

Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 26-0589.01 Jed Franklin x5484

SENATE BILL 26-094

SENATE SPONSORSHIP

Lindstedt,

HOUSE SPONSORSHIP

(None),

Senate Committees

Business, Labor, & Technology

House Committees

A BILL FOR AN ACT

101 CONCERNING ALTERNATING PREMISES LICENSED PREMISES FOR
102 ALCOHOL PRODUCTION.

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>.)

Currently, a person licensed as a manufacturer of spirituous liquors, malt liquors, or vinous liquors; a brew pub; a vintner's restaurant; or a limited winery (licensee) may allow another licensee to manufacture and store vinous liquors and malt liquors on the first licensee's premises. The bill specifies that a person licensed as a distillery pub is a licensee. The bill also specifies that, in addition to vinous liquors and malt liquors,

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.

a licensee may allow another licensee to manufacture and store spirituous liquors on the first licensee's premises.

The bill also allows a licensee to manufacture and store vinous liquors, spirituous liquors, or malt liquors (alcohol beverages) on the first licensee's premises on behalf of another licensee (alternating premises licensed premises). An alternating premises licensed premises must be adjacent to the premises of the person on whose behalf the licensee is manufacturing or storing alcohol beverages. A licensee may not sell alcohol beverages at retail from an alternating premises licensed premises.

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),
3 (5), (14)(b), and (60); and **add** (2.7) as follows:

4 **44-3-103. Definitions.**

5 As used in this article 3 and article 4 of this title 44, unless the
6 context otherwise requires:

7 (2.7) "ALTERNATING PREMISES LICENSED PREMISES" MEANS A
8 DISTINCT AND DEFINITE AREA, AS SPECIFIED IN AN ALTERNATING USE OF
9 PREMISES APPLICATION, THAT IS OWNED BY OR IN POSSESSION OF A PERSON
10 LICENSED PURSUANT TO SECTION 44-3-402, 44-3-403, 44-3-417, 44-3-422,
11 OR 44-3-426 AND WITHIN WHICH THE LICENSEE IS AUTHORIZED TO
12 MANUFACTURE AND STORE VINOUS LIQUORS, SPIRITUOUS LIQUORS, OR
13 MALT LIQUORS ON BEHALF OF ANOTHER PERSON LICENSED PURSUANT TO
14 SECTION 44-3-402, 44-3-403, 44-3-417, 44-3-422, OR 44-3-426 IN
15 ACCORDANCE WITH THIS ARTICLE 3. AN ALTERNATING PREMISES LICENSED
16 PREMISES MUST BE ADJACENT TO THE PREMISES OF THE PERSON ON WHOSE
17 BEHALF THE LICENSEE IS MANUFACTURING AND STORING VINOUS LIQUORS,
18 SPIRITUOUS LIQUORS, OR MALT LIQUORS.

19 (3) "Alternating proprietor licensed premises" means a distinct
20 and definite area, as specified in an alternating use of premises

1 application, that is owned by or in possession of a person licensed
2 pursuant to section 44-3-402, 44-3-403, 44-3-417, ~~or~~ 44-3-422, OR
3 **44-3-426** and within which the licensee and other persons licensed
4 pursuant to section 44-3-402, 44-3-403, 44-3-417, ~~or~~ 44-3-422, OR
5 **44-3-426** are authorized to manufacture and store vinous liquors,
6 SPIRITUOUS LIQUORS, or malt liquors in accordance with this article 3.

7 (5) "Brew pub" means a retail establishment that manufactures not
8 more than one million eight hundred sixty thousand gallons of malt liquor
9 on its licensed premises, A LICENSED ALTERNATING PREMISES LICENSED
10 PREMISES ON WHICH MALT LIQUOR IS PRODUCED ON THE BREW PUB'S
11 BEHALF, or ITS licensed alternating proprietor licensed premises,
12 combined, each calendar year.

13 (14) "Distillery pub" means a retail establishment:

14 (b) That ferments and distills not more than eight hundred
15 seventy-five thousand liters of spirituous liquor on its licensed premises,
16 ITS LICENSED ALTERNATING PROPRIETOR LICENSED PREMISES, OR A
17 LICENSED ALTERNATING PREMISES LICENSED PREMISES ON WHICH
18 SPIRITUOUS LIQUOR IS PRODUCED ON THE DISTILLERY PUB'S BEHALF,
19 COMBINED, each calendar year.

