

**Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 20-0370.01 Yelana Love x2295

HOUSE BILL 20-1055

HOUSE SPONSORSHIP

Garnett and Liston,

SENATE SPONSORSHIP

Bridges and Priola,

House Committees
Business Affairs & Labor

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE ABILITY OF A VINTNER'S RESTAURANT LICENSEE TO**
102 **MANUFACTURE VINOUS LIQUORS ON ALTERNATING PROPRIETOR**
103 **LICENSED PREMISES.**

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>.)

The bill allows a vintner's restaurant licensee to apply to the department of revenue for permission to manufacture vinous liquors on alternating proprietor licensed premises.

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

HOUSE
Amended 2nd Reading
January 31, 2020

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 and (60) as follows:

4 **44-3-103. Definitions.** As used in this article 3 and article 4 of
5 this title 44, unless the context otherwise requires:

6 (3) "Alternating proprietor licensed premises" means a distinct
7 and definite area, as specified in an alternating use of premises
8 application, that is owned by or in possession of a person licensed
9 pursuant to section 44-3-402, 44-3-403, ~~or~~ 44-3-417, OR 44-3-422 and
10 within which the licensee and other persons licensed pursuant to section
11 44-3-402, 44-3-403, ~~or~~ 44-3-417, OR 44-3-422 are authorized to
12 manufacture and store vinous liquors or malt liquors in accordance with
13 this article 3.

14 (60) "Vintner's restaurant" means a retail establishment that sells
15 food for consumption on the premises and that manufactures not more
16 than two hundred fifty thousand gallons of wine on its premises OR
17 LICENSED ALTERNATING PROPRIETOR LICENSED PREMISES, COMBINED,
18 each CALENDAR year.

19 **SECTION 2.** In Colorado Revised Statutes, 44-3-422, **amend** (1)
20 and (2) as follows:

21 **44-3-422. Vintner's restaurant license.** (1) (a) A vintner's
22 restaurant license may be issued to a person operating a vintner's
23 restaurant and also selling alcohol beverages for consumption on the
24 premises.

25 (b) A VINTNER'S RESTAURANT LICENSED PURSUANT TO THIS
26 SECTION TO MANUFACTURE VINOUS LIQUORS UPON ITS LICENSED PREMISES
27 MAY, UPON APPROVAL OF THE STATE LICENSING AUTHORITY,

1 MANUFACTURE VINOUS LIQUORS UPON ALTERNATING PROPRIETOR
2 LICENSED PREMISES WITHIN THE RESTRICTIONS SPECIFIED IN SECTION
3 44-3-103 (60).

4 (2) (a) EXCEPT AS PROVIDED IN SUBSECTION (2)(b) OF THIS
5 SECTION, during the hours established in section 44-3-901 (6)(b), vinous
6 liquors manufactured by a vintner's restaurant licensee on the licensed
7 premises may be:

8 ~~(a)~~ (I) Furnished for consumption on the premises;

9 ~~(b)~~ (II) Sold to independent wholesalers for distribution to
10 licensed retailers;

11 ~~(c)~~ (III) Sold to the public in sealed containers for off-premises
12 consumption. Only vinous liquors fermented, manufactured, and
13 packaged on the LICENSED premises OR ALTERNATING PROPRIETOR
14 LICENSED PREMISES by the licensee shall be sold in sealed containers.

15 ~~(d)~~ (IV) Sold at wholesale to licensed retailers in an amount up to
16 fifty thousand gallons per calendar year.

17 (b) A VINTNER'S RESTAURANT AUTHORIZED TO MANUFACTURE
18 VINOUS LIQUORS UPON ALTERNATING PROPRIETOR LICENSED PREMISES
19 SHALL NOT CONDUCT RETAIL SALES OF VINOUS LIQUORS FROM AN AREA
20 LICENSED OR DEFINED AS AN ALTERNATING PROPRIETOR LICENSED
21 PREMISES.

22 **SECTION 3.** In Colorado Revised Statutes, 44-3-901, **amend** (3)
23 as follows:

24 **44-3-901. Unlawful acts - exceptions - definitions.** (3) It is
25 unlawful for any person licensed as a manufacturer, limited winery, brew
26 pub, or distillery pub pursuant to this article 3 to manufacture alcohol
27 beverages in any location other than the permanent location specifically

1 designated in the license for manufacturing, except as allowed pursuant
2 to section 44-3-402 (3), 44-3-403 (2)(a), ~~or~~ 44-3-417 (1)(b), OR 44-3-422
3 (1)(b).

4 **SECTION 4. Act subject to petition - effective date.** This act
5 takes effect at 12:01 a.m. on the day following the expiration of the
6 ninety-day period after final adjournment of the general assembly (August
7 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a
8 referendum petition is filed pursuant to section 1 (3) of article V of the
9 state constitution against this act or an item, section, or part of this act
10 within such period, then the act, item, section, or part will not take effect
11 unless approved by the people at the general election to be held in
12 November 2020 and, in such case, will take effect on the date of the
13 official declaration of the vote thereon by the governor.