

**Second Regular Session
Seventieth General Assembly
STATE OF COLORADO**

PREAMENDED

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

LLS NO. 16-0450.01 Christy Chase x2008

HOUSE BILL 16-1042

HOUSE SPONSORSHIP

Arndt,

SENATE SPONSORSHIP

Sonnenberg,

House Committees
Education

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING AN EXEMPTION FROM LIQUOR LICENSING LAWS FOR A**
102 **BREWING PROGRAM OFFERED BY A STATE INSTITUTION OF**
103 **HIGHER EDUCATION.**

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://www.leg.state.co.us/bills summaries>.)

The bill creates an exemption from licensing requirements under the "Colorado Beer Code" and the "Colorado Liquor Code" for state institutions of higher education that engage in manufacturing and tasting of fermented malt beverages, also referred to as "3.2% beer", and malt liquor, also referred to as "full-strength beer", for teaching or research

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

purposes. The exemption applies only if the higher education institution does not offer its manufactured beer for sale and allows only students, employees, or expert tasters who are at least 21 years of age to taste the beer.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 12-46-108 as
3 follows:

4 **12-46-108. Exemption.** THIS ARTICLE DOES NOT APPLY TO A
5 STATE INSTITUTION OF HIGHER EDUCATION WHEN THE INSTITUTION IS
6 ENGAGED IN THE MANUFACTURE AND TASTING, AT THE PLACE OF
7 MANUFACTURE OR AT A LICENSED PREMISES, OF FERMENTED MALT
8 BEVERAGES FOR TEACHING OR RESEARCH PURPOSES SO LONG AS THE
9 FERMENTED MALT BEVERAGES ARE NOT SOLD OR OFFERED FOR SALE AND
10 ARE ONLY TASTED BY A QUALIFIED EMPLOYEE, QUALIFIED STUDENT, OR
11 EXPERT TASTER. ANY UNUSED FERMENTED MALT BEVERAGE PRODUCT
12 MUST BE REMOVED FROM A LICENSED PREMISES AT THE END OF AN EVENT.

13 **SECTION 2.** In Colorado Revised Statutes, 12-47-103, **add** (7.6),
14 (24.7), and (24.8) as follows:

15 **12-47-103. Definitions.** As used in this article and article 46 of
16 this title, unless the context otherwise requires:

17 (7.6) "EXPERT TASTER" MEANS AN INDIVIDUAL, OTHER THAN A
18 QUALIFIED STUDENT OR QUALIFIED EMPLOYEE, WHO IS AT LEAST
19 TWENTY-ONE YEARS OF AGE AND WHO IS EMPLOYED IN THE BREWING
20 INDUSTRY OR HAS DEMONSTRATED EXPERTISE OR EXPERIENCE IN
21 BREWING.

22 (24.7) "QUALIFIED EMPLOYEE" MEANS AN INDIVIDUAL WHO:
23 (a) IS EMPLOYED BY A STATE INSTITUTION OF HIGHER EDUCATION;

1 (b) IS ENGAGED IN MANUFACTURING AND TASTING FERMENTED
2 MALT BEVERAGES OR MALT LIQUORS FOR TEACHING OR RESEARCH
3 PURPOSES; AND

4 (c) IS AT LEAST TWENTY-ONE YEARS OF AGE.

5 (24.8) "QUALIFIED STUDENT" MEANS A STUDENT WHO:

6 (a) IS ENROLLED IN A BREWING CLASS OR PROGRAM OFFERED AT OR
7 BY A STATE INSTITUTION OF HIGHER EDUCATION; AND

8 (b) IS AT LEAST TWENTY-ONE YEARS OF AGE.

9 **SECTION 3.** In Colorado Revised Statutes, 12-47-106, **add** (6)
10 as follows:

11 **12-47-106. Exemptions.** (6) THIS ARTICLE DOES NOT APPLY TO
12 A STATE INSTITUTION OF HIGHER EDUCATION WHEN THE INSTITUTION IS
13 ENGAGED IN THE MANUFACTURE AND TASTING, AT THE PLACE OF
14 MANUFACTURE OR AT A LICENSED PREMISES, OF MALT LIQUORS FOR
15 TEACHING OR RESEARCH PURPOSES SO LONG AS THE MALT LIQUOR IS NOT
16 SOLD OR OFFERED FOR SALE AND IS ONLY TASTED BY A QUALIFIED
17 STUDENT, QUALIFIED EMPLOYEE, OR EXPERT TASTER. ANY UNUSED MALT
18 LIQUOR PRODUCT MUST BE REMOVED FROM A LICENSED PREMISES AT THE
19 END OF AN EVENT.

20 **SECTION 4. Act subject to petition - effective date.** This act
21 takes effect at 12:01 a.m. on the day following the expiration of the
22 ninety-day period after final adjournment of the general assembly (August
23 10, 2016, if adjournment sine die is on May 11, 2016); except that, if a
24 referendum petition is filed pursuant to section 1 (3) of article V of the
25 state constitution against this act or an item, section, or part of this act
26 within such period, then the act, item, section, or part will not take effect
27 unless approved by the people at the general election to be held in

- 1 November 2016 and, in such case, will take effect on the date of the
- 2 official declaration of the vote thereon by the governor.