20 (60) "Vintner's restaurant" means a retail establishment that sells
21 food for consumption on the premises and that manufactures not more
22 than nine hundred twenty-five thousand gallons of wine on its premises,
23 ~~or~~ ITS licensed alternating proprietor licensed premises, OR A LICENSED
24 ALTERNATING PREMISES LICENSED PREMISES ON WHICH WINE IS PRODUCED
25 ON THE VINTNER'S RESTAURANT'S BEHALF, combined, each calendar year.

26 **SECTION 2.** In Colorado Revised Statutes, 44-3-202, **amend**
27 (2)(a)(I)(Q) as follows:

1 **44-3-202. Duties of state licensing authority - feasibility study**
2 **- rules - repeal.**

3 (2) (a) (I) Rules adopted pursuant to subsection (1)(b) of this
4 section may cover, without limitation, the following subjects:

5 (Q) Implementation, standardization, and enforcement of
6 alternating proprietor licensed premises AND ALTERNATING PREMISES
7 LICENSED PREMISES. The state licensing authority shall consult with
8 interested parties from the alcohol beverage industry in developing
9 appropriate rules to ensure adequate oversight and regulation of
10 alternating proprietor licensed premises AND ALTERNATING PREMISES
11 LICENSED PREMISES.

12 **SECTION 3.** In Colorado Revised Statutes, 44-3-402, **amend**
13 **(3)(c); and add (2.5) and (3)(b.5) as follows:**

14 **44-3-402. Manufacturer's license - rules.**

15 (2.5) (a) A WINERY THAT HAS RECEIVED A LICENSE PURSUANT TO
16 THIS SECTION IS AUTHORIZED TO MANUFACTURE VINOUS LIQUORS UPON AN
17 ALTERNATING PREMISES LICENSED PREMISES, AS APPROVED BY THE STATE
18 LICENSING AUTHORITY, BUT RETAIL SALES OF VINOUS LIQUORS MUST NOT
19 BE CONDUCTED FROM AN AREA LICENSED OR DEFINED AS AN ALTERNATING
20 PREMISES LICENSED PREMISES.

21 (b) A BREWERY THAT HAS RECEIVED A LICENSE PURSUANT TO THIS
22 SECTION IS AUTHORIZED TO MANUFACTURE MALT LIQUORS UPON AN
23 ALTERNATING PREMISES LICENSED PREMISES, AS APPROVED BY THE STATE
24 LICENSING AUTHORITY, BUT RETAIL SALES OF MALT LIQUORS MUST NOT BE
25 CONDUCTED FROM AN AREA LICENSED OR DEFINED AS AN ALTERNATING
26 PREMISES LICENSED PREMISES.

27 (c) A DISTILLERY THAT HAS RECEIVED A LICENSE PURSUANT TO

1 THIS SECTION IS AUTHORIZED TO MANUFACTURE SPIRITUOUS LIQUORS
2 UPON AN ALTERNATING PREMISES LICENSED PREMISES, AS APPROVED BY
3 THE STATE LICENSING AUTHORITY, BUT RETAIL SALES OF SPIRITUOUS
4 LIQUORS MUST NOT BE CONDUCTED FROM AN AREA LICENSED OR DEFINED
5 AS AN ALTERNATING PREMISES LICENSED PREMISES.

6 (d) A WINERY, BREWERY, OR DISTILLERY THAT HOLDS A
7 WHOLESALER'S LICENSE PURSUANT TO SECTION 44-3-407 MAY ENGAGE IN
8 THE WHOLESALE SALE OF ALCOHOL BEVERAGES THAT THE LICENSEE
9 MANUFACTURED AT AN ALTERNATING PREMISES LICENSED PREMISES FROM
10 BOTH ITS LICENSED PREMISES AND THE ALTERNATING PREMISES LICENSED
11 PREMISES WHERE THE ALCOHOL BEVERAGES WERE MANUFACTURED.

