

CHAPTER 15

REVENUE - ACTIVITIES REGULATION

HOUSE BILL 20-1055

BY REPRESENTATIVE(S) Garnett and Liston, Bird, Buentello, Cutter, Duran, Gray, Herod, Hooton, Jaquez Lewis, Kipp, Kraft-Tharp, McKean, McLachlan, Michaelson Jenet, Neville, Pelton, Rich, Saine, Sandridge, Snyder, Soper, Tipper, Titone, Valdez A., Valdez D., Van Winkle, Will;
also SENATOR(S) Bridges and Priola, Gardner, Ginal, Gonzales, Lundeen, Moreno, Scott, Smallwood, Tate, Williams A., Winter, Woodward.

AN ACT**CONCERNING THE ABILITY OF A VINTNER'S RESTAURANT LICENSEE TO MANUFACTURE VINOUS LIQUORS ON ALTERNATING PROPRIETOR LICENSED PREMISES.**

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

SECTION 1. In Colorado Revised Statutes, 44-3-103, **amend** (3) and (60) as follows:

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

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

(60) "Vintner's restaurant" means a retail establishment that sells food for consumption on the premises and that manufactures not more than two hundred fifty thousand gallons of wine on its premises OR LICENSED ALTERNATING PROPRIETOR LICENSED PREMISES, COMBINED, each CALENDAR year.

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

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

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

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

(2) (a) EXCEPT AS PROVIDED IN SUBSECTION (2)(b) OF THIS SECTION, during the hours established in section 44-3-901 (6)(b), vinous liquors manufactured by a vintner's restaurant licensee on the licensed premises may be:

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

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

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

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

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

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

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

SECTION 4. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2020 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: March 11, 2020