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S. WARD

2:50 P.M.

Colorado Secretary of State

SALE OF INTOXICANTS AT FOOD STORES

Be it enacted by the People of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, add section 12-47-401.5 as follows:

12-47-401.5. NO MARIJUANA OR LIQUOR IN FOOD STORES – EXCEPTIONS.

(1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW AND CONSISTENT WITH SECTION 16(1)(b) OF ARTICLE XVIII OF THE COLORADO CONSTITUTION, NO FOOD STORE MAY BE LICENSED TO, OR MAY, OFFER FOR SALE, IN SEALED CONTAINERS FOR OFF-PREMISES CONSUMPTION, THE FOLLOWING INTOXICANTS THAT ARE REGULATED PURSUANT TO ARTICLES 43.3, 43.4, AND 47 OF TITLE 12 :

- (a) MARIJUANA OR MARIJUANA PRODUCT;
- (b) SPIRITUOUS LIQUOR, VINOUS LIQUOR, OR MALT LIQUOR; OR
- (c) BOTH.

FOR PURPOSES OF THIS SECTION, A “FOOD STORE” SHALL MEAN ANY ESTABLISHMENT THAT OFFERS FOR SALE FOOD ITEMS AT A RETAIL PREMISES, PROVIDED THAT 15% OR MORE OF THE GROSS ANNUAL INCOME FROM ITS TOTAL SALES IS DERIVED FROM THE SALE OF FOOD ITEMS.

(2) THE PROHIBITION IN THIS SECTION DOES NOT APPLY TO A LICENSED “RESTAURANT” AS DEFINED IN SUBSECTION (30) OF SECTION 12-47-103 OF THE COLORADO REVISED STATUTES, “MEDICAL MARIJUANA CENTER” AS DEFINED IN SECTION 12-43.4-104(8) OF THE COLORADO REVISED STATUTES, OR “RETAIL MARIJUANA STORE” AS DEFINED IN SECTION 16 (2) (n) OF ARTICLE XVIII OF THE STATE CONSTITUTION.

(3) AS AUTHORIZED BY SECTION 12-47-202(1)(b), THE DIVISION OF LIQUOR ENFORCEMENT SHALL ADOPT RULES, CONSISTENT WITH THIS PART 4, TO DEFINE “FOOD ITEMS” AND RELATED TERMS . SUCH RULES SHALL BE EFFECTIVE JULY 1, 2017.

SECTION 2. In Colorado Revised Statutes, 12-47-901, add (5)(p) as follows:

12-47-901. UNLAWFUL ACTS – EXCEPTIONS. (5) It is unlawful for any person to sell at retail pursuant to this article:

(p) FOR OFF-PREMISES CONSUMPTION, SEALED CONTAINERS THAT CONTAIN MALT, VINOUS, OR SPIRITUOUS LIQUORS OR MARIJUANA OR MARIJUANA PRODUCT, REGULATED PURSUANT TO ARTICLES 43.3, 43.4, AND 47 OF TITLE 12, AT A FOOD STORE UNLESS AUTHORIZED BY SECTION 12-47-401.5(2).

SECTION 3. In Colorado Revised Statutes, 12-47-903, amend (2.5) as follows:

12-47-901. VIOLATIONS – PENALTIES. (2.5) A person violating the provisions of section 12-47-901(1)(a.5) OR (5)(p) commits a class 1 misdemeanor and shall be punished as provided in section 18-1.3-501, C.R.S.

SECTION 4. THIS ACT TAKES EFFECT JANUARY 1, 2017.