

**First Regular Session
Seventy-first General Assembly
STATE OF COLORADO**

PREAMENDED

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

LLS NO. 17-1108.01 Jery Payne x2157

SENATE BILL 17-253

SENATE SPONSORSHIP

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Senate Committees

Business, Labor, & Technology
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING INCREASING THE AUTHORITY FOR CERTAIN PROVIDERS**
102 **OF ALCOHOL BEVERAGES TO PROVIDE BEVERAGES TO**
103 **CUSTOMERS FROM APPROVED SALES ROOMS.**

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 brewery licensed as a wholesaler may conduct tastings and sell its alcohol beverage products at its licensed premises, and a spirits distillery or winery may do so at its licensed premises and at one additional sales room. The bill permits these licensees to operate up to 2 additional sales rooms.

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.

Current law authorizes the state licensing authority to specify, by rule, the time by which a local licensing authority must submit a response to an application to operate a temporary sales room for not more than 3 days. The bill applies this standard to a brewery.

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

2 **SECTION 1.** In Colorado Revised Statutes, 12-47-402, **amend**
3 (2)(a) and (6)(a) as follows:

4 **12-47-402. Manufacturer's license.** (2) (a) A LICENSED winery
5 ~~licensed pursuant to this section~~ may conduct tastings and sell vinous
6 liquors of its own manufacture, as well as other vinous liquors
7 manufactured by other Colorado wineries licensed pursuant to this section
8 or section 12-47-403, on the licensed premises of the winery and at ~~one~~
9 ~~other~~ UP TO TWO approved sales room ~~location~~ LOCATIONS at no
10 additional cost, whether included in the license at the time of the original
11 license issuance or by supplemental application.

12 (6) (a) A LICENSED manufacturer of spirituous liquors ~~licensed~~
13 ~~pursuant to this section~~ may conduct tastings and sell to customers
14 spirituous liquors of its own manufacture on its licensed premises and at
15 ~~one other~~ UP TO TWO approved sales room ~~location~~ LOCATIONS at no
16 additional cost. A sales room location may be included in the license at
17 the time of the original license issuance or by supplemental application.

18 **SECTION 2.** In Colorado Revised Statutes, 12-47-406, **amend**
19 (1)(b)(I)(A) and (1)(b)(II)(A) as follows:

20 **12-47-406. Wholesaler's license - discrimination in wholesale**
21 **sales prohibited.** (1) (b) (I) A wholesaler's beer license shall be issued
22 to persons selling malt liquors at wholesale who designate to the state
23 licensing authority on their application the territory within which the

1 licensee may sell the designated products of any brewer as agreed upon
2 by the licensee and the brewer of such products for the following
3 purposes only:

4 (A) To maintain and operate warehouses, and one PERMANENT
5 sales room, in this state to handle malt liquors to be denominated a
6 wholesale beer store AND, AT ANY GIVEN TIME, UP TO TWO ADDITIONAL
7 TEMPORARY SALES ROOM LOCATIONS THAT MAY OPERATE FOR NOT MORE
8 THAN THREE CONSECUTIVE DAYS TO HANDLE MALT LIQUORS. THE
9 AUTHORITY TO OPERATE THE SALES ROOMS DOES NOT ENTAIL ANY
10 ADDITIONAL COST AND MAY BE INCLUDED IN THE LICENSE WHEN THE
11 ORIGINAL LICENSE IS ISSUED OR BY SUPPLEMENTAL APPLICATION.

12 (II) (A) Prior to operating a sales room as authorized by this
13 ~~paragraph (b)~~ SUBSECTION (1)(b), a wholesaler's beer licensee ~~that is~~
14 ~~licensed pursuant to this section~~ shall, at the time of application to the
15 state licensing authority, send a copy of the application or supplemental
16 application for a sales room to the local licensing authority in the
17 jurisdiction in which the sales room is proposed. The local licensing
18 authority may submit a response to the application, including its
19 determination specified in ~~sub-subparagraph (B) of this subparagraph (H)~~
20 SUBSECTION (1)(b)(II)(B) OF THIS SECTION, to the state licensing authority
21 but must submit its response within forty-five days after the wholesaler's
22 beer licensee submits its sales room application to the state licensing
23 authority OR, FOR PURPOSES OF AN APPLICATION TO OPERATE A
24 TEMPORARY SALES ROOM FOR NOT MORE THAN THREE CONSECUTIVE
25 DAYS, WITHIN THE TIME SPECIFIED BY THE STATE LICENSING AUTHORITY
26 BY RULE. If the local licensing authority does not submit a response to the
27 state licensing authority within ~~forty-five days after submission of the~~

1 ~~sales room application~~ THE TIME SPECIFIED IN THIS SUBSECTION
2 (1)(b)(II)(A), the state licensing authority shall deem that the local
3 licensing authority has determined that the proposed sales room will not
4 impact traffic, noise, or other neighborhood concerns in a manner that is
5 inconsistent with local regulations or ordinances or that the applicant will
6 sufficiently mitigate any impacts identified by the local licensing
7 authority.

8 **SECTION 3. No appropriation.** The general assembly has
9 determined that this act can be implemented within existing
10 appropriations, and therefore no separate appropriation of state money is
11 necessary to carry out the purposes of this act.

12 **SECTION 4. Act subject to petition - effective date.** This act
13 takes effect at 12:01 a.m. on the day following the expiration of the
14 ninety-day period after final adjournment of the general assembly (August
15 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a
16 referendum petition is filed pursuant to section 1 (3) of article V of the
17 state constitution against this act or an item, section, or part of this act
18 within such period, then the act, item, section, or part will not take effect
19 unless approved by the people at the general election to be held in
20 November 2018 and, in such case, will take effect on the date of the
21 official declaration of the vote thereon by the governor.