12 (3) (b.5) A DISTILLERY THAT HAS RECEIVED A LICENSE PURSUANT
13 TO THIS SECTION IS AUTHORIZED TO MANUFACTURE SPIRITUOUS LIQUORS
14 UPON AN ALTERNATING PROPRIETOR LICENSED PREMISES, AS APPROVED BY
15 THE STATE LICENSING AUTHORITY, BUT RETAIL SALES OF SPIRITUOUS
16 LIQUORS MUST NOT BE CONDUCTED FROM AN AREA LICENSED OR DEFINED
17 AS AN ALTERNATING PROPRIETOR LICENSED PREMISES.

18 (c) Any winery, ~~or~~ brewery, OR DISTILLERY that holds a
19 wholesaler's license pursuant to section 44-3-407 may engage in the
20 wholesale sale of alcohol beverages that the licensee manufactured at an
21 alternating proprietor licensed premises from both its licensed premises
22 and the alternating proprietor licensed premises where the alcohol
23 beverages were manufactured.

24 **SECTION 4.** In Colorado Revised Statutes, 44-3-403, **add** (2.5)
25 as follows:

26 **44-3-403. Limited winery license - rules.**

27 (2.5) (a) A LIMITED WINERY THAT HAS RECEIVED A LICENSE

1 PURSUANT TO THIS SECTION IS AUTHORIZED TO MANUFACTURE VINOUS
2 LIQUORS UPON AN ALTERNATING PREMISES LICENSED PREMISES, AS
3 APPROVED BY THE STATE LICENSING AUTHORITY, BUT RETAIL SALES OF
4 VINOUS LIQUORS MUST NOT BE CONDUCTED FROM AN AREA LICENSED OR
5 DEFINED AS AN ALTERNATING PREMISES LICENSED PREMISES.

6 (b) A LIMITED WINERY LICENSEE MAY ENGAGE IN THE WHOLESALE
7 SALE OF ALCOHOL BEVERAGES THAT THE LICENSEE MANUFACTURED AT AN
8 ALTERNATING PREMISES LICENSED PREMISES FROM BOTH ITS LICENSED
9 PREMISES AND THE ALTERNATING PREMISES LICENSED PREMISES WHERE
10 THE ALCOHOL BEVERAGES WERE MANUFACTURED.

11 **SECTION 5.** In Colorado Revised Statutes, 44-3-417, **amend**
12 (2)(a) introductory portion and (2)(a)(III); and **add** (1)(c) and (1)(d) as
13 follows:

14 **44-3-417. Brew pub license - definitions.**

15 (1) (c) A BREW PUB THAT HAS RECEIVED A LICENSE PURSUANT TO
16 THIS SECTION IS AUTHORIZED TO MANUFACTURE MALT LIQUORS UPON AN
17 ALTERNATING PREMISES LICENSED PREMISES, AS APPROVED BY THE STATE
18 LICENSING AUTHORITY, BUT RETAIL SALES OF MALT LIQUORS MUST NOT BE
19 CONDUCTED FROM AN AREA LICENSED OR DEFINED AS AN ALTERNATING
20 PREMISES LICENSED PREMISES.

21 (d) A BREW PUB MAY ENGAGE IN THE WHOLESALE SALE OF
22 ALCOHOL BEVERAGES THAT THE LICENSEE MANUFACTURED AT AN
23 ALTERNATING PREMISES LICENSED PREMISES FROM BOTH ITS LICENSED
24 PREMISES AND THE ALTERNATING PREMISES LICENSED PREMISES WHERE
25 THE ALCOHOL BEVERAGES WERE MANUFACTURED.

26 (2) (a) Except as provided in subsection (2)(b) of this section,
27 during the hours established in section 44-3-901 (6)(b), malt liquors

1 manufactured by a brew pub licensee on the licensed premises,
2 ALTERNATING PREMISES LICENSED PREMISES, or alternating proprietor
3 licensed premises may be:

4 (III) Sold to the public in sealed containers for off-premises
5 consumption. Except as provided in subsection (2)(a.5) of this section,
6 only malt liquors manufactured and packaged by the licensee on the
7 licensed premises, ALTERNATING PREMISES LICENSED PREMISES, or on an
8 alternating proprietor licensed premises may be sold to the public in
9 sealed containers.

