

First Regular Session
Seventy-first General Assembly
STATE OF COLORADO

REREVISED

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

LLS NO. 17-1163.01 Christy Chase x2008

HOUSE BILL 17-1365

HOUSE SPONSORSHIP

Garnett and Nordberg,

SENATE SPONSORSHIP

Kefalas and Smallwood,

House Committees
Business Affairs and Labor

Senate Committees
Finance

A BILL FOR AN ACT

101 **CONCERNING AN EXEMPTION FROM THE PROHIBITION AGAINST HAVING**
102 **ELECTRONIC BENEFITS TRANSFER SERVICES AVAILABLE**
103 **THROUGH AN AUTOMATED TELLER MACHINE LOCATED ON A**
104 **LIQUOR-LICENSED PREMISES FOR AN ESTABLISHMENT LICENSED**
105 **AS A LIQUOR-LICENSED DRUGSTORE.**

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://leg.colorado.gov>.)

Current law prohibits an establishment that is licensed to sell malt, vinous, or spirituous liquors from having an automated teller machine on

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
May 9, 2017

SENATE
2nd Reading Unamended
May 8, 2017

HOUSE
3rd Reading Unamended
May 2, 2017

HOUSE
2nd Reading Unamended
May 1, 2017

the premises from which individuals enrolled in public assistance programs administered by the department of human services may obtain cash benefits through the electronic benefits transfer service.

The bill exempts liquor-licensed drugstores from this prohibition.

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

2 **SECTION 1.** In Colorado Revised Statutes, 26-2-104, **amend**
3 (2)(a)(II)(C), (2)(h)(I) introductory portion, and (2)(h)(I)(B) as follows:

4 **26-2-104. Public assistance programs - electronic benefits**
5 **transfer service - joint reports with department of revenue - signs -**
6 **rules.** (2) (a) (II) Only those businesses that offer products or services
7 related to the purpose of the public assistance benefits are allowed to
8 participate in the electronic benefits transfer service through the use of
9 point of sale terminals. Clients shall not be allowed to access cash
10 benefits through the electronic benefits transfer service from automated
11 teller machines in this state located in:

12 (C) Retail establishments licensed to sell malt, vinous, or
13 spirituous liquors pursuant to part 3 of article 47 of title 12; ~~C.R.S.~~
14 EXCEPT THAT THE PROHIBITION IN THIS SUBSECTION (2)(a)(II)(C) DOES
15 NOT APPLY TO ESTABLISHMENTS LICENSED AS LIQUOR-LICENSED
16 DRUGSTORES UNDER SECTION 12-47-408;

17 (h) (I) On or before January 1, 2016, the department of revenue
18 shall adopt rules pursuant to the "State Administrative Procedure Act",
19 article 4 of title 24, ~~C.R.S.~~, that relate to a client's use of automated teller
20 machines at locations where such use is prohibited. The rules must apply
21 to the following establishments:

22 (B) Retail establishments licensed to sell malt, vinous, or
23 spirituous liquors pursuant to part 3 of article 47 of title 12, ~~C.R.S.~~

1 EXCLUDING ESTABLISHMENTS LICENSED AS LIQUOR-LICENSED
2 DRUGSTORES UNDER SECTION 12-47-408;

3 **SECTION 2. Act subject to petition - effective date.** This act
4 takes effect at 12:01 a.m. on the day following the expiration of the
5 ninety-day period after final adjournment of the general assembly (August
6 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a
7 referendum petition is filed pursuant to section 1 (3) of article V of the
8 state constitution against this act or an item, section, or part of this act
9 within such period, then the act, item, section, or part will not take effect
10 unless approved by the people at the general election to be held in
11 November 2018 and, in such case, will take effect on the date of the
12 official declaration of the vote thereon by the governor.