

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

REENGROSSED

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

LLS NO. 20-1289.01 Jery Payne x2157

SENATE BILL 20-213

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A BILL FOR AN ACT

101 **CONCERNING THE AUTHORITY OF BUSINESSES LICENSED TO SELL**
102 **ALCOHOL BEVERAGES FOR CONSUMPTION ON THE LICENSED**
103 **PREMISES TO SELL ALCOHOL BEVERAGES FOR CONSUMPTION**
104 **OFF THE 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 authorizes a business with a manufacturer or wholesaler license and a sales room, beer and wine license, hotel and restaurant license, tavern license, brew pub license, club license, vintner's restaurant

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.*

SENATE
3rd Reading Unamended
June 10, 2020

SENATE
Amended 2nd Reading
June 9, 2020

license, distillery pub license, lodging and entertainment license, or fermented malt beverage on- and off-premises retailer license (retailer) to deliver alcohol beverages to customers and to allow customers to take the beverages off the licensed premises. The beverages may be sold or delivered in a sealed container that complies with state licensing authority rules and may be sold by the drink or by multiple drinks.

The following requirements are also placed on the sale or delivery of alcohol beverages by retailers:

- ! The customer must be 21 years of age or older;
- ! If the governor has not declared an emergency, the order may contain no more than 750 milliliters of vinous liquors and spirituous liquors and no more than 72 fluid ounces of malt liquors, fermented malt beverages, and hard cider;
- ! If the governor has not declared an emergency or the retailer is not a wholesaler or manufacturer that operates a sales room, the retailer must derive no more than 50% of its gross annual revenues for sales of food and alcohol beverages from the sale of alcohol beverages through takeout orders and that the retailer delivers;
- ! If the governor has not declared an emergency, the retailer must have a permit to sell takeout or deliver alcohol beverages; and
- ! Delivery must be made by an employee of the licensee who is 21 years of age or older and who has satisfactorily completed seller and server training under the responsible vendor program.

The bill directs the state licensing authority to adopt rules:

- ! Specifying the types of containers to be used for delivery of alcohol beverages;
- ! Creating a permit for retailers to engage in takeout and delivery of alcohol beverages;
- ! Setting fees for takeout and delivery permits; and
- ! Concerning any other matters necessary to implement the bill.

The bill does not apply to caterers and repeals on July 1, 2022.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 44-3-911 as
3 follows:

4 **44-3-911. Takeout and delivery of alcohol beverages - permit**
5 **- on-premises consumption licenses - requirements and limitations -**

1 **rules - definition - repeal.** (1) (a) NOTWITHSTANDING ANY OTHER
2 PROVISION OF THIS ARTICLE 3 OR ARTICLE 4 OF THIS TITLE 44 AND SUBJECT
3 TO SUBSECTIONS (2) AND (3) OF THIS SECTION:

4 (I) A LICENSEE MAY SELL AND DELIVER AN ALCOHOL BEVERAGE TO
5 A CUSTOMER FOR CONSUMPTION OFF THE LICENSED PREMISES; AND

6 (II) IF AN ALCOHOL BEVERAGE IS PART OF A TAKEOUT ORDER FOR
7 CONSUMPTION OFF THE LICENSED PREMISES:

8 (A) A CUSTOMER MAY REMOVE THE ALCOHOL BEVERAGE FROM
9 THE LICENSED PREMISES IF THE ALCOHOL BEVERAGE IS IN A SEALED
10 CONTAINER THAT COMPLIES WITH THE RULES OF THE STATE LICENSING
11 AUTHORITY; AND

12 (B) THE LICENSEE MAY ALLOW A CUSTOMER TO REMOVE THE
13 ALCOHOL BEVERAGE FROM THE LICENSED PREMISES.

14 (b) SUBJECT TO SUBSECTIONS (2) AND (3) OF THIS SECTION, A
15 LICENSEE MAY SELL OR DELIVER ALCOHOL BEVERAGES UNDER THIS
16 SECTION BY THE DRINK.

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

21 (a) HAVE A PERMIT ISSUED UNDER THIS SECTION TO SELL ALCOHOL
22 BEVERAGES FOR TAKEOUT OR DELIVERY; EXCEPT THAT THIS SUBSECTION
23 (2)(a) DOES NOT APPLY IF THE GOVERNOR HAS DECLARED A DISASTER
24 EMERGENCY UNDER PART 7 OF ARTICLE 33.5 OF TITLE 24;

25 (b) SELL OR DELIVER:

26 (I) THE ALCOHOL BEVERAGE ONLY TO A CUSTOMER WHO IS
27 TWENTY-ONE YEARS OF AGE OR OLDER;

1 (II) THE ALCOHOL BEVERAGE IN A SEALED CONTAINER THAT
2 COMPLIES WITH THE RULES OF THE STATE LICENSING AUTHORITY; AND

3 (III) NO MORE THAN THE FOLLOWING AMOUNTS OF ALCOHOL
4 BEVERAGES PER DELIVERY OR TAKEOUT ORDER UNLESS THE GOVERNOR
5 HAS DECLARED A DISASTER EMERGENCY UNDER PART 7 OF ARTICLE 33.5
6 OF TITLE 24:

7 (A) SEVEN HUNDRED FIFTY MILLILITERS, APPROXIMATELY 26.4
8 FLUID OUNCES, OF SPIRITUOUS LIQUORS AND VINOUS LIQUORS; AND

9 (B) SEVENTY-TWO FLUID OUNCES, APPROXIMATELY TWO
10 THOUSAND FORTY-SIX MILLILITERS, OF MALT LIQUORS, FERMENTED MALT
11 BEVERAGES, AND HARD CIDER;

