

Second Regular Session  
Seventy-second General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 20-0316.01 Richard Sweetman x4333

SENATE BILL 20-154

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SENATE SPONSORSHIP

Donovan,

HOUSE SPONSORSHIP

(None),

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Senate Committees

Business, Labor, & Technology

House Committees

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A BILL FOR AN ACT

101 CONCERNING REQUIRING CERTAIN ESTABLISHMENTS THAT ARE  
102 LICENSED TO SELL ALCOHOL BEVERAGES FOR ON-PREMISES  
103 CONSUMPTION TO ALLOW A CUSTOMER TO BRING ONE BOTTLE  
104 OF WINE INTO THE LICENSED PREMISES FOR CONSUMPTION ON  
105 THE PREMISES.

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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 requires an establishment that holds a hotel and restaurant license to sell alcohol beverages for consumption on the premises 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.

allow a customer of the licensee who is at least 21 years of age to bring one container containing up to 750 milliliters of vinous liquor into the licensed premises where meals are actually and regularly served for the on-premises consumption by the costumer or the customer and the customer's companions who are also at least 21 years of age during a meal that the customer, and the companions of the customer, if any, have ordered from the licensee, unless:

- ! The customer has brought a container of vinous liquor into the licensed premises in the previous 24 hours;
- ! The licensee or any agent of the licensee reasonably believes that the customer is under the influence of alcohol or drugs;
- ! The licensee has ceased serving meals for the day or is preparing to cease serving meals for the day; or
- ! The licensee reasonably believes that the customer has committed any of certain unlawful acts on the licensed premises.

The bill allows a customer to reseal and remove from the licensed premises an opened container of partially consumed vinous liquor that the customer brought into the licensed premises.

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

2 **SECTION 1.** In Colorado Revised Statutes, 44-3-413, **add** (15)  
3 as follows:

4 **44-3-413. Hotel and restaurant license - definitions - rules.**

5 (15) (a) EXCEPT AS DESCRIBED IN SUBSECTION (15)(b) OF THIS SECTION,  
6 A HOTEL AND RESTAURANT LICENSEE SHALL ALLOW A CUSTOMER OF THE  
7 LICENSEE WHO IS AT LEAST TWENTY-ONE YEARS OF AGE TO BRING ONE  
8 CONTAINER CONTAINING NOT MORE THAN SEVEN HUNDRED FIFTY  
9 MILLILITERS OF VINOUS LIQUOR INTO THE LICENSED PREMISES WHERE  
10 MEALS ARE ACTUALLY AND REGULARLY SERVED, WHICH VINOUS LIQUOR  
11 IS FOR THE ON-PREMISES CONSUMPTION BY THE CUSTOMER, OR FOR THE  
12 ON-PREMISES CONSUMPTION BY THE CUSTOMER AND THE CUSTOMER'S  
13 COMPANIONS WHO ARE ALSO AT LEAST TWENTY-ONE YEARS OF AGE,  
14 DURING A MEAL THAT THE CUSTOMER, AND THE COMPANIONS OF THE

1 CUSTOMER, IF ANY, HAVE ORDERED FROM THE LICENSEE.

2 (b) A LICENSEE MAY PREVENT A CUSTOMER OF THE LICENSEE FROM  
3 BRINGING A CONTAINER OF VINOUS LIQUOR INTO THE LICENSED PREMISES  
4 WHERE MEALS ARE ACTUALLY AND REGULARLY SERVED OR FROM  
5 CONSUMING A CONTAINER OF VINOUS LIQUORS THAT THE CUSTOMER  
6 BROUGHT INTO THE LICENSED PREMISES IF:

7 (I) THE CUSTOMER HAS BROUGHT A CONTAINER OF VINOUS LIQUOR  
8 INTO THE LICENSED PREMISES IN THE PREVIOUS TWENTY-FOUR HOURS;

9 (II) THE LICENSEE OR ANY AGENT OF THE LICENSEE REASONABLY  
10 BELIEVES THAT THE CUSTOMER IS UNDER THE INFLUENCE OF ALCOHOL OR  
11 DRUGS;

12 (III) THE LICENSEE HAS CEASED SERVING MEALS FOR THE DAY OR  
13 IS PREPARING TO CEASE SERVING MEALS FOR THE DAY; OR

14 (IV) THE LICENSEE REASONABLY BELIEVES THAT THE CUSTOMER  
15 HAS COMMITTED A VIOLATION OF SECTION 44-3-901 (1) ON THE LICENSED  
16 PREMISES.

