECTION (1)(d)(II)(D) OF THIS SECTION MAY DONATE AT NO COST ALCOHOL PRODUCTS AND VOLUNTEER PERSONNEL SERVICES FOR THE SPECIAL EVENT.

SECTION 2. In Colorado Revised Statutes, 44-3-202, **add** (2)(a)(I)(U) as follows:

44-3-202. Duties of state licensing authority. (2)(a)(I) Rules adopted pursuant to subsection (1)(b) of this section may cover, without limitation, the following subjects:

(U) SPECIAL EVENT PERMITS ISSUED UNDER ARTICLE 5 OF THIS TITLE 44.

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

44-5-103. Grounds for issuance of special permits. (1) (a) A special event permit may be issued under this section notwithstanding the fact that the special event is to be held on premises licensed under the provisions of section 44-3-403, 44-3-404, 44-3-413 (3), 44-3-418, 44-3-419, or 44-3-424. The holder of a special event permit issued pursuant to this subsection (1) is responsible for any violation of ~~article 3~~ THIS ARTICLE 5 OR ARTICLES 3 OR 4 of this title 44.

SECTION 4. In Colorado Revised Statutes, 44-5-105, **amend** (5) as follows:

44-5-105. Restrictions related to permits. (5) A SPECIAL EVENT PERMIT HOLDER SHALL MAKE AVAILABLE sandwiches or other food snacks ~~shall be available~~ during all hours of service of malt, spirituous, or vinous liquors, but prepared meals need not be served. FOR A SPECIAL EVENT HELD BY A CHAMBER OF COMMERCE, PURSUANT TO A PERMIT ISSUED UNDER SECTION 44-5-102 (1)(d), THE CHAMBER OF COMMERCE AND EACH PARTICIPATING MEMBER SHALL MAKE AVAILABLE SNACKS AND SANDWICHES DURING ALL HOURS WHEN ALCOHOL BEVERAGES ARE SERVED.

SECTION 5. In Colorado Revised Statutes, **add** 44-7-105.5 as follows:

44-7-105.5. Tobacco festivals - rules. (1) THE EXECUTIVE DIRECTOR SHALL PROMULGATE RULES THAT CREATE AN OFF-SITE EVENT PERMIT IN ORDER TO

AUTHORIZE A STATE LICENSE HOLDER TO HOST AN AGE-RESTRICTED TOBACCO FESTIVAL HOSTED BY THE STATE LICENSE HOLDER.

(2) THE RULES REQUIRED PURSUANT TO SUBSECTION (1) OF THIS SECTION MUST:

(a) AUTHORIZE OFF-SITE TOBACCO FESTIVALS FOR PERMIT HOLDERS;

(b) ESTABLISH PROCEDURES TO AUTHORIZE A STATE LICENSE HOLDER TO APPLY FOR AND BE ISSUED AN OFF-SITE EVENT PERMIT FOR A TOBACCO FESTIVAL;

(c) REQUIRE A STATE LICENSE HOLDER TO NOTIFY THE DIVISION OF THE TIME AND PLACE OF THE TOBACCO FESTIVAL AND ANY OTHER INFORMATION REQUIRED BY RULE AT LEAST THIRTY DAYS BEFORE THE FESTIVAL;

(d) REQUIRE THE STATE LICENSE HOLDER TO HAVE ANY LOCAL PERMIT REQUIRED BY THE LOCAL AUTHORITY;

(e) REQUIRE THE TOBACCO FESTIVAL TO COMPLY WITH PART 2 OF ARTICLE 14 OF TITLE 25;

(f) PROHIBIT AN INDIVIDUAL WHO IS UNDER TWENTY-ONE YEARS OF AGE FROM TAKING PART IN THE TOBACCO FESTIVAL;

(g) REQUIRE THE STATE LICENSE HOLDER TO BE LOCATED AT A SPECIFIC LOCATION IN THE STATE; AND

(h) LIMIT THE NUMBER OF PERMITS ISSUED PER YEAR TO:

(I) FIVE FOR RETAILERS WITH MORE THAN TEN RETAIL LOCATIONS; AND

(II) FIVE FOR RETAILERS WITH TEN OR FEWER RETAIL LOCATIONS.

(3) THE EXECUTIVE DIRECTOR MAY ESTABLISH BY RULE AN APPLICATION FEE FOR THE PERMIT. THE APPLICATION FEE MUST BE SET AT AN AMOUNT THAT OFFSETS THE DIRECT AND INDIRECT COST OF IMPLEMENTING THIS SECTION, INCLUDING ISSUING THE PERMIT AND ENFORCEMENT RESULTING FROM THE PERMIT.

(4) THIS SECTION TAKES EFFECT JANUARY 1, 2025.

SECTION 6. Act subject to petition - effective date - applicability. (1) This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general

election to be held in November 2024 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

(2) This act applies to events held on or after the applicable effective date of this act.

Approved: June 4, 2024