

SB086\_L.001

## SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Business, Labor, & Technology.SB21-086 be amended as follows:

1 Amend printed bill, strike everything below the enacting clause and  
2 substitute:

3 "SECTION 1. In Colorado Revised Statutes, 44-3-409, **amend**  
4 (3) as follows:

5 **44-3-409. Retail liquor store license - rules.** (3) (a) A person  
6 licensed to sell at retail who complies with this subsection (3) and rules  
7 promulgated pursuant to this subsection (3) may deliver malt, vinous, and  
8 spirituous liquors to a person of legal age if:

9 (I) The person receiving the delivery of malt, vinous, or spirituous  
10 liquors is located at a place that is not licensed pursuant to this section;

11 (II) The delivery is made by an employee OR AGENT of the  
12 licensed retail liquor store ~~who~~ OR BY A THIRD-PARTY DELIVERY SERVICE,  
13 AS LONG AS THE PERSON MAKING THE DELIVERY is at least twenty-one  
14 years of age; ~~and who is using a vehicle owned or leased by the licensee~~  
15 ~~to make the delivery;~~

16 (III) The person making the delivery verifies, in accordance with  
17 section 44-3-901 (11), that the person receiving the delivery of malt,  
18 vinous, or spirituous liquors is at least twenty-one years of age; and

19 (IV) The retail liquor store derives no more than fifty percent of  
20 its gross annual revenues from total sales of malt, vinous, and spirituous  
21 liquors from the sale of malt, vinous, and spirituous liquors that the retail  
22 liquor store delivers, REGARDLESS OF WHETHER THE DELIVERY IS MADE BY  
23 AN EMPLOYEE OR AGENT OF THE RETAIL LIQUOR STORE OR BY A  
24 THIRD-PARTY DELIVERY SERVICE.

25 (b) (I) The state licensing authority shall promulgate rules as  
26 necessary for the proper delivery of malt, vinous, and spirituous liquors  
27 and is authorized to issue a permit to any person who is licensed under  
28 this section to sell at retail ~~and~~ OR TO A THIRD-PARTY DELIVERY SERVICE  
29 THAT delivers the liquors pursuant to this subsection (3).

30 (II) A LOCAL LICENSING AUTHORITY MAY CREATE A PERMIT FOR  
31 THIRD-PARTY DELIVERY SERVICES TO AUTHORIZE THE DELIVERY SERVICES  
32 TO DELIVER MALT, VINOUS, AND SPIRITUOUS LIQUORS PURSUANT TO THIS  
33 SUBSECTION (3) WITHIN THE JURISDICTION OF THE LOCAL LICENSING  
34 AUTHORITY. IF A LOCAL LICENSING AUTHORITY CREATES A PERMIT  
35 PURSUANT TO THIS SUBSECTION (3)(b)(II), A THIRD-PARTY DELIVERY  
36 SERVICE MUST OBTAIN A LOCAL DELIVERY PERMIT, IN ADDITION TO THE  
37 STATE DELIVERY PERMIT ESTABLISHED PURSUANT TO SUBSECTION (3)(b)(I)  
38 OF THIS SECTION, IN ORDER TO DELIVER MALT, VINOUS, AND SPIRITUOUS  
39 LIQUORS PURSUANT TO THIS SUBSECTION (3).

40 (c) A permit issued BY THE STATE OR A LOCAL LICENSING

1 AUTHORITY under this subsection (3) is subject to the same suspension  
2 and revocation provisions as are set forth in section 44-3-601 for other  
3 licenses granted pursuant to this article 3.

4 **SECTION 2.** In Colorado Revised Statutes, 44-3-410, **amend** (3)  
5 as follows:

6 **44-3-410. Liquor-licensed drugstore license - multiple licenses**  
7 **permitted - requirements - rules.** (3) (a) A liquor-licensed drugstore  
8 licensee who complies with this subsection (3) and rules promulgated  
9 pursuant to this subsection (3) may deliver malt, vinous, and spirituous  
10 liquors to a person of legal age if:

11 (I) The person receiving the delivery of malt, vinous, or spirituous  
12 liquors is located at a place that is not licensed pursuant to this section;

13 (II) The delivery is made by an employee OR AGENT of the  
14 liquor-licensed drugstore ~~who~~ OR BY A THIRD-PARTY DELIVERY SERVICE,  
15 AS LONG AS THE PERSON MAKING THE DELIVERY is at least twenty-one  
16 years of age; ~~and who is using a vehicle owned or leased by the licensee~~  
17 ~~to make the delivery;~~

18 (III) The person making the delivery verifies, in accordance with  
19 section 44-3-901 (11), that the person receiving the delivery of malt,  
20 vinous, or spirituous liquors is at least twenty-one years of age; and

21 (IV) The liquor-licensed drugstore derives no more than fifty  
22 percent of its gross annual revenues from total sales of malt, vinous, and  
23 spirituous liquors from the sale of malt, vinous, and spirituous liquors that  
24 the liquor-licensed drugstore delivers, REGARDLESS OF WHETHER THE  
25 DELIVERY IS MADE BY AN EMPLOYEE OR AGENT OF THE LIQUOR-LICENSED  
26 DRUGSTORE OR BY A THIRD-PARTY DELIVERY SERVICE.

27 (b) (I) The state licensing authority shall promulgate rules as  
28 necessary for the proper delivery of malt, vinous, and spirituous liquors  
29 and is authorized to issue a permit to any liquor-licensed drugstore  
30 licensee OR TO A THIRD-PARTY DELIVERY SERVICE that will allow the  
31 licensee OR THIRD-PARTY DELIVERY SERVICE to deliver the liquors  
32 pursuant to the rules and this subsection (3).