17 (c) A CUSTOMER OF A LICENSEE WHO BRINGS A CONTAINER OF  
18 VINOUS LIQUOR INTO THE LICENSED PREMISES AS DESCRIBED IN  
19 SUBSECTION (15)(a) OF THIS SECTION AND DOES NOT CONSUME THE ENTIRE  
20 CONTAINER OF VINOUS LIQUOR DURING THE CUSTOMER'S MEAL MAY  
21 RESEAL AND REMOVE FROM THE LICENSED PREMISES THE OPENED  
22 CONTAINER OF PARTIALLY CONSUMED VINOUS LIQUOR THAT THE  
23 CUSTOMER BROUGHT INTO THE PREMISES.

24 **SECTION 2.** In Colorado Revised Statutes, 44-3-423, **add** (3) as  
25 follows:

26 **44-3-423. Removal of vinous liquor from licensed premises.**

27 (3) NOTWITHSTANDING ANY PROVISION OF THIS ARTICLE 3 TO THE

1 CONTRARY, A HOTEL AND RESTAURANT LICENSEE DESCRIBED UNDER  
2 SECTION 44-3-413 MAY PERMIT A CUSTOMER OF THE LICENSEE TO RESEAL  
3 AND REMOVE FROM THE LICENSED PREMISES ONE OPENED CONTAINER OF  
4 PARTIALLY CONSUMED VINOUS LIQUOR THAT THE CUSTOMER BROUGHT  
5 INTO THE LICENSED PREMISES PURSUANT TO SECTION 44-3-413 (15).

6 **SECTION 3.** In Colorado Revised Statutes, 44-3-901, **amend**  
7 (10)(c); and **add** (1)(i)(IX) as follows:

8 **44-3-901. Unlawful acts - exceptions - definitions.** (1) Except  
9 as provided in section 18-13-122, it is unlawful for any person:

10 (i) (IX) NOTWITHSTANDING SUBSECTION (1)(i)(I) OF THIS SECTION,  
11 A CUSTOMER OF A HOTEL AND RESTAURANT LICENSEE WHO IS AT LEAST  
12 TWENTY-ONE YEARS OF AGE MAY CONSUME VINOUS LIQUOR THAT THE  
13 CUSTOMER OR A COMPANION OF THE CUSTOMER BROUGHT ON TO THE  
14 LICENSED PREMISES FOR THE ON-PREMISES CONSUMPTION BY THE  
15 CUSTOMER OR THE CUSTOMER AND THE CUSTOMER'S COMPANIONS, SO  
16 LONG AS THE CUSTOMER SATISFIES THE REQUIREMENTS OF SECTION  
17 44-3-413 (15) AND ANY PERSON CONSUMING VINOUS LIQUOR BROUGHT ON  
18 TO THE LICENSED PREMISES IS AT LEAST TWENTY-ONE YEARS OF AGE.

19 (10) (c) This subsection (10) does not preclude a licensee  
20 described in section 44-3-423 (2) from:

21 (I) Permitting a customer to remove from the licensed premises  
22 one opened container of partially consumed vinous liquor that was  
23 purchased on the licensed premises and has been resealed, as permitted  
24 by section 44-3-423 (1); OR

25 (II) PERMITTING A CUSTOMER TO REMOVE FROM THE LICENSED  
26 PREMISES ONE OPENED CONTAINER OF PARTIALLY CONSUMED VINOUS  
27 LIQUOR THAT WAS BROUGHT INTO THE LICENSED PREMISES BY THE

1 CUSTOMER AND HAS BEEN RESEALED, AS PERMITTED BY SECTION 44-3-413  
2 (15)(c).

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