

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 20-0370.01 Yelana Love x2295

HOUSE BILL 20-1055

HOUSE SPONSORSHIP

Garnett and Liston,

SENATE SPONSORSHIP

Bridges and Priola,

House Committees
Business Affairs & Labor

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE ABILITY OF A VINTNER'S RESTAURANT LICENSEE TO
102 MANUFACTURE VINOUS LIQUORS ON ALTERNATING PROPRIETOR
103 LICENSED PREMISES.

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 a vintner's restaurant licensee to apply to the department of revenue for permission to manufacture vinous liquors on alternating proprietor licensed premises.

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, 44-3-103, **amend** (3)
3 as follows:

4 **44-3-103. Definitions.** As used in this article 3 and article 4 of
5 this title 44, unless the context otherwise requires:

6 (3) "Alternating proprietor licensed premises" means a distinct
7 and definite area, as specified in an alternating use of premises
8 application, that is owned by or in possession of a person licensed
9 pursuant to section 44-3-402, 44-3-403, ~~or~~ 44-3-417, OR 44-3-422 and
10 within which the licensee and other persons licensed pursuant to section
11 44-3-402, 44-3-403, ~~or~~ 44-3-417, OR 44-3-422 are authorized to
12 manufacture and store vinous liquors or malt liquors in accordance with
13 this article 3.

14 **SECTION 2.** In Colorado Revised Statutes, 44-3-422, **amend** (1)
15 and (2) as follows:

16 **44-3-422. Vintner's restaurant license.** (1) (a) A vintner's
17 restaurant license may be issued to a person operating a vintner's
18 restaurant and also selling alcohol beverages for consumption on the
19 premises.

20 (b) A VINTNER'S RESTAURANT LICENSED PURSUANT TO THIS
21 SECTION TO MANUFACTURE VINOUS LIQUORS UPON ITS LICENSED PREMISES
22 MAY, UPON APPROVAL OF THE STATE LICENSING AUTHORITY,
23 MANUFACTURE VINOUS LIQUORS UPON ALTERNATING PROPRIETOR
24 LICENSED PREMISES WITHIN THE RESTRICTIONS SPECIFIED IN SECTION
25 44-3-103 (60).

26 (2) (a) EXCEPT AS PROVIDED IN SUBSECTION (2)(b) OF THIS
27 SECTION, during the hours established in section 44-3-901 (6)(b), vinous

1 liquors manufactured by a vintner's restaurant licensee on the licensed
2 premises may be:

3 ~~(a)~~ (I) Furnished for consumption on the premises;

4 ~~(b)~~ (II) Sold to independent wholesalers for distribution to
5 licensed retailers;

6 ~~(c)~~ (III) Sold to the public in sealed containers for off-premises
7 consumption. Only vinous liquors fermented, manufactured, and
8 packaged on the LICENSED premises OR ALTERNATING PROPRIETOR
9 LICENSED PREMISES by the licensee shall be sold in sealed containers.

10 ~~(d)~~ (IV) Sold at wholesale to licensed retailers in an amount up to
11 fifty thousand gallons per calendar year.

12 (b) A VINTNER'S RESTAURANT AUTHORIZED TO MANUFACTURE
13 VINOUS LIQUORS UPON ALTERNATING PROPRIETOR LICENSED PREMISES
14 SHALL NOT CONDUCT RETAIL SALES OF VINOUS LIQUORS FROM AN AREA
15 LICENSED OR DEFINED AS AN ALTERNATING PROPRIETOR LICENSED
16 PREMISES.

17 **SECTION 3.** In Colorado Revised Statutes, 44-3-901, **amend** (3)
18 as follows:

19 **44-3-901. Unlawful acts - exceptions - definitions.** (3) It is
20 unlawful for any person licensed as a manufacturer, limited winery, brew
21 pub, or distillery pub pursuant to this article 3 to manufacture alcohol
22 beverages in any location other than the permanent location specifically
23 designated in the license for manufacturing, except as allowed pursuant
24 to section 44-3-402 (3), 44-3-403 (2)(a), ~~or~~ 44-3-417 (1)(b), OR 44-3-422
25 (1)(b).

26 **SECTION 4. Act subject to petition - effective date.** This act
27 takes effect at 12:01 a.m. on the day following the expiration of the

1 ninety-day period after final adjournment of the general assembly (August
2 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a
3 referendum petition is filed pursuant to section 1 (3) of article V of the
4 state constitution against this act or an item, section, or part of this act
5 within such period, then the act, item, section, or part will not take effect
6 unless approved by the people at the general election to be held in
7 November 2020 and, in such case, will take effect on the date of the
8 official declaration of the vote thereon by the governor.