

#48 - Final  
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MAR 25 2010

ELECTIONS  
SECRETARY OF STATE

4-47 MH  
P.M.  
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Capital letters indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.

**A VOTER INITIATIVE FOR AN ACT ALLOWING THE REFORMATION OF ALCOHOL BEVERAGE SALES**

Be it enacted by the people of the state of Colorado

**SECTION 1. Declaration.**

This voter approved change seeks the reformation of alcohol beverage sales in Colorado. On or after January 1, 2011, the initiative amends Colorado Liquor and Fermented Beverages Codes to remove arcane and protectionist provisions and to increase choice, increase competition, increase convenience, and lower prices for Colorado's consumers.

**SECTION 2.** 12-46-103 (1), Colorado Revised Statutes, is amended to read:

**12-46-103. Definitions.** Definitions applicable to this article also appear in article 47 of this title. As used in this article, unless the context otherwise requires:

(1)(a) "Fermented malt beverage" means **BEER AND** any beverage obtained by the fermentation of any infusion or decoction of barley, malt, hops, or any similar product or any combination thereof in water containing not less than one-half of one percent alcohol by volume. ~~and not more than three and two-tenths percent alcohol by weight or four percent alcohol by volume; except that~~

(b) "Fermented malt beverage" shall not include confectionery containing alcohol within the limits prescribed by section 25-5-410(1)(i) (II), C.R.S.

**SECTION 3.** 12-46-106, Colorado Revised Statutes, is amended to read:

**12-46-106. Lawful acts.** (1) It is lawful for a person under eighteen years of age who is under the supervision of a person on the premises over eighteen years of age to be employed in a place of business where fermented malt beverages are sold at retail in containers for off-premises consumption. During the normal course of such employment, any person under eighteen years of age may handle and otherwise act with respect to fermented malt beverages in the same manner as that person does with other items sold at retail; except that no person under eighteen years of age shall sell or dispense fermented malt beverages, check age identification, or make deliveries beyond the customary parking area for the customers of the retail outlet. This section shall not be construed to permit the violation of any other provisions of this section under circumstances not specified in this section.

(2) **NOTWITHSTANDING ANY PROVISION OF THIS ARTICLE OR ARTICLE 47 OF THIS TITLE TO THE CONTRARY, AN EMPLOYEE WHO IS AT LEAST EIGHTEEN YEARS OF AGE AND UNDER TWENTY-ONE YEARS OF AGE MAY SELL OR DISPENSE FERMENTED MALT BEVERAGES, CHECK AGE IDENTIFICATION, OR**

MAKE DELIVERIES BEYOND THE CUSTOMARY PARKING AREA FOR THE CUSTOMERS OF THE LICENSED RETAILER EMPLOYING THE PERSON ONLY IF THE LICENSEE CAN DOCUMENT THAT THE EMPLOYEE:

(a) IS COMPLYING WITH THE SERVER AND SELLER TRAINING PROGRAM REQUIREMENTS ESTABLISHED BY THE DIRECTOR OF THE LIQUOR ENFORCEMENT DIVISION IN THE DEPARTMENT OF REVENUE PURSUANT TO SECTION 12-47-1002; OR

(b) IS SUPERVISED BY ANOTHER PERSON WHO IS ON THE PREMISES AND WHO IS AT LEAST TWENTY-ONE YEARS OF AGE.

**SECTION 4.** 12-47-103 (19), Colorado Revised Statutes, is amended to read:

**12-47-103. Definitions.** As used in this article and article 46 of this title, unless the context otherwise requires:

(19) "Malt liquors" includes beer and shall be construed to mean any beverage obtained by the alcoholic fermentation of any infusion or decoction of barley, malt, hops, or any other similar product, or any combination thereof, in water containing ~~more than three and two-tenths percent of alcohol by weight or four~~ NOT LESS THAN ONE-HALF OF ONE percent alcohol by volume.

**SECTION 5.** 12-47-407 (4), Colorado Revised Statutes, is amended to read:

**12-47-407. Retail liquor store license.**

(4) It is ~~unlawful~~ **LAWFUL** for any owner, part owner, shareholder, or person interested directly or indirectly in a retail liquor store to conduct, own either in whole or in part, or be directly or indirectly interested in any other business licensed pursuant to this article. ~~except that such a person may have an interest in an arts license or an airline public transportation system license granted under this article, or in a financial institution referred to in section 12-47-308 (4).~~

**SECTION 6.** 12-47-408 (4), Colorado Revised Statutes, is amended to read:

**12-47-408. Liquor-licensed drugstore license.**

(4) It is ~~unlawful~~ **LAWFUL** for any owner, part owner, shareholder, or person interested directly or indirectly in a liquor-licensed drugstore to conduct, own either in whole or in part, or be directly or indirectly interested in any other business licensed pursuant to this article. ~~except that such a person may have an interest in an arts license or an airline public transportation system license granted under this article, or in a financial institution referred to in section 12-47-308 (4).~~

**SECTION 7. Repeal.** 12-47-901 (8), Colorado Revised Statutes, is repealed as follows:

**12-47-901. Unlawful acts -exceptions.** (8) ~~It is unlawful for any manufacturer or wholesaler licensed pursuant to article 46 of this title to sell, deliver, or cause to be delivered to any retail licensee any beverage containing alcohol in excess of three and two tenths percent by weight or four percent by volume, or for any fermented malt beverage retailer to sell, possess, or permit the consumption on the premises of any of the beverages containing alcohol in excess of three and two tenths percent by weight or four percent by volume, or for any fermented malt beverage retail licensee to hold or operate under any license for the sale of any beverages containing alcohol in excess of three and two tenths percent by weight or four percent by volume for the same premises. Any violation by any fermented malt beverage licensee of the provisions of this subsection (8) shall immediately cause the cancellation of the license granted under this article.~~

**SECTION 8. Effective date.** This act shall take effect January 1, 2011.

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