

First Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 13-0448.01 Christy Chase x2008

SENATE BILL 13-043

SENATE SPONSORSHIP

Kerr,

HOUSE SPONSORSHIP

Gardner,

Senate Committees
Judiciary

House Committees

A BILL FOR AN ACT

101 CONCERNING THE PROHIBITION AGAINST KNOWINGLY PERMITTING
102 REMOVAL OF ALCOHOL BEVERAGES FROM AN ESTABLISHMENT
103 LICENSED TO SELL ALCOHOL BEVERAGES FOR ON-PREMISES
104 CONSUMPTION.

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://www.leg.state.co.us/billsummaries>.)

Current law prohibits a retail gaming licensee that is licensed to sell alcohol beverages for on-premises consumption from knowingly

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

permitting patrons to remove an alcohol beverage from the licensed premises and protects a retail gaming licensee from prosecution if the licensee either stations personnel at each exit to prevent removal of alcohol beverages from the premises or posts a sign by each exit notifying patrons that removal of alcohol beverages is illegal.

The bill applies the prohibition and protection from prosecution to all persons licensed under the "Colorado Liquor Code" to sell alcohol beverages for on-premises consumption. Additionally, the on-premises licensee may post a sign that is smaller than that required at retail gaming establishments.

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

2 **SECTION 1.** In Colorado Revised Statutes, 12-47-901, **amend**
3 (9) as follows:

4 **12-47-901. Unlawful acts - exceptions.** (9) (a) It is unlawful for
5 a ~~retail gaming licensee~~ PERSON who holds a license issued by the limited
6 ~~gaming commission~~ IS LICENSED TO SELL ALCOHOL BEVERAGES FOR
7 CONSUMPTION ON THE LICENSED PREMISES to knowingly permit the
8 removal of an alcohol beverage from a THE licensed premises. ~~that is~~
9 ~~licensed only for on-premises consumption of alcohol beverages. A retail~~
10 ~~gaming~~ THE licensee who holds a license issued by the limited gaming
11 ~~commission~~ shall not be charged with permitting the removal of an
12 alcohol beverage from the licensed premises when the licensee has either:

13 (a) (I) Stationed personnel at each exit used by the public in order
14 to prevent the removal of an alcohol beverage from the premises; or

15 (b) (II) (A) Posted a sign at least ~~twelve~~ TEN inches wide and
16 ~~eighteen~~ SIX inches high by each exit used by the public that contains the
17 following notice in type that is at least one-half inch in height:

18 **WARNING**
19 **DO NOT LEAVE THE PREMISES OF THIS**
20 **ESTABLISHMENT WITH AN ALCOHOL BEVERAGE.**

1 IT IS ILLEGAL TO CONSUME AN ALCOHOL
2 BEVERAGE IN A PUBLIC PLACE.

3 A FINE OF UP TO \$250 MAY BE IMPOSED BY
4 THE COURTS FOR A VIOLATION OF THIS
5 PROVISION.

6 (B) A PERSON LICENSED PURSUANT TO SECTION 12-47-414 MUST
7 POST A SIGN WITH THE SPECIFIED NOTICE AND IN THE MINIMUM TYPE SIZE
8 REQUIRED BY SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (II) THAT
9 IS AT LEAST TWELVE INCHES WIDE AND EIGHTEEN INCHES HIGH.

10 (b) THIS SUBSECTION (9) APPLIES TO PERSONS LICENSED TO SELL
11 ALCOHOL BEVERAGES FOR CONSUMPTION ON THE LICENSED PREMISES
12 PURSUANT TO SECTION 12-47-403, 12-47-409, 12-47-410, 12-47-411,
13 12-47-412, 12-47-413, 12-47-414, 12-47-415, 12-47-416, 12-47-417,
14 12-47-418, 12-47-419, 12-47-420, OR 12-47-422.

15 (c) THIS SUBSECTION (9) DOES NOT PRECLUDE A LICENSEE
16 DESCRIBED IN SECTION 12-47-421 (2) FROM PERMITTING A CUSTOMER TO
17 REMOVE FROM THE LICENSED PREMISES ONE OPENED CONTAINER OF
18 PARTIALLY CONSUMED VINOUS LIQUOR THAT WAS PURCHASED ON THE
19 LICENSED PREMISES AND HAS BEEN RESEALED, AS PERMITTED BY SECTION
20 12-47-421 (1).

21 **SECTION 2. Safety clause.** The general assembly hereby finds,
22 determines, and declares that this act is necessary for the immediate
23 preservation of the public peace, health, and safety.