

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 18-1095.01 Yelana Love x2295

SENATE BILL 18-217

SENATE SPONSORSHIP

Jahn and Sonnenberg,

HOUSE SPONSORSHIP

(None),

Senate Committees

Business, Labor, & Technology

House Committees

A BILL FOR AN ACT

101 CONCERNING THE CREATION OF AN OFF-SITE SERVICE PERMIT FOR
102 CERTAIN LICENSEES CURRENTLY LICENSED TO SELL ALCOHOL
103 BEVERAGES.

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>.)

The bill allows hotel and restaurant, retail liquor store, and liquor-licensed drugstore licensees to apply to the state licensing authority for an off-site service permit. The off-site service permit would authorize the permittee to furnish and serve alcohol beverages for private events at an off-premises location subject to certain conditions.

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.

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

2 **SECTION 1.** In Colorado Revised Statutes, 12-47-401, **amend**
3 (1) introductory portion; and **add** (1)(y) as follows:

4 **12-47-401. Classes of licenses and permits.** (1) For the purpose
5 of regulating the manufacture, sale, and distribution of alcohol beverages,
6 the state licensing authority in its discretion, upon application in the
7 prescribed form made to it, may issue and grant to the applicant a license
8 or permit from any of the following classes, subject to the provisions and
9 restrictions provided by this article **47**:

10 (y) OFF-SITE SERVICE PERMIT.

11 **SECTION 2.** In Colorado Revised Statutes, 12-47-407, **add** (7)
12 as follows:

13 **12-47-407. Retail liquor store license.** (7) NOTWITHSTANDING
14 ANY PROVISION OF THIS ARTICLE 47 TO THE CONTRARY, A PERSON
15 LICENSED AS A RETAIL LIQUOR STORE MAY FURNISH AND SERVE ALCOHOL
16 BEVERAGES IN ACCORDANCE WITH AN OFF-SITE SERVICE PERMIT ISSUED
17 UNDER SECTION 12-47-427.

18 **SECTION 3.** In Colorado Revised Statutes, 12-47-408, **add** (8)
19 as follows:

20 **12-47-408. Liquor-licensed drugstore license - multiple**
21 **licenses permitted - requirements - repeal.** (8) NOTWITHSTANDING
22 ANY PROVISION OF THIS ARTICLE 47 TO THE CONTRARY, A PERSON
23 LICENSED AS A LIQUOR-LICENSED DRUGSTORE MAY FURNISH AND SERVE
24 ALCOHOL BEVERAGES IN ACCORDANCE WITH AN OFF-SITE SERVICE PERMIT
25 ISSUED UNDER SECTION 12-47-427.

26 **SECTION 4.** In Colorado Revised Statutes, 12-47-411, **add** (3.7)

1 as follows:

2 **12-47-411. Hotel and restaurant license - definition - rules.**

3 (3.7) NOTWITHSTANDING ANY PROVISION OF THIS ARTICLE 47 TO THE
4 CONTRARY, A PERSON LICENSED AS A HOTEL AND RESTAURANT MAY
5 FURNISH AND SERVE ALCOHOL BEVERAGES IN ACCORDANCE WITH AN
6 OFF-SITE SERVICE PERMIT ISSUED UNDER SECTION 12-47-427.

7 **SECTION 5.** In Colorado Revised Statutes, **add** 12-47-427 as
8 follows:

9 **12-47-427. Off-site service permit - limitations - rules.** (1) AN
10 OFF-SITE SERVICE PERMIT MAY BE ISSUED TO A PERSON LICENSED AS A
11 RETAIL LIQUOR STORE UNDER SECTION 12-47-407, A LIQUOR-LICENSED
12 DRUGSTORE UNDER SECTION 12-47-408, OR A HOTEL AND RESTAURANT
13 UNDER SECTION 12-47-411. THE OFF-SITE SERVICE PERMIT ALLOWS THE
14 PERMITTEE TO FURNISH AND SERVE ALCOHOL BEVERAGES AT ONE OR MORE
15 PRIVATE EVENTS HELD AT ONE OR MORE OFF-PREMISES, UNLICENSED
16 LOCATIONS.

