

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

**INTRODUCED**

LLS NO. 21-0275.01 Duane Gall x4335

**HOUSE BILL 21-1044**

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**HOUSE SPONSORSHIP**

**Hooton and Larson,**

**SENATE SPONSORSHIP**

**Bridges,**

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**House Committees**  
Business Affairs & Labor

**Senate Committees**

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**A BILL FOR AN ACT**

101      **CONCERNING ALLOWING A MANUFACTURER OF VINOUS LIQUORS TO**  
102                    **MAINTAIN LICENSED PREMISES CONSISTING OF MULTIPLE**  
103                    **NONCONTIGUOUS LOCATIONS.**

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**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 winery that holds a manufacturer's or limited winery license to maintain licensed premises comprising up to 5 noncontiguous locations within a 10-mile radius. The department of revenue must approve an application for the use of a proposed noncontiguous location if the alcohol and tobacco tax and trade bureau of

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.

the United States department of the treasury has approved the description and diagram of the premises at that location, subject to proof of compliance with local codes and zoning requirements.

Any additional noncontiguous locations that fall outside the approved boundaries of an entertainment district or a common consumption area are excluded from that district or area, and any noncontiguous location that is to be used as a sales room is subject to individual approval for use as a sales room. Only one sales room may be located at a noncontiguous location.

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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 (38) 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 (38) (a) "Premises" means a distinct and definite location, which  
7 may include a building, a part of a building, a room, or any other definite  
8 contiguous area.

9 (b) NOTWITHSTANDING SUBSECTION (38)(a) OF THIS SECTION, FOR  
10 A WINERY AUTHORIZED TO MANUFACTURE VINOUS LIQUORS PURSUANT TO  
11 SECTION 44-3-402 OR 44-3-403, THE LICENSED PREMISES MAY INCLUDE UP  
12 TO FIVE NONCONTIGUOUS LOCATIONS, ALL OF WHICH ARE USED FOR  
13 MANUFACTURING PURPOSES, WITHIN A RADIUS OF TEN MILES.

14 **SECTION 2.** In Colorado Revised Statutes, 44-3-301, **amend**  
15 (3)(a) and (11)(d); and **add** (2)(c) as follows:

16 **44-3-301. Licensing in general.** (2) (c) THE STATE LICENSING  
17 AUTHORITY SHALL APPROVE THE PROPOSED PREMISES FOR A WINERY  
18 APPLYING PURSUANT TO SECTION 44-3-402 OR 44-3-403, WHICH PREMISES  
19 INCLUDES UP TO FIVE NONCONTIGUOUS LOCATIONS USED FOR  
20 MANUFACTURING VINOUS LIQUORS, OR A MODIFICATION OF THE LICENSED

1 PREMISES OF A WINERY LICENSED PURSUANT TO SECTION 44-3-402 OR  
2 44-3-403 TO INCLUDE UP TO FIVE NONCONTIGUOUS LOCATIONS USED FOR  
3 MANUFACTURING VINOUS LIQUORS IF THE ALCOHOL AND TOBACCO TAX  
4 AND TRADE BUREAU OF THE UNITED STATES DEPARTMENT OF THE  
5 TREASURY HAS APPROVED THE DESCRIPTION AND DIAGRAM OF THE  
6 PROPOSED OR MODIFIED PREMISES. ADDITIONALLY, WITH THE INITIAL  
7 LICENSE APPLICATION THAT INCLUDES NONCONTIGUOUS LOCATIONS  
8 WITHIN THE PROPOSED PREMISES OR A SUBSEQUENT APPLICATION TO  
9 MODIFY THE PREMISES TO INCLUDE NONCONTIGUOUS LOCATIONS, THE  
10 WINERY LICENSEE MUST SUBMIT PROOF FROM THE MUNICIPALITY IN WHICH  
11 THE PREMISES IS LOCATED OF COMPLIANCE WITH ALL APPLICABLE ZONING,  
12 BUILDING, FIRE, AND OTHER REQUIREMENTS FOR OCCUPANCY AND  
13 OPERATION.

14 (3) (a) (I) Each license issued under this article 3 and article 4 of  
15 this title 44 is separate and distinct. It is unlawful for any person to  
16 exercise any of the privileges granted under any license other than the  
17 license the person holds or for any licensee to allow any other person to  
18 exercise the privileges granted under the licensee's license, except as  
19 provided in section 44-3-402 (3), 44-3-403 (2)(a), 44-3-404, or 44-3-417  
20 (1)(b). A separate license must be issued for each specific business or  
21 business entity and each geographic location, and in the license the  
22 particular alcohol beverages the applicant is authorized to manufacture or  
23 sell must be named and described.