12 (c) DERIVE NO MORE THAN FIFTY PERCENT OF ITS GROSS ANNUAL
13 REVENUES FROM TOTAL SALES OF FOOD AND ALCOHOL BEVERAGES FROM
14 THE SALE OF ALCOHOL BEVERAGES THROUGH TAKEOUT ORDERS AND THAT
15 THE LICENSEE DELIVERS; EXCEPT THAT:

16 (I) THIS SUBSECTION (2)(c) DOES NOT APPLY IF THE GOVERNOR
17 HAS DECLARED A DISASTER EMERGENCY UNDER PART 7 OF ARTICLE 33.5
18 OF TITLE 24; OR

19 (II) THIS SUBSECTION (2)(c) DOES NOT APPLY TO A SALES ROOM AT
20 A PREMISES LICENSED UNDER SECTION 44-3-402 OR 44-3-407; AND

21 (d) IF AN ALCOHOL BEVERAGE IS BEING DELIVERED, USE A
22 DELIVERY PERSON WHO COMPLIES WITH SUBSECTION (3) OF THIS SECTION.

23 (3) TO DELIVER AN ALCOHOL BEVERAGE UNDER THIS SECTION, THE
24 DELIVERY PERSON MUST:

25 (a) DELIVER THE ALCOHOL BEVERAGE TO A PLACE THAT IS NOT
26 LICENSED UNDER THIS ARTICLE 3 OR ARTICLE 4 OF THIS TITLE 44;

27 (b) BE AN EMPLOYEE OF THE LICENSEE WHO IS TWENTY-ONE YEARS

1 OF AGE OR OLDER;

2 (c) DELIVER AN ALCOHOL BEVERAGE ONLY TO A PERSON WHO IS
3 TWENTY-ONE YEARS OF AGE OR OLDER; AND

4 (d) HAVE SATISFACTORILY COMPLETED THE SERVER AND SELLER
5 TRAINING PROGRAM ESTABLISHED UNDER SECTION 44-3-1002.

6 (4) (a) THE STATE LICENSING AUTHORITY SHALL PROMULGATE
7 RULES:

8 (I) SPECIFYING THE TYPES OF CONTAINERS THAT MAY BE USED FOR
9 TAKEOUT OR DELIVERY OF AN ALCOHOL BEVERAGE UNDER THIS SECTION;

10 (II) CREATING A PERMIT FOR TAKEOUT AND DELIVERY OF ALCOHOL
11 BEVERAGES;

12 (III) SETTING FEES FOR THE PROCESSING AND APPROVAL OF A
13 TAKEOUT OR DELIVERY PERMIT APPLICATION; AND

14 (IV) CONCERNING ANY OTHER MATTER NECESSARY FOR THE SAFE
15 AND EFFECTIVE IMPLEMENTATION OF THIS SECTION.

16 (b) THE STATE LICENSING AUTHORITY SHALL ISSUE A PERMIT TO A
17 LICENSEE TO SELL ALCOHOL BEVERAGES FOR TAKEOUT AND DELIVERY IF
18 THE LICENSEE DEMONSTRATES THE ABILITY TO COMPLY WITH THIS
19 SECTION. A PERMIT ISSUED UNDER THIS SUBSECTION (4) IS SUBJECT TO THE
20 SUSPENSION AND REVOCATION PROVISIONS SET FORTH IN SECTION
21 44-3-601.

22 (5) FOR THE PURPOSES OF THIS ARTICLE 3 AND ARTICLE 4 OF THIS
23 TITLE 44, AN ALCOHOL BEVERAGE THAT IS SOLD AND DELIVERED TO A
24 CUSTOMER'S HOME FOR CONSUMPTION OFF THE LICENSED PREMISES UNDER
25 THIS SECTION IS SOLD AT THE LICENSED PREMISES.

26 (6) (a) AS USED IN THIS SECTION, "LICENSEE" MEANS A PERSON
27 ISSUED A LICENSE UNDER SECTION 44-3-402 THAT OPERATES A SALES

1 ROOM, 44-3-407 THAT OPERATES A SALES ROOM, 44-3-411, 44-3-413,
2 44-3-414, 44-3-417, 44-3-418, 44-3-422, 44-3-426, 44-3-428, OR 44-4-104
3 (1)(c)(III).

4 (b) (I) THIS SECTION DOES NOT APPLY TO A PERSON ISSUED A
5 LICENSE OR PERMIT THAT IS NOT LISTED IN SUBSECTION (6)(a) OF THIS
6 SECTION OR TO A CATERER WHO IS LICENSED TO SELL ALCOHOL
7 BEVERAGES.

8 (II) SUBSECTION (2)(b)(III) OF THIS SECTION DOES NOT APPLY TO:

9 (A) A MANUFACTURER LICENSED UNDER SECTION 44-3-402 THAT
10 OPERATES A SALES ROOM OR A WHOLESALER LICENSED UNDER SECTION
11 44-3-407 THAT OPERATES A SALES ROOM; AND

12 (B) THE SALE OF AN ALCOHOL BEVERAGE MANUFACTURED BY THE
13 LICENSEE AND SOLD BY A BREW PUB LICENSED UNDER SECTION 44-3-417,
14 A VINTNER'S RESTAURANT LICENSED UNDER SECTION 44-3-422, OR A
15 DISTILLERY PUB LICENSED UNDER SECTION 44-3-426.

16 (7) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2021.

17 **SECTION 2. Safety clause.** The general assembly hereby finds,
18 determines, and declares that this act is necessary for the immediate
19 preservation of the public peace, health, or safety.