

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

REREVISED

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

LLS NO. 18-1279.01 Christy Chase x2008

HOUSE BILL 18-1441

HOUSE SPONSORSHIP

Kraft-Tharp and Wist,

SENATE SPONSORSHIP

Holbert and Guzman,

House Committees

Public Health Care & Human Services

Senate Committees

Finance

A BILL FOR AN ACT

101 **CONCERNING A LIMITATION ON THE LOCATION OF A BUILDING IN**
102 **WHICH FERMENTED MALT BEVERAGES ARE SOLD AT RETAIL IN**
103 **PROXIMITY TO CERTAIN EDUCATIONAL INSTITUTIONS.**

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>.)

With limited exceptions, current law prohibits a licensing authority from receiving or acting upon a license application under the "Colorado Liquor Code" for the retail sale of alcohol beverages if the building in which the alcohol beverages will be sold is located within 500 feet of a public or parochial school or a college, university, or seminary. A local

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

SENATE
3rd Reading Unamended
May 9, 2018

SENATE
Amended 2nd Reading
May 8, 2018

HOUSE
3rd Reading Unamended
May 8, 2018

HOUSE
2nd Reading Unamended
May 7, 2018

government may eliminate or reduce the distance restrictions.

The bill applies the same distance restrictions, with the same limited exceptions and authority of a local government to reduce or eliminate the restrictions, to any fermented malt beverage retailer licensed under the "Colorado Beer Code" to sell fermented malt beverages at retail.

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

2 **SECTION 1.** In Colorado Revised Statutes, 12-47-313, **amend**
3 (1) introductory portion; and **add** (1)(e) as follows:

4 **12-47-313. Restrictions for applications for new license -**
5 **repeal.** (1) ~~NO~~ AN application for the issuance of any license specified
6 in section 12-47-309 (1) or 12-46-107 (1) shall NOT be received or acted
7 upon:

8 (e) (I) IF THE BUILDING IN WHICH THE FERMENTED MALT
9 BEVERAGES ARE TO BE SOLD PURSUANT TO A LICENSE UNDER SECTION
10 12-46-107 (1) IS LOCATED WITHIN FIVE HUNDRED FEET OF ANY PUBLIC OR
11 PAROCHIAL SCHOOL OR THE PRINCIPAL CAMPUS OF ANY COLLEGE,
12 UNIVERSITY, OR SEMINARY; EXCEPT THAT THIS SUBSECTION (1)(e)(I) DOES
13 NOT:

14 (A) AFFECT THE RENEWAL OR REISSUANCE OF A LICENSE ONCE
15 GRANTED;

16 (B) APPLY TO LICENSED PREMISES LOCATED OR TO BE LOCATED ON
17 LAND OWNED BY A MUNICIPALITY;

18 (C) APPLY TO AN EXISTING LICENSED PREMISES ON LAND OWNED
19 BY THE STATE;

20 (D) APPLY TO A FERMENTED MALT BEVERAGE RETAILER THAT
21 HELD A VALID LICENSE AND WAS ACTIVELY DOING BUSINESS BEFORE THE
22 PRINCIPAL CAMPUS WAS CONSTRUCTED;

1 (E) APPLY TO A CLUB LOCATED WITHIN THE PRINCIPAL CAMPUS OF
2 ANY COLLEGE, UNIVERSITY, OR SEMINARY THAT LIMITS ITS MEMBERSHIP
3 TO THE FACULTY OR STAFF OF THE INSTITUTION; OR

4 (F) APPLY TO A CAMPUS LIQUOR COMPLEX.

5 (II) THE DISTANCES REFERRED TO IN SUBSECTION (1)(e)(I) OF THIS
6 SECTION ARE TO BE COMPUTED BY DIRECT MEASUREMENT FROM THE
7 NEAREST PROPERTY LINE OF THE LAND USED FOR SCHOOL PURPOSES TO
8 THE NEAREST PORTION OF THE BUILDING IN WHICH FERMENTED MALT
9 BEVERAGES ARE TO BE SOLD, USING A ROUTE OF DIRECT PEDESTRIAN
10 ACCESS.

11 (III) THE LOCAL LICENSING AUTHORITY OF ANY CITY AND COUNTY,
12 BY RULE OR REGULATION, THE GOVERNING BODY OF ANY OTHER
13 MUNICIPALITY, BY ORDINANCE, OR THE GOVERNING BODY OF ANY OTHER
14 COUNTY, BY RESOLUTION, MAY:

15 (A) ELIMINATE OR MODIFY THE DISTANCE RESTRICTIONS IMPOSED
16 BY THIS SUBSECTION (1)(e); OR

17 (B) ELIMINATE ONE OR MORE TYPES OF SCHOOLS OR CAMPUSES
18 FROM THE APPLICATION OF ANY DISTANCE RESTRICTION ESTABLISHED BY
19 OR PURSUANT TO THIS SUBSECTION (1)(e).

20 (IV) IN ADDITION TO THE REQUIREMENTS OF SECTION 12-47-312
21 (2), THE LOCAL LICENSING AUTHORITY SHALL CONSIDER THE EVIDENCE
22 AND MAKE A SPECIFIC FINDING OF FACT AS TO WHETHER THE BUILDING IN
23 WHICH THE FERMENTED MALT BEVERAGES ARE TO BE SOLD IS LOCATED
24 WITHIN ANY DISTANCE RESTRICTION ESTABLISHED BY OR PURSUANT TO
25 THIS SUBSECTION (1)(e). THE FINDING IS SUBJECT TO JUDICIAL REVIEW
26 PURSUANT TO SECTION 12-47-802.

27 (V) THIS SUBSECTION (1)(e) APPLIES TO APPLICATIONS SUBMITTED

1 ON OR AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (1)(e):

2 (A) FOR NEW FERMENTED MALT BEVERAGE RETAILER'S LICENSES
3 UNDER SECTION 12-46-107 (1); AND

4 (B) UNDER SECTION 12-47-301 (9) BY FERMENTED MALT
5 BEVERAGE RETAILERS LICENSED UNDER SECTION 12-46-107 (1) TO
6 CHANGE THE PERMANENT LOCATION OF THE FERMENTED MALT BEVERAGE
7 RETAILER'S LICENSED PREMISES.

8 **SECTION 2. Effective date.** This act takes effect upon passage
9 only if Senate Bill 18-243 does not become law.

10 **SECTION 3. Safety clause.** The general assembly hereby finds,
11 determines, and declares that this act is necessary for the immediate
12 preservation of the public peace, health, and safety.