

Second Regular Session  
Seventieth General Assembly  
STATE OF COLORADO

**REREVISED**

*This Version Includes All Amendments  
Adopted in the Second House*

LLS NO. 16-0450.01 Christy Chase x2008

**HOUSE BILL 16-1042**

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**HOUSE SPONSORSHIP**

**Arndt,**

**SENATE SPONSORSHIP**

**Sonnenberg,**

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**House Committees**  
Education

**Senate Committees**  
Education

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**A BILL FOR AN ACT**

101 **CONCERNING AN EXEMPTION FROM LIQUOR LICENSING LAWS FOR A**  
102 **BREWING PROGRAM OFFERED BY A STATE INSTITUTION OF**  
103 **HIGHER EDUCATION.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)*

The bill creates an exemption from licensing requirements under the "Colorado Beer Code" and the "Colorado Liquor Code" for state institutions of higher education that engage in manufacturing and tasting of fermented malt beverages, also referred to as "3.2% beer", and malt liquor, also referred to as "full-strength beer", for teaching or research

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*

SENATE  
3rd Reading Unamended  
March 2, 2016

SENATE  
Amended 2nd Reading  
March 1, 2016

HOUSE  
3rd Reading Unamended  
February 2, 2016

HOUSE  
Amended 2nd Reading  
February 1, 2016

purposes. The exemption applies only if the higher education institution does not offer its manufactured beer for sale and allows only students, employees, or expert tasters who are at least 21 years of age to taste the beer.

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

2           **SECTION 1.** In Colorado Revised Statutes, **add** 12-46-108 as  
3 follows:

4           **12-46-108. Exemption.** THIS ARTICLE DOES NOT APPLY TO A  
5 STATE INSTITUTION OF HIGHER EDUCATION WHEN THE INSTITUTION IS  
6 ENGAGED IN THE MANUFACTURE AND TASTING, AT THE PLACE OF  
7 MANUFACTURE OR AT A LICENSED PREMISES, OF FERMENTED MALT  
8 BEVERAGES FOR TEACHING OR RESEARCH PURPOSES SO LONG AS THE  
9 FERMENTED MALT BEVERAGES ARE NOT SOLD OR OFFERED FOR SALE AND  
10 ARE ONLY TASTED BY A QUALIFIED EMPLOYEE, QUALIFIED STUDENT, OR  
11 EXPERT TASTER. ANY UNUSED FERMENTED MALT BEVERAGE PRODUCT  
12 THAT IS PRODUCED BY A STATE INSTITUTION OF HIGHER EDUCATION IN  
13 ACCORDANCE WITH THIS SECTION MUST BE REMOVED FROM A LICENSED  
14 PREMISES AT THE END OF AN EVENT IF THE EVENT IS HELD AT A LICENSED  
15 PREMISES LOCATED OFF CAMPUS.

16           **SECTION 2.** In Colorado Revised Statutes, 12-47-103, **add** (7.6),  
17 (24.7), and (24.8) as follows:

18           **12-47-103. Definitions.** As used in this article and article 46 of  
19 this title, unless the context otherwise requires:

20           (7.6) "EXPERT TASTER" MEANS AN INDIVIDUAL, OTHER THAN A  
21 QUALIFIED STUDENT OR QUALIFIED EMPLOYEE, WHO IS AT LEAST  
22 TWENTY-ONE YEARS OF AGE AND WHO IS EMPLOYED IN THE BREWING  
23 INDUSTRY OR HAS DEMONSTRATED EXPERTISE OR EXPERIENCE IN

1 BREWING.

2 (24.7) "QUALIFIED EMPLOYEE" MEANS AN INDIVIDUAL WHO:

3 (a) IS EMPLOYED BY A STATE INSTITUTION OF HIGHER EDUCATION;

4 (b) IS ENGAGED IN MANUFACTURING AND TASTING FERMENTED  
5 MALT BEVERAGES OR MALT LIQUORS FOR TEACHING OR RESEARCH  
6 PURPOSES; AND

7 (c) IS AT LEAST TWENTY-ONE YEARS OF AGE.

8 (24.8) "QUALIFIED STUDENT" MEANS A STUDENT WHO:

9 (a) IS ENROLLED IN A BREWING CLASS OR PROGRAM OFFERED AT OR  
10 BY A STATE INSTITUTION OF HIGHER EDUCATION; AND

11 (b) IS AT LEAST TWENTY-ONE YEARS OF AGE.

12 **SECTION 3.** In Colorado Revised Statutes, 12-47-106, **add** (6)  
13 as follows:

14 **12-47-106. Exemptions.** (6) THIS ARTICLE DOES NOT APPLY TO  
15 A STATE INSTITUTION OF HIGHER EDUCATION WHEN THE INSTITUTION IS  
16 ENGAGED IN THE MANUFACTURE AND TASTING, AT THE PLACE OF  
17 MANUFACTURE OR AT A LICENSED PREMISES, OF MALT LIQUORS FOR  
18 TEACHING OR RESEARCH PURPOSES SO LONG AS THE MALT LIQUOR IS NOT  
19 SOLD OR OFFERED FOR SALE AND IS ONLY TASTED BY A QUALIFIED  
20 STUDENT, QUALIFIED EMPLOYEE, OR EXPERT TASTER. ANY UNUSED MALT  
21 LIQUOR PRODUCT THAT IS PRODUCED BY A STATE INSTITUTION OF HIGHER  
22 EDUCATION IN ACCORDANCE WITH THIS SUBSECTION (6) MUST BE  
23 REMOVED FROM A LICENSED PREMISES AT THE END OF AN EVENT IF THE  
24 EVENT IS HELD AT A LICENSED PREMISES LOCATED OFF CAMPUS.

25 **SECTION 4. Act subject to petition - effective date.** This act  
26 takes effect at 12:01 a.m. on the day following the expiration of the  
27 ninety-day period after final adjournment of the general assembly (August

1 10, 2016, if adjournment sine die is on May 11, 2016); except that, if a  
2 referendum petition is filed pursuant to section 1 (3) of article V of the  
3 state constitution against this act or an item, section, or part of this act  
4 within such period, then the act, item, section, or part will not take effect  
5 unless approved by the people at the general election to be held in  
6 November 2016 and, in such case, will take effect on the date of the  
7 official declaration of the vote thereon by the governor.