

PROPOSED INITIATIVE 2015-2016 #\_\_

**CHANGE TO THE "COLORADO BEER CODE" DEFINITION OF FERMENTED MALT BEVERAGES TO INCLUDE ALL BEER PRODUCTS**

**Designated Representatives**

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***Text of Measure :***

*Be it Enacted by the People of Colorado:*

**SECTION 1.** In Colorado Revised Statutes, **amend 12-46-102** as follows:

**Legislative Declaration.** (1) The general assembly hereby declares that it is in the public interest that fermented malt beverages shall be manufactured, imported, and sold only by persons licensed as provided in this article and ARTICLE 47 OF THIS TITLE. The general assembly further declares that it is lawful to manufacture and sell fermented malt beverages ~~containing not more than three and two-tenths percent alcohol by weight~~ subject to the provisions of this article and applicable provisions of articles 47 and 48 of this title.

(2) The general assembly FURTHER recognizes that fermented malt beverages AND MALT LIQUORS are separate and distinct from ~~malt~~, vinous, and spirituous liquors, and as such ~~require~~ REQUIRES THE RETENTION OF a separate and distinct regulatory framework under this article. To aid administrative efficiency, however, ~~the provisions in~~ article 47 of this title ~~shall apply~~ APPLIES to the regulation of fermented malt beverages, except when otherwise expressly provided for in this article.

**SECTION 2.** In Colorado Revised Statutes, 12-46-103, amend (1) as follows:

**12-46-103. Definitions.** Definitions applicable to this article also appear in article 47 of this title. As used in this article, unless the context otherwise requires:

(1) "Fermented malt beverage" means BEER, MALT LIQUORS AND any beverage obtained by the fermentation of any infusion or decoction of barley, malt, hops, or any similar product or any combination thereof in water containing not less than one-half of one percent alcohol by volume ~~and not more than three and two-tenths percent alcohol by weight or four percent alcohol by volume~~; except that "fermented malt beverage" ~~shall~~ DOES not include confectionery containing alcohol within the limits prescribed by section 25-5-410 (1) (i) (II), C.R.S.

**SECTION 3.** In Colorado Revised Statutes, 12-47-901 repeal (8) as follows:

**12-47-901. Unlawful acts - exceptions**

~~(8) It is unlawful for any manufacturer or wholesaler licensed pursuant to article 46 of this title to sell, deliver, or cause to be delivered to any person licensed pursuant to [section 12-47-407](#) or [12-47-408](#) any beverage containing alcohol in excess of three and two tenths percent by weight or four percent by volume, or for any fermented malt beverage retailer licensed pursuant to article 46 of this title to sell, possess, or permit the consumption on the premises of any of the beverages containing alcohol in excess of three and two tenths percent by weight or four percent by volume, or for any fermented malt beverage retail licensee licensed pursuant to article 46 of this title to hold or operate under any license for the sale of any beverages containing alcohol in excess of three and two tenths percent by weight or four percent by volume for the same premises. Any violation of this subsection (8) by any fermented malt beverage licensee licensed pursuant to article 46 of this title immediately invalidates the license granted under article 46 of this title.~~

**SECTION 4. Effective date.** July 1, 2017.