17 (2) A LICENSEE THAT OBTAINS AN OFF-SITE SERVICE PERMIT UNDER
18 THIS SECTION SHALL:

19 (a) ENSURE THAT EACH EMPLOYEE THAT SERVES ALCOHOL
20 BEVERAGES PURSUANT TO THIS SECTION COMPLETES THE RESPONSIBLE
21 VENDOR TRAINING PROGRAM ESTABLISHED PURSUANT TO PART 10 OF THIS
22 ARTICLE 47;

23 (b) SERVE ONLY ALCOHOL BEVERAGES THAT THE LICENSEE HAS
24 FURNISHED FOR THE EVENT, AND FURNISH ONLY THE ALCOHOL BEVERAGES
25 THAT THE LICENSEE HAS PURCHASED FROM A WHOLESALER LICENSED
26 UNDER THIS ARTICLE 47;

27 (c) MAINTAIN ALL RECORDS OF EACH EVENT FOR THREE CALENDAR

1 YEARS, INCLUDING THE PURPOSE OF THE EVENT; DATE, TIME, AND
2 DURATION OF THE EVENT; AND ESTIMATED NUMBER OF GUESTS IN
3 ATTENDANCE;

4 (d) PROMPTLY REMOVE OR DESTROY ALL OPEN AND UNCONSUMED
5 ALCOHOL BEVERAGES FROM THE PREMISES AT THE CONCLUSION OF THE
6 EVENT; AND

7 (e) BEFORE SERVING AN INDIVIDUAL AN ALCOHOL BEVERAGE,
8 VERIFY THAT THE INDIVIDUAL IS AT LEAST TWENTY-ONE YEARS OF AGE BY
9 REQUIRING THE INDIVIDUAL TO PRESENT A VALID IDENTIFICATION AS
10 DETERMINED BY THE STATE LICENSING AUTHORITY.

11 (3) THE STATE LICENSING AUTHORITY MAY ADOPT RULES AS
12 NECESSARY TO IMPLEMENT AND ADMINISTER THIS SECTION.

13 **SECTION 6.** In Colorado Revised Statutes, 12-47-501, **add**
14 (1)(v) and (2)(a)(XVIII) as follows:

15 **12-47-501. State fees.** (1) The applicant shall pay the following
16 license and permit fees to the department of revenue annually in advance:

17 (v) FOR EACH OFF-SITE SERVICE PERMIT, TWENTY-FIVE DOLLARS.

18 (2) (a) The state licensing authority shall establish fees for
19 processing the following types of applications, notices, or reports required
20 to be submitted to the state licensing authority:

21 (XVIII) APPLICATIONS FOR OFF-SITE SERVICE PERMITS PURSUANT
22 TO SECTION 12-47-427.

23 **SECTION 7.** In Colorado Revised Statutes, 12-47-901, **amend**
24 (1) introductory portion, (1)(m), and (9); and **add** (1)(h)(VII) as follows:

25 **12-47-901. Unlawful acts - exceptions - definitions.** (1) Except
26 as provided in section 18-13-122, ~~C.R.S.~~, it is unlawful for any person:

27 (h) (VII) NOTWITHSTANDING THIS SUBSECTION (1)(h), IT IS NOT

1 UNLAWFUL FOR ADULT PATRONS TO CONSUME ALCOHOL BEVERAGES AT A
2 PRIVATE EVENT HELD AT AN OFF-PREMISES, UNLICENSED LOCATION WHEN
3 THE CONSUMPTION IS CONDUCTED WITHIN THE LIMITATIONS OF A VALID
4 OFF-SITE SERVICE PERMIT GRANTED PURSUANT TO SECTION 12-47-427.

5 (m) To remove an alcohol beverage from a licensed premises
6 where the liquor license for the licensed premises allows only
7 on-premises consumption of alcohol beverages, except as permitted under
8 ~~subparagraph (VI) of paragraph (h) of this subsection (1)~~ SUBSECTIONS
9 (1)(h)(VI) AND (1)(h)(VII) OF THIS SECTION.

10 (9) (a) (I) Except as provided in ~~paragraph (c) of this subsection~~
11 ~~(9)~~ SUBSECTION (9)(c) OF THIS SECTION, it is unlawful for a person who:

12 (A) Is licensed to sell alcohol beverages for consumption on the
13 licensed premises to knowingly permit the removal of an alcohol
14 beverage from the licensed premises; OR

15 (B) IS AUTHORIZED, PURSUANT TO AN OFF-SITE SERVICE PERMIT
16 ISSUED UNDER SECTION 12-47-427, TO FURNISH AND SERVE ALCOHOL
17 BEVERAGES FOR CONSUMPTION AT A PRIVATE EVENT HELD AT AN
18 OFF-PREMISES, UNLICENSED LOCATION TO KNOWINGLY PERMIT THE
19 REMOVAL OF AN ALCOHOL BEVERAGE FROM THE OFF-PREMISES,
20 UNLICENSED LOCATION.