10 **SECTION 6.** In Colorado Revised Statutes, 44-3-422, **amend**
11 (2)(a) introductory portion and (2)(a)(III); and **add** (1)(c) as follows:

12 **44-3-422. Vintner's restaurant license.**

13 (1) (c) A VINTNER'S RESTAURANT THAT HAS RECEIVED A LICENSE
14 PURSUANT TO THIS SECTION IS AUTHORIZED TO MANUFACTURE VINOUS
15 LIQUORS UPON AN ALTERNATING PREMISES LICENSED PREMISES OR
16 ALTERNATING PROPRIETOR LICENSED PREMISES, AS APPROVED BY THE
17 STATE LICENSING AUTHORITY, BUT RETAIL SALES OF VINOUS LIQUORS
18 MUST NOT BE CONDUCTED FROM AN AREA LICENSED OR DEFINED AS AN
19 ALTERNATING PREMISES LICENSED PREMISES OR ALTERNATING
20 PROPRIETOR LICENSED PREMISES.

21 (2) (a) Except as provided in subsection (2)(b) of this section,
22 during the hours established in section 44-3-901 (6)(b), vinous liquors
23 manufactured by a vintner's restaurant licensee on the licensed premises,
24 ALTERNATING PREMISES LICENSED PREMISES, OR ALTERNATING
25 PROPRIETORSHIP LICENSED PREMISES may be:

26 (III) Sold to the public in sealed containers for off-premises
27 consumption. Only vinous liquors fermented, manufactured, and

1 packaged on the licensed premises, ALTERNATING PREMISES LICENSED
2 PREMISES, or alternating proprietor licensed premises by the licensee shall
3 be sold in sealed containers.

4 **SECTION 7.** In Colorado Revised Statutes, 44-3-426, **amend** (3)
5 introductory portion and (3)(c); and **add** (2.5) as follows:

6 **44-3-426. Distillery pub license - legislative declaration -**
7 **definition.**

8 (2.5) A DISTILLERY PUB THAT HAS RECEIVED A LICENSE PURSUANT
9 TO THIS SECTION IS AUTHORIZED TO MANUFACTURE SPIRITUOUS LIQUORS
10 UPON AN ALTERNATING PREMISES LICENSED PREMISES, AS APPROVED BY
11 THE STATE LICENSING AUTHORITY, BUT RETAIL SALES OF SPIRITUOUS
12 LIQUORS MUST NOT BE CONDUCTED FROM AN AREA LICENSED OR DEFINED
13 AS AN ALTERNATING PREMISES LICENSED PREMISES.

14 (3) During the hours established in section 44-3-901 (6)(b), a
15 licensed distillery pub may, with regard to spirituous liquors fermented
16 and distilled by the distillery pub licensee on the licensed premises,
17 ALTERNATING PREMISES LICENSED PREMISES, OR ALTERNATING
18 PROPRIETOR LICENSED PREMISES:

19 (c) Sell its spirituous liquors to the public in sealed containers for
20 off-premises consumption, as long as the spirituous liquors are fermented,
21 distilled, and packaged on the licensed premises, ALTERNATING PREMISES
22 LICENSED PREMISES, OR ALTERNATING PROPRIETOR LICENSED PREMISES by
23 the licensee; or

24 **SECTION 8.** In Colorado Revised Statutes, 44-3-501, **amend**
25 (3)(a)(V) as follows:

26 **44-3-501. State fees - rules.**

27 (3) (a) The state licensing authority shall establish fees for

1 processing the following types of applications, notices, or reports required
2 to be submitted to the state licensing authority:

3 (V) Applications for alternating use of premises pursuant to
4 section 44-3-402 *(2.5)* OR (3), 44-3-403 (2)(a) OR *(2.5)*, or 44-3-417
5 (1)(b) OR *(1)(c)*, *44-3-422 (1)(c)*, OR *44-3-426 (2.5)* OR (3), and rules
6 adopted pursuant to those sections;

7 **SECTION 9. Act subject to petition - effective date.** This act
8 takes effect at 12:01 a.m. on the day following the expiration of the
9 ninety-day period after final adjournment of the general assembly (August
10 12, 2026, if adjournment sine die is on May 13, 2026); except that, if a
11 referendum petition is filed pursuant to section 1 (3) of article V of the
12 state constitution against this act or an item, section, or part of this act
13 within such period, then the act, item, section, or part will not take effect
14 unless approved by the people at the general election to be held in
15 November 2026 and, in such case, will take effect on the date of the
16 official declaration of the vote thereon by the governor.