24 (II) For purposes of this section, EACH OF THE FOLLOWING IS  
25 CONSIDERED A SINGLE BUSINESS AND LOCATION:

26 (A) A resort complex with common ownership;

27 (B) A campus liquor complex;

1 (C) A hotel and restaurant licensee with optional premises;

2 (D) An optional premises licensee for optional premises located  
3 on an outdoor sports and recreational facility;

4 (E) A WINERY LICENSED PURSUANT TO SECTION 44-3-402 OR  
5 44-3-403 THAT HAS NONCONTIGUOUS LOCATIONS INCLUDED IN THE  
6 LICENSED PREMISES; and

7 (F) A wine festival at which more than one licensee participates  
8 pursuant to a wine festival permit. ~~is considered a single business and~~  
9 ~~location.~~

10 (11) (d) A person shall not attach a premises licensed under this  
11 article 3 to a common consumption area unless authorized by the local  
12 licensing authority. ANY NONCONTIGUOUS LOCATION INCLUDED IN THE  
13 LICENSED PREMISES OF A WINERY LICENSED PURSUANT TO SECTION  
14 44-3-402 OR 44-3-403 THAT FALLS OUTSIDE THE APPROVED BOUNDARIES  
15 OF AN ENTERTAINMENT DISTRICT OR A COMMON CONSUMPTION AREA  
16 AUTHORIZED PURSUANT TO THIS SUBSECTION (11) SHALL NOT BE  
17 INCLUDED AS PART OF A CERTIFIED PROMOTIONAL ASSOCIATION OR  
18 ENTERTAINMENT DISTRICT EVEN THOUGH THE LICENSED PREMISES OF  
19 THAT WINERY IS WITHIN THE ENTERTAINMENT DISTRICT.

20 **SECTION 3.** In Colorado Revised Statutes, 44-3-402, **amend**  
21 (2)(a) as follows:

22 **44-3-402. Manufacturer's license.** (2) (a) A winery licensed  
23 pursuant to this section may conduct tastings and sell vinous liquors of its  
24 own manufacture, as well as other vinous liquors manufactured by other  
25 Colorado wineries licensed pursuant to this section or section 44-3-403,  
26 on the licensed premises of the winery and at one other approved sales  
27 room location at no additional cost, whether included in the license at the

1 time of the original license issuance or by supplemental application. IF  
2 THE LICENSED PREMISES INCLUDES MULTIPLE NONCONTIGUOUS  
3 LOCATIONS, THE WINERY MAY OPERATE A SALES ROOM ON ONLY ONE OF  
4 THOSE NONCONTIGUOUS LOCATIONS. ANY ADDITIONAL SALES ROOM  
5 OPERATED ON A NONCONTIGUOUS LOCATION OF THE LICENSED PREMISES  
6 MUST BE APPROVED IN ACCORDANCE WITH THE PROCESS OUTLINED IN  
7 SUBSECTION (2)(c) OF THIS SECTION.

8 **SECTION 4.** In Colorado Revised Statutes, 44-3-403, **amend**  
9 (2)(e)(I)(A) as follows:

10 **44-3-403. Limited winery license - rules.** (2) A limited winery  
11 licensee is authorized:

12 (e) (I) (A) Except as provided in subsection (2)(e)(I)(B) of this  
13 section and subject to subsection (2)(e)(II) of this section, to conduct  
14 tastings and sell vinous liquors of its own manufacture, as well as vinous  
15 liquors manufactured by other Colorado wineries, on the licensed  
16 premises of the limited winery and up to five other approved sales room  
17 locations, whether included in the license at the time of the original  
18 license issuance or by supplemental application. IF THE LICENSED  
19 PREMISES INCLUDES MULTIPLE NONCONTIGUOUS LOCATIONS, THE  
20 LICENSEE MAY OPERATE A SALES ROOM ON ONLY ONE OF THOSE  
21 NONCONTIGUOUS LOCATIONS. ANY ADDITIONAL SALES ROOM OPERATED  
22 ON A NONCONTIGUOUS LOCATION OF THE LICENSED PREMISES MUST BE  
23 APPROVED AS ONE OF THE LICENSEE'S ADDITIONAL SALES ROOMS ALLOWED  
24 UNDER THIS SUBSECTION (2)(e)(I)(A) IN ACCORDANCE WITH THE PROCESS  
25 OUTLINED IN SUBSECTION (2)(e)(II) OF THIS SECTION.

26 **SECTION 5. Act subject to petition - effective date.** This act  
27 takes effect at 12:01 a.m. on the day following the expiration of the

1 ninety-day period after final adjournment of the general assembly; except  
2 that, if a referendum petition is filed pursuant to section 1 (3) of article V  
3 of the state constitution against this act or an item, section, or part of this  
4 act within such period, then the act, item, section, or part will not take  
5 effect unless approved by the people at the general election to be held in  
6 November 2022 and, in such case, will take effect on the date of the  
7 official declaration of the vote thereon by the governor.