

## CHAPTER 54

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**PROFESSIONS AND OCCUPATIONS**

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**HOUSE BILL 94-1128**

BY REPRESENTATIVES Martin, Chlouber, Hernandez, Owen, and Ratterree;  
also SENATORS Gallagher and Tebedo.

**AN ACT**

**CONCERNING A REQUIREMENT THAT ALCOHOLIC BEVERAGES BE SOLD THROUGH LICENSED WHOLESALERS WHO HAVE ESTABLISHED PHYSICAL POSSESSION OF SUCH BEVERAGES PRIOR TO FURTHER DISTRIBUTION.**

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

**SECTION 1.** 12-46-109 (2), Colorado Revised Statutes, 1991 Repl. Vol., is amended to read:

**12-46-109. Licenses - state license fees - requirements.** (2) The manufacturer's or wholesaler's licenses provided by this article shall permit the said licensee to sell fermented malt beverages in sealed containers to retailers and consumers thereof, AS LONG AS SAID BEVERAGES HAVE BEEN UNLOADED AND PLACED IN THE PHYSICAL POSSESSION OF A LICENSED WHOLESALER AT ITS LICENSED PREMISES IN THIS STATE AND INVENTORIED FOR PURPOSES OF TAX COLLECTION BEFORE BEING DELIVERED TO ANY SUCH RETAILER OR CONSUMER. WHOLESALERS OFFERMENTED MALT BEVERAGES RECEIVING PRODUCTS TO BE HELD AS REQUIRED BY THIS SUBSECTION (2) SHALL BE LIABLE FOR THE PAYMENT OF ANY TAX DUE ON SUCH PRODUCTS UNDER SECTION 12-46-111 (2).

**SECTION 2.** 12-46-112, Colorado Revised Statutes, 1991 Repl. Vol., is amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to read:

**12-46-112. Unlawful acts.** (6) IT IS UNLAWFUL FOR ANY IMPORTER, MANUFACTURER, OR BREWER TO SELL OR TO BRING INTO THIS STATE FOR PURPOSES OF SALE ANY FERMENTED MALT BEVERAGE WITHOUT CAUSING SUCH BEVERAGE TO BE UNLOADED AND PLACED IN THE PHYSICAL POSSESSION OF A LICENSED WHOLESALER AT THE WHOLESALER'S LICENSED PREMISES IN THIS STATE AND TO BE INVENTORIED

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

FOR TAX COLLECTION PURPOSES PRIOR TO DELIVERY TO A RETAILER OR CONSUMER.

(7) IT IS UNLAWFUL FOR ANY RETAILER TO PURCHASE FERMENTED MALT BEVERAGES FOR RESALE EXCEPT FROM A LICENSED WHOLESALER.

**SECTION 3.** 12-47-113 (1) (b), Colorado Revised Statutes, 1991 Repl. Vol., is amended to read:

**12-47-113. Manufacturer's license.** (1) A manufacturer's license shall be issued by the state licensing authority to persons distilling, rectifying, or brewing within this state for the following purposes only:

(b) To sell malt or vinous liquors of their own manufacture within this state. ~~but~~ Brewers or winers licensed under this section may solicit business directly from licensed retail persons or consumers by procuring a wholesaler's license as provided in this article; EXCEPT THAT ANY MALT LIQUOR SOLD AT WHOLESALE BY A BREWER THAT HAS PROCURED A WHOLESALER'S LICENSE SHALL BE UNLOADED AND PLACED IN THE PHYSICAL POSSESSION OF A LICENSED WHOLESALER AT THE WHOLESALER'S LICENSED PREMISES IN THIS STATE AND INVENTORIED FOR PURPOSES OF TAX COLLECTION PRIOR TO DELIVERY TO A RETAILER OR CONSUMER. WITH THE EXCEPTION OF PERSONS LICENSED UNDER SECTION 12-47-119 (1.5), WHOLESALERS OF MALT LIQUORS RECEIVING PRODUCTS TO BE HELD AS REQUIRED BY THIS PARAGRAPH (b) SHALL BE LIABLE FOR THE PAYMENT OF ANY TAX DUE ON SUCH PRODUCTS UNDER SECTION 12-47-127 (1) (a).

**SECTION 4.** 12-47-128, Colorado Revised Statutes, 1991 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**12-47-128. Unlawful acts - gambling - exceptions.** (7) IT IS UNLAWFUL FOR ANY IMPORTER, MANUFACTURER, OR BREWER TO SELL OR TO BRING INTO THIS STATE FOR PURPOSES OF SALE ANY MALT LIQUOR WITHOUT CAUSING SUCH MALT LIQUOR TO BE UNLOADED AND PLACED IN THE PHYSICAL POSSESSION OF A LICENSED WHOLESALER AT THE WHOLESALER'S LICENSED PREMISES IN THIS STATE AND TO BE INVENTORIED FOR PURPOSES OF TAX COLLECTION PRIOR TO DELIVERY TO A RETAILER OR CONSUMER.

**SECTION 5. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: March 29, 1994