21 (II) (A) Except as provided in ~~sub-subparagraph (C) of this~~
22 ~~subparagraph (H), the~~ SUBSECTION (9)(a)(II)(C) OF THIS SECTION, A
23 licensee shall not be charged with permitting the removal of an alcohol
24 beverage from the licensed premises, AND A PERMITTEE SHALL NOT BE
25 CHARGED WITH PERMITTING THE REMOVAL OF AN ALCOHOL BEVERAGE
26 FROM THE OFF-PREMISES, UNLICENSED LOCATION, when the licensee OR
27 PERMITTEE, AS APPLICABLE, has posted a sign at least ten inches wide and

1 six inches high by each exit used by the public that contains the following
2 notice in type that is at least one-half inch in height:

3 WARNING

4 DO NOT LEAVE THE PREMISES OF THIS
5 ESTABLISHMENT WITH AN ALCOHOL BEVERAGE.

6 IT IS ILLEGAL TO CONSUME AN ALCOHOL BEVERAGE IN
7 A PUBLIC PLACE.

8 A FINE OF UP TO \$250 MAY BE IMPOSED BY THE COURTS
9 FOR A VIOLATION OF THIS PROVISION.

10 (B) A person licensed pursuant to section 12-47-414 must post a
11 sign with the specified notice and in the minimum type size required by
12 ~~sub-subparagraph (A) of this subparagraph (H)~~ SUBSECTION (9)(a)(II)(A)
13 OF THIS SECTION that is at least twelve inches wide and eighteen inches
14 high.

15 (C) Regardless of whether a licensee OR PERMITTEE posts a sign
16 as specified in this ~~subparagraph (H)~~ SUBSECTION (9)(a)(II), the licensee
17 OR PERMITTEE may be charged with knowingly permitting the removal of
18 an alcohol beverage from the licensed premises OR OFF-PREMISES,
19 UNLICENSED LOCATION, AS APPLICABLE, if the licensee OR PERMITTEE
20 shows reckless disregard for the prohibition against alcohol beverage
21 removal from the licensed premises OR OFF-PREMISES, UNLICENSED
22 LOCATION, AS APPLICABLE, which may include permitting the removal of
23 an alcohol beverage from the licensed premises OR OFF-PREMISES,
24 UNLICENSED LOCATION, AS APPLICABLE, three times within a
25 twelve-month period, regardless of whether the three incidents occur on
26 the same day or separate days. A licensee OR PERMITTEE may be charged
27 with knowingly permitting the removal of an alcohol beverage from the

1 licensed premises OR OFF-PREMISES, UNLICENSED LOCATION, AS
2 APPLICABLE, upon the third occurrence of alcohol beverage removal from
3 the licensed premises OR OFF-PREMISES, UNLICENSED LOCATION, AS
4 APPLICABLE.

5 (III) In addition to posting a sign as described in ~~subparagraph (H)~~
6 ~~of this paragraph (a)~~ SUBSECTION (9)(a)(II) OF THIS SECTION, a licensee
7 OR PERMITTEE may also station personnel at each exit used by the public
8 in order to prevent the removal of an alcohol beverage from the licensed
9 premises OR OFF-PREMISES, UNLICENSED LOCATION, AS APPLICABLE.

10 (b) This subsection (9) applies to persons licensed or permitted to
11 sell or serve alcohol beverages for consumption on the licensed premises
12 OR OFF-PREMISES, UNLICENSED LOCATION, AS APPLICABLE, pursuant to
13 section 12-47-403, 12-47-409, 12-47-410, 12-47-411, 12-47-412,
14 12-47-413, 12-47-414, 12-47-415, 12-47-416, 12-47-417, 12-47-418,
15 12-47-419, 12-47-420, 12-47-422, 12-47-424, ~~or~~ 12-47-426, OR
16 **12-47-427.**

17 (c) This subsection (9) does not preclude a licensee described in
18 section 12-47-421 (2) from permitting a customer to remove from the
19 licensed premises one opened container of partially consumed vinous
20 liquor that was purchased on the licensed premises and has been resealed,
21 as permitted by section 12-47-421 (1).

22 **SECTION 8. Act subject to petition - effective date.** This act
23 takes effect at 12:01 a.m. on the day following the expiration of the
24 ninety-day period after final adjournment of the general assembly (August
25 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a
26 referendum petition is filed pursuant to section 1 (3) of article V of the
27 state constitution against this act or an item, section, or part of this act

1 within such period, then the act, item, section, or part will not take effect
2 unless approved by the people at the general election to be held in
3 November 2018 and, in such case, will take effect on the date of the
4 official declaration of the vote thereon by the governor.