

## CHAPTER 100

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**PROFESSIONS AND OCCUPATIONS**

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**SENATE BILL 10-083**

BY SENATOR(S) Kester,  
also REPRESENTATIVE(S) Middleton, Casso, Labuda.

**AN ACT****CONCERNING THE ENFORCEMENT OF FEDERAL LAW PERTAINING TO THE EXTENSION OF CREDIT FOR  
THE SALE OF ALCOHOL BEVERAGES.**

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

**SECTION 1.** 12-47-202 (2) (b), Colorado Revised Statutes, is amended to read:

**12-47-202. Duties of state licensing authority.** (2) (b) (I) (A) The state licensing authority shall make no rule regulating OR PROHIBITING the sale OF ALCOHOL BEVERAGES on credit ~~of any alcohol beverage~~ OFFERED OR EXTENDED BY A LICENSEE TO A RETAILER, WHERE THE CREDIT IS OFFERED OR EXTENDED FOR THIRTY DAYS OR LESS. THE STATE LICENSING AUTHORITY SHALL ENFORCE THE PROHIBITION AGAINST EXTENDING CREDIT FOR MORE THAN THIRTY DAYS FOR THE SALE OF ALCOHOL BEVERAGES, PURSUANT TO 27 CFR PART 6, AND MAY ADOPT RULES REGULATING OR PROHIBITING THE SALE OF ALCOHOL BEVERAGES ON CREDIT WHERE THE CREDIT IS OFFERED OR EXTENDED FOR MORE THAN THIRTY DAYS, CONSISTENT WITH THE FEDERAL REGULATIONS.

(B) NOTHING IN THIS SUBPARAGRAPH (I) ALLOWS THE STATE LICENSING AUTHORITY TO ADOPT A RULE THAT RESTRICTS THE ABILITY OF A LICENSEE TO, OR PROHIBITS A LICENSEE FROM, MAKING SALES OF ALCOHOL BEVERAGES, ON A CASH-ON-DELIVERY BASIS, TO A RETAILER WHO IS OR MAY BE IN ARREARS IN PAYMENTS TO A LICENSEE FOR PRIOR ALCOHOL BEVERAGE SALES.

(II) Licensees shall comply with the prohibition ~~of~~ AGAINST extending credit TO A RETAILER for more than thirty days for the sale of alcohol beverages, including beer, contained in ~~27-CFR-6~~ 27 CFR PART 6 AND WITH RULES ADOPTED BY THE STATE LICENSING AUTHORITY THAT ARE CONSISTENT WITH 27 CFR PART 6.

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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.*

(III) AS USED IN THIS PARAGRAPH (b), "LICENSEE" SHALL HAVE THE SAME MEANING AS "INDUSTRY MEMBER", AS DEFINED IN 27 CFR 6.11, AND INCLUDES A PERSON ENGAGED IN BUSINESS AS A DISTILLER, BREWER, RECTIFIER, BLENDER, OR OTHER PRODUCER; AS AN IMPORTER OR WHOLESALER OF ALCOHOL BEVERAGES; OR AS A BOTTLER OR WAREHOUSEMAN AND BOTTLER OF SPIRITOUS LIQUORS.

**SECTION 2.** 12-47-202 (2) (a) (I), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUB-SUBPARAGRAPH to read:

**12-47-202. Duties of state licensing authority.** (2) (a) (I) Rules and regulations made pursuant to paragraph (b) of subsection (1) of this section may cover, but shall not be limited to, the following subjects:

(S) THE TESTING OF THE ALCOHOL CONTENT OF MALT LIQUOR AND FERMENTED MALT BEVERAGE SOLD BY PERSONS LICENSED PURSUANT TO THIS ARTICLE OR ARTICLE 46 OF THIS TITLE. THE STATE LICENSING AUTHORITY SHALL ADOPT SUCH RULES NO LATER THAN JANUARY 1, 2011.

**SECTION 3.** 12-47-308 (1) (a), Colorado Revised Statutes, is amended to read:

**12-47-308. Unlawful financial assistance.** (1) (a) It is unlawful for any person licensed pursuant to THIS ARTICLE OR article 46 ~~or 47~~ of this title as a manufacturer, limited winery licensee, wholesaler, or importer, or any person, partnership, association, organization, or corporation interested financially in or with any of said licensees, to furnish, supply, or loan, in any manner, directly or indirectly, to any person licensed to sell at retail pursuant to ~~the provisions of~~ this article or article 46 or 48 of this title any financial assistance, INCLUDING THE EXTENSION OF CREDIT FOR MORE THAN THIRTY DAYS, AS SPECIFIED IN SECTION 12-47-202 (2) (b) OR IN RULES OF THE STATE LICENSING AUTHORITY, or any equipment, fixtures, chattels, or furnishings used in the storing, handling, serving, or dispensing of food or alcohol beverages within the premises or for making any structural alterations or improvements in or on the building ~~or~~ IN which such premises are located. This section shall not apply to signs or displays within such premises.

**SECTION 4. Act subject to petition - effective date.** This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 11, 2010, if adjournment sine die is on May 12, 2010); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part shall not take effect unless approved by the people at the general election to be held in November 2010 and shall take effect on the date of the official declaration of the vote thereon by the governor.

Approved: April 15, 2010