33 (II) A LOCAL LICENSING AUTHORITY MAY CREATE A PERMIT FOR  
34 THIRD-PARTY DELIVERY SERVICES TO AUTHORIZE THE DELIVERY SERVICES  
35 TO DELIVER MALT, VINOUS, AND SPIRITUOUS LIQUORS PURSUANT TO THIS  
36 SUBSECTION (3) WITHIN THE JURISDICTION OF THE LOCAL LICENSING  
37 AUTHORITY. IF A LOCAL LICENSING AUTHORITY CREATES A PERMIT  
38 PURSUANT TO THIS SUBSECTION (3)(b)(II), A THIRD-PARTY DELIVERY  
39 SERVICE MUST OBTAIN A LOCAL DELIVERY PERMIT, IN ADDITION TO THE  
40 STATE DELIVERY PERMIT ESTABLISHED PURSUANT TO SUBSECTION (3)(b)(I)  
41 OF THIS SECTION, IN ORDER TO DELIVER MALT, VINOUS, AND SPIRITUOUS  
42 LIQUORS PURSUANT TO THIS SUBSECTION (3).

43 (c) A permit issued BY THE STATE OR A LOCAL LICENSING  
44 AUTHORITY under this subsection (3) is subject to the same suspension  
45 and revocation provisions as are set forth in sections 44-3-306 and

1 44-3-601 for other licenses granted pursuant to this article 3.

2 **SECTION 3.** In Colorado Revised Statutes, 44-4-107, **amend** (6)  
3 as follows:

4 **44-4-107. Local licensing authority - application - fees -**  
5 **definitions - rules - repeal.** (6) (a) A person licensed under subsection  
6 (1)(a) of this section who complies with this subsection (6) and rules  
7 promulgated under this subsection (6) may deliver fermented malt  
8 beverages in sealed containers to a person of legal age if:

9 (I) The person receiving the delivery of fermented malt beverages  
10 is located at a place that is not licensed pursuant to this section;

11 (II) The delivery is made by an employee OR AGENT of the  
12 fermented malt beverage retailer ~~who~~ OR BY A THIRD-PARTY DELIVERY  
13 SERVICE, AS LONG AS THE PERSON MAKING THE DELIVERY is at least  
14 twenty-one years of age; ~~and who is using a vehicle owned or leased by~~  
15 ~~the licensee to make the delivery;~~

16 (III) The person making the delivery verifies, in accordance with  
17 section 44-3-901 (11), that the person receiving the delivery of fermented  
18 malt beverages is at least twenty-one years of age; and

19 (IV) The fermented malt beverage retailer derives no more than  
20 fifty percent of its gross annual revenues from total sales of fermented  
21 malt beverages from the sale of fermented malt beverages that the  
22 fermented malt beverage retailer delivers, REGARDLESS OF WHETHER THE  
23 DELIVERY IS MADE BY AN EMPLOYEE OR AGENT OF THE FERMENTED MALT  
24 BEVERAGE RETAILER OR BY A THIRD-PARTY DELIVERY SERVICE.

25 (b) (I) The state licensing authority shall promulgate rules as  
26 necessary for the proper delivery of fermented malt beverages pursuant  
27 to this subsection (6) and may issue a permit to any person ~~who is~~  
28 licensed pursuant to ~~and~~ SUBSECTION (1)(a) OF THIS SECTION OR TO A  
29 THIRD-PARTY DELIVERY SERVICE THAT delivers fermented malt beverages  
30 ~~under subsection (1)(a) of this section~~ PURSUANT TO THIS SUBSECTION (6).

31 (II) A LOCAL LICENSING AUTHORITY MAY CREATE A PERMIT FOR  
32 THIRD-PARTY DELIVERY SERVICES TO AUTHORIZE THE DELIVERY SERVICES  
33 TO DELIVER FERMENTED MALT BEVERAGES PURSUANT TO THIS  
34 SUBSECTION (6) WITHIN THE JURISDICTION OF THE LOCAL LICENSING  
35 AUTHORITY. IF A LOCAL LICENSING AUTHORITY CREATES A PERMIT  
36 PURSUANT TO THIS SUBSECTION (6)(b)(II), A THIRD-PARTY DELIVERY  
37 SERVICE MUST OBTAIN A LOCAL DELIVERY PERMIT, IN ADDITION TO THE  
38 STATE DELIVERY PERMIT ESTABLISHED PURSUANT TO SUBSECTION (6)(b)(I)  
39 OF THIS SECTION, IN ORDER TO DELIVER MALT, VINOUS, AND SPIRITUOUS  
40 LIQUORS PURSUANT TO THIS SUBSECTION (6).

41 (c) A permit issued BY THE STATE OR A LOCAL LICENSING  
42 AUTHORITY under this subsection (6) is subject to the same suspension  
43 and revocation provisions as are set forth in section 44-3-601 for other  
44 licenses granted pursuant to article 3 of this title 44.

45 **SECTION 4. Act subject to petition - effective date.** This act

1 takes effect at 12:01 a.m. on the day following the expiration of the  
2 ninety-day period after final adjournment of the general assembly; except  
3 that, if a referendum petition is filed pursuant to section 1 (3) of article V  
4 of the state constitution against this act or an item, section, or part of this  
5 act within such period, then the act, item, section, or part will not take  
6 effect unless approved by the people at the general election to be held in  
7 November 2022 and, in such case, will take effect on the date of the  
8 official declaration of the vote thereon by the governor."

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