

Second Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO

**REENGROSSED**

*This Version Includes All Amendments  
Adopted in the House of Introduction*

LLS NO. 18-0824.01 Jery Payne x2157

**SENATE BILL 18-138**

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**SENATE SPONSORSHIP**

**Gardner and Kerr,**

**HOUSE SPONSORSHIP**

**Gray and Liston,**

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**Senate Committees**

Business, Labor, & Technology

**House Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING AUTHORIZATION FOR RETAIL SELLERS OF ALCOHOL**  
102 **BEVERAGES FOR ON-PREMISES CONSUMPTION TO SELL**  
103 **REMAINING INVENTORY TO ANOTHER ON-PREMISES RETAIL**  
104 **SELLER OF ALCOHOL BEVERAGES WITH WHOM THERE IS**  
105 **COMMON OWNERSHIP WHEN NO LONGER LICENSED TO SELL**  
106 **ALCOHOL BEVERAGES FOR ON-PREMISES CONSUMPTION.**

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**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 persons with the following retail licenses to

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  
February 16, 2018

SENATE  
Amended 2nd Reading  
February 15, 2018

purchase alcohol beverages from another retail licensee when there is common ownership between the licensees and the seller has surrendered its license within the last 60 days:

- ! Beer and wine;
- ! Hotel and restaurant;
- ! Tavern;
- ! Retail gaming tavern;
- ! Brew pub;
- ! Club;
- ! Arts nonprofit;
- ! Racetrack;
- ! Vintner's restaurant;
- ! Distillery pub; or
- ! Lodging and entertainment facility.

The seller must return all alcohol beverages bought on credit, allow wholesalers 30 days to purchase back inventory, have paid all wholesale bills, and sell to only one licensed premises. A wholesaler is prohibited from transporting the inventory from the seller's premises to the buyer's premises. The seller may transport the inventory.

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

2           **SECTION 1.** In Colorado Revised Statutes, **add** 12-47-427 as  
3 follows:

4           **12-47-427. Purchasing alcohol from a surrendered license of**  
5 **common ownership - definition.** (1) THIS SECTION APPLIES TO A PERSON  
6 THAT HAS BEEN ISSUED THE FOLLOWING LICENSE TYPES:

- 7           (a) BEER AND WINE LICENSE UNDER SECTION 12-47-409;
- 8           (b) HOTEL AND RESTAURANT LICENSE UNDER SECTION 12-47-411;
- 9           (c) TAVERN LICENSE UNDER SECTION 12-47-412;
- 10          (d) RETAIL GAMING TAVERN LICENSE UNDER SECTION 12-47-414;
- 11          (e) BREW PUB LICENSE UNDER SECTION 12-47-415;
- 12          (f) CLUB LICENSE UNDER SECTION 12-47-416;
- 13          (g) ARTS LICENSE UNDER SECTION 12-47-417;
- 14          (h) RACETRACK LICENSE UNDER SECTION 12-47-418;

1 (i) VINTNER'S RESTAURANT LICENSE UNDER SECTION 12-47-420;  
2 (j) DISTILLERY PUB LICENSE UNDER SECTION 12-47-424; OR  
3 (k) LODGING AND ENTERTAINMENT FACILITY LICENSE UNDER  
4 SECTION 12-47-426.

5 (2) NOTWITHSTANDING SECTIONS 12-47-402, 12-47-409,  
6 12-47-411, 12-47-412, 12-47-414, 12-47-415, 12-47-416, 12-47-417,  
7 12-47-418, 12-47-420, 12-47-424, AND 12-47-901, A CURRENT LICENSEE  
8 LISTED IN SUBSECTION (1) OF THIS SECTION MAY PURCHASE THE  
9 REMAINING ALCOHOL BEVERAGE INVENTORY FROM A FORMER LICENSEE  
10 LISTED IN SUBSECTION (1) OF THIS SECTION IF:

11 (a) WITHIN THE LAST SIXTY DAYS, THE SELLER'S LICENSE FOR A  
12 LICENSED PREMISES HAS BEEN SURRENDERED OR REVOKED; AND

13 (b) THERE IS COMMON OWNERSHIP BETWEEN THE SELLER AND THE  
14 PURCHASER.

