

HOUSE COMMITTEE OF REFERENCE REPORT

June 11, 2020

Chair of Committee

Date

Committee on Public Health Care & Human Services.

After consideration on the merits, the Committee recommends the following:

SB20-213 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend reengrossed bill, page 3 line 21, strike "A PERMIT" and substitute
2 "ANY APPLICABLE PERMITS".

3 Page 5, after line 21, insert:

4 "(c) (I) THE LOCAL LICENSING AUTHORITY MAY CREATE A PERMIT
5 FOR TAKEOUT AND DELIVERY OF ALCOHOL BEVERAGES TO IMPLEMENT
6 THIS SECTION. IF A LOCAL LICENSING AUTHORITY DOES NOT CREATE A
7 PERMIT UNDER THIS SUBSECTION (4)(c), A LICENSEE NEED NOT OBTAIN A
8 LOCAL PERMIT TO SELL AND DELIVER AN ALCOHOL BEVERAGE OR TO
9 ALLOW A CUSTOMER TO REMOVE AN ALCOHOL BEVERAGE FROM THE
10 LICENSED PREMISES.

11 (II) A LOCAL LICENSING AUTHORITY MAY ESTABLISH FEES FOR THE
12 PROCESSING AND APPROVAL OF A TAKEOUT OR DELIVERY PERMIT
13 APPLICATION, BUT THE AMOUNT OF THE FEE MUST NOT EXCEED THE
14 AMOUNT OF THE FEE SET BY THE STATE LICENSING AUTHORITY UNDER
15 SUBSECTION (4)(a)(III) OF THIS SECTION.

16 (III) IF A LOCAL LICENSING AUTHORITY CREATES A TAKEOUT OR
17 DELIVERY PERMIT:

18 (A) THE LICENSEE MUST OBTAIN THE PERMIT TO SELL AND DELIVER
19 AN ALCOHOL BEVERAGE OR TO ALLOW A CUSTOMER TO REMOVE AN
20 ALCOHOL BEVERAGE FROM THE LICENSED PREMISES AS EITHER IS
21 AUTHORIZED UNDER SUBSECTION (1) OF THIS SECTION; AND

22 (B) THE LOCAL LICENSING AUTHORITY SHALL ISSUE A PERMIT TO
23 A LICENSEE TO SELL ALCOHOL BEVERAGES FOR TAKEOUT AND DELIVERY

1 IF THE LICENSEE DEMONSTRATES THE ABILITY TO COMPLY WITH THIS
2 SECTION.

3 (IV) A PERMIT ISSUED UNDER THIS SUBSECTION (4)(c) IS SUBJECT
4 TO THE SUSPENSION AND REVOCATION PROVISIONS SET FORTH IN SECTION
5 44-3-601.

6 (V) A MANUFACTURER LICENSED UNDER SECTION 44-3-402 THAT
7 OPERATES A SALES ROOM OR A WHOLESALER LICENSED UNDER SECTION
8 44-3-407 THAT OPERATES A SALES ROOM NEED NOT OBTAIN A PERMIT
9 FROM THE LOCAL LICENSING AUTHORITY TO SELL AND DELIVER AN
10 ALCOHOL BEVERAGE OR TO ALLOW A CUSTOMER TO REMOVE AN ALCOHOL
11 BEVERAGE FROM THE LICENSED PREMISES.

12 (d) THE LICENSEE SHALL SUBMIT AN APPLICATION FOR A PERMIT
13 ISSUED UNDER THIS SECTION TO THE STATE LICENSING AUTHORITY AND
14 THE LOCAL LICENSING AUTHORITY, IF APPLICABLE, SIMULTANEOUSLY.
15 APPROVAL BY EITHER THE STATE LICENSING AUTHORITY OR A LOCAL
16 LICENSING AUTHORITY DOES NOT GUARANTEE APPROVAL BY THE OTHER
17 LICENSING AUTHORITY."

18 Page 6, strike lines 1 through 3 and substitute "ROOM OR SECTION
19 44-3-407 THAT OPERATES A SALES ROOM OR SECTION 44-3-411, 44-3-413,
20 44-3-414, 44-3-417, 44-3-418, 44-3-422, 44-3-426, 44-3-428, 44-4-104
21 (1)(c)(I)(A), OR 44-4-104 (1)(c)(III)."

** ** ** ** **