

## CHAPTER 106

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**PROFESSIONS AND OCCUPATIONS**

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**SENATE BILL 05-058**

BY SENATOR(S) Teck, Evans, Spence, Taylor, and Tupa;  
also REPRESENTATIVE(S) Penry and Garcia.

**AN ACT**

**CONCERNING THE REMOVAL OF RESEALED BOTTLES OF VINOUS LIQUORS BY CUSTOMERS FROM THE PREMISES OF CERTAIN ALCOHOL BEVERAGE LICENSEES.**

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

**SECTION 1. Repeal.** 12-47-411 (3.5), Colorado Revised Statutes, is repealed as follows:

**12-47-411. Hotel and restaurant license.** (3.5) ~~Notwithstanding any provision of this article to the contrary, a hotel or restaurant licensed pursuant to this section may permit a customer of the hotel or restaurant to reseal and remove from the licensed premises one opened container of partially consumed vinous liquor purchased on the premises so long as the original container did not contain more than 750 milliliters of vinous liquor.~~

**SECTION 2.** Part 4 of article 47 of title 12, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**12-47-421. Removal of vinous liquor from licensed premises.**  
(1) NOTWITHSTANDING ANY PROVISION OF THIS ARTICLE TO THE CONTRARY, A LICENSEE DESCRIBED IN SUBSECTION (2) OF THIS SECTION MAY PERMIT A CUSTOMER OF THE LICENSEE TO RESEAL AND REMOVE FROM THE LICENSED PREMISES ONE OPENED CONTAINER OF PARTIALLY CONSUMED VINOUS LIQUOR PURCHASED ON THE PREMISES SO LONG AS THE ORIGINALLY SEALED CONTAINER DID NOT CONTAIN MORE THAN 750 MILLILITERS OF VINOUS LIQUOR.

(2) THE PROVISIONS OF THIS SECTION SHALL APPLY TO A LICENSEE:

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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.*

(a) THAT IS DULY LICENSED AS A MANUFACTURER'S LICENSEE UNDER SECTION 12-47-402, A LIMITED WINERY LICENSEE UNDER SECTION 12-47-403, A BEER AND WINE LICENSEE UNDER SECTION 12-47-409, A HOTEL AND RESTAURANT LICENSEE UNDER SECTION 12-47-411, A TAVERN LICENSEE UNDER SECTION 12-47-412, A BREW PUB LICENSEE UNDER SECTION 12-47-415, OR A VINTNER'S RESTAURANT LICENSEE UNDER SECTION 12-47-420; AND

(b) THAT HAS MEALS, AS DEFINED IN SECTION 12-47-103 (20), AVAILABLE FOR CONSUMPTION ON THE LICENSED PREMISES.

**SECTION 3. 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: April 22, 2005