15 (3) IN ORDER TO SELL THE REMAINING ALCOHOL BEVERAGE  
16 INVENTORY FROM A LICENSED PREMISES FOR WHICH A LICENSE IS BEING  
17 SURRENDERED OR REVOKED TO ANOTHER LICENSEE LISTED IN SUBSECTION  
18 (1) OF THIS SECTION, THE SELLER MUST:

19 (a) HAVE SURRENDERED THE LICENSE FOR THE PREMISES WITHIN  
20 THE LAST SIXTY DAYS OR HAVE HAD THE LICENSE FOR THE PREMISES  
21 REVOKED WITHIN THE LAST SIXTY DAYS;

22 (b) RETURN, WITHIN THIRTY DAYS AFTER THE LICENSE WAS  
23 SURRENDERED OR REVOKED, ALL ALCOHOL BEVERAGES THAT THE SELLER  
24 HAS NOT PAID FOR TO THE WHOLESALER FROM WHOM THE SELLER  
25 OBTAINED THE ALCOHOL BEVERAGES ON CREDIT, AND THE WHOLESALER  
26 SHALL CANCEL THE DEBT FOR THE RETURNED INVENTORY;

27 (c) OFFER AND GIVE WHOLESALERS FROM WHOM THE SELLER

1 PURCHASED REMAINING ALCOHOL BEVERAGES A THIRTY-DAY OPTION TO  
2 REPURCHASE ANY REMAINING ALCOHOL BEVERAGES THAT THE  
3 WHOLESALER SOLD TO THE SELLER BEFORE SELLING ANY INVENTORY TO  
4 A PURCHASER LISTED IN SUBSECTION (1) OF THIS SECTION;

5 (d) POSSESS PROOF THAT ALL WHOLESALERS THE SELLER HAS  
6 PURCHASED ALCOHOL BEVERAGES FROM FOR THE LICENSED PREMISES  
7 HAVE BEEN PAID IN FULL FOR THOSE PURCHASES; AND

8 (e) SELL THE ALCOHOL BEVERAGE INVENTORY FOR ONLY ONE  
9 LICENSED PREMISES.

10 (4) THE LICENSEE PURCHASING ALCOHOL BEVERAGES UNDER THIS  
11 SECTION SHALL RETAIN EVIDENCE OF THE PURCHASE IN THE FORM OF A  
12 PURCHASE RECEIPT SHOWING THE NAME OF THE SELLER, THE DATE OF  
13 PURCHASE, A DESCRIPTION OF THE ALCOHOL BEVERAGES PURCHASED, AND  
14 THE PRICE PAID FOR THE ALCOHOL BEVERAGES. THE LICENSEE SHALL  
15 RETAIN THE RECEIPT FOR THREE YEARS AND MAKE IT AVAILABLE TO THE  
16 STATE AND LOCAL LICENSING AUTHORITIES AT ALL TIMES DURING  
17 BUSINESS HOURS.

18 (5) THE STATE LICENSING AUTHORITY SHALL NOT PROMULGATE  
19 RULES THAT REGULATE OR ESTABLISH THE PRICE AT WHICH THE  
20 INVENTORY MAY BE SOLD UNDER THIS SECTION.

21 (6) A WHOLESALER SHALL NOT TRANSPORT THE ALCOHOL  
22 BEVERAGE INVENTORY FROM THE SELLER'S PREMISES TO THE PURCHASER'S  
23 PREMISES. THE SELLER MAY TRANSPORT THE ALCOHOL BEVERAGE  
24 INVENTORY TO THE PURCHASER'S LICENSED PREMISES.

25 (7) NOTHING IN THIS SECTION ALLOWS A LICENSEE TO TRANSFER  
26 ALCOHOL BEVERAGES IF THE SELLER'S LICENSE IS NOT BEING  
27 SURRENDERED OR REVOKED OR IF A COMMON OWNERSHIP DOES NOT EXIST

1 BETWEEN THE SELLER AND THE PURCHASER.

2 (8) FOR THE PURPOSES OF THIS SECTION, "COMMON OWNERSHIP"  
3 MEANS THAT A PERSON OWNS AT LEAST A TEN PERCENT OWNERSHIP  
4 INTEREST AT THE TIME THE LICENSE IS SURRENDERED OR REVOKED IN  
5 BOTH THE SELLER AND THE PURCHASER.

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