

**First Regular Session  
Sixty-ninth General Assembly  
STATE OF COLORADO**

**REVISED**

*This Version Includes All Amendments Adopted  
on Second Reading in the Second House*

LLS NO. 13-0448.01 Christy Chase x2008

**SENATE BILL 13-043**

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**SENATE SPONSORSHIP**

**Kerr,**

**HOUSE SPONSORSHIP**

**Gardner,**

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**Senate Committees**

Judiciary

**House Committees**

Business, Labor, Economic, & Workforce  
Development

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**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.**

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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://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.*

HOUSE  
Amended 2nd Reading  
April 10, 2013

SENATE  
3rd Reading Unamended  
February 4, 2013

SENATE  
Amended 2nd Reading  
February 1, 2013

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.

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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 (1) (m) and (9) as follows:

4 **12-47-901. Unlawful acts - exceptions.** (1) Except as provided  
5 in section 18-13-122, C.R.S., it is unlawful for any person:

6 (m) To remove an alcohol beverage from a licensed retail gaming  
7 facility PREMISES where the liquor license for such facility THE LICENSED  
8 PREMISES allows only on-premises consumption of alcohol beverages,  
9 EXCEPT AS PERMITTED UNDER SUBPARAGRAPH (VI) OF PARAGRAPH (h) OF  
10 THIS SUBSECTION (1).

11 (9) (a) (I) EXCEPT AS PROVIDED IN PARAGRAPH (c) OF THIS  
12 SUBSECTION (9), it is unlawful for a retail gaming licensee PERSON who  
13 holds a license issued by the limited gaming commission IS LICENSED TO  
14 SELL ALCOHOL BEVERAGES FOR CONSUMPTION ON THE LICENSED PREMISES  
15 to knowingly permit the removal of an alcohol beverage from a THE  
16 licensed premises. that is licensed only for on-premises consumption of  
17 alcohol beverages. A retail gaming

18 (II) (A) EXCEPT AS PROVIDED IN SUB-SUBPARAGRAPH (C) OF THIS  
19 SUBPARAGRAPH (II), THE licensee who holds a license issued by the  
20 limited gaming commission shall not be charged with permitting the

1 removal of an alcohol beverage from the licensed premises when the  
2 licensee has either:

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

5 (b) posted a sign at least ~~twelve~~ TEN inches wide and ~~eighteen~~ SIX  
6 inches high by each exit used by the public that contains the following  
7 notice in type that is at least one-half inch in height:

8 WARNING

9 DO NOT LEAVE THE PREMISES OF THIS  
10 ESTABLISHMENT WITH AN ALCOHOL BEVERAGE.

11 IT IS ILLEGAL TO CONSUME AN ALCOHOL  
12 BEVERAGE IN A PUBLIC PLACE.

13 A FINE OF UP TO \$250 MAY BE IMPOSED BY  
14 THE COURTS FOR A VIOLATION OF THIS  
15 PROVISION.

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

20 (C) REGARDLESS OF WHETHER A LICENSEE POSTS A SIGN AS  
21 SPECIFIED IN THIS SUBPARAGRAPH (II), THE LICENSEE MAY BE CHARGED  
22 WITH KNOWINGLY PERMITTING THE REMOVAL OF AN ALCOHOL BEVERAGE  
23 FROM THE LICENSED PREMISES IF THE LICENSEE SHOWS RECKLESS  
24 DISREGARD FOR THE PROHIBITION AGAINST ALCOHOL BEVERAGE REMOVAL  
25 FROM THE LICENSED PREMISES, WHICH MAY INCLUDE PERMITTING THE  
26 REMOVAL OF AN ALCOHOL BEVERAGE FROM THE LICENSED PREMISES  
27 THREE TIMES WITHIN A TWELVE-MONTH PERIOD, REGARDLESS OF WHETHER

1 THE THREE INCIDENTS OCCUR ON THE SAME DAY OR SEPARATE DAYS. A  
2 LICENSEE MAY BE CHARGED WITH KNOWINGLY PERMITTING THE REMOVAL  
3 OF AN ALCOHOL BEVERAGE FROM THE LICENSED PREMISES UPON THE  
4 THIRD OCCURRENCE OF ALCOHOL BEVERAGE REMOVAL FROM THE  
5 LICENSED PREMISES.

6 (III) IN ADDITION TO POSTING A SIGN AS DESCRIBED IN  
7 SUBPARAGRAPH (II) OF THIS PARAGRAPH (a), A LICENSEE MAY ALSO  
8 STATION PERSONNEL AT EACH EXIT USED BY THE PUBLIC IN ORDER TO  
9 PREVENT THE REMOVAL OF AN ALCOHOL BEVERAGE FROM THE LICENSED  
10 PREMISES.

11 (b) THIS SUBSECTION (9) APPLIES TO PERSONS LICENSED TO SELL  
12 ALCOHOL BEVERAGES FOR CONSUMPTION ON THE LICENSED PREMISES  
13 PURSUANT TO SECTION 12-47-403, 12-47-409, 12-47-410, 12-47-411,  
14 12-47-412, 12-47-413, 12-47-414, 12-47-415, 12-47-416, 12-47-417,  
15 12-47-418, 12-47-419, 12-47-420, OR 12-47-422.

16 (c) THIS SUBSECTION (9) DOES NOT PRECLUDE A LICENSEE  
17 DESCRIBED IN SECTION 12-47-421 (2) FROM PERMITTING A CUSTOMER TO  
18 REMOVE FROM THE LICENSED PREMISES ONE OPENED CONTAINER OF  
19 PARTIALLY CONSUMED VINOUS LIQUOR THAT WAS PURCHASED ON THE  
20 LICENSED PREMISES AND HAS BEEN RESEALED, AS PERMITTED BY SECTION  
21 12-47-421 (1).

22 **SECTION 2. In Colorado Revised Statutes, 12-47-103, amend**  
23 (7.5) as follows:

24 **12-47-103. Definitions.** As used in this article and article 46 of  
25 this title, unless the context otherwise requires:

26 (7.5) "Entertainment district" means an area THAT:

27 (a) Is located within a municipality that AND is designated IN

1 ACCORDANCE WITH SECTION 12-47-301 (11) (b) as ~~its~~ AN entertainment  
2 district; of

3 (b) COMPRISES no more than one hundred acres; ~~containing~~ AND

4 (c) CONTAINS at least twenty thousand square feet of premises  
5 licensed as a tavern, hotel and restaurant, brew pub, retail gaming tavern,  
6 or vintner's restaurant ~~when~~ AT THE TIME the district is created.

7 **SECTION 3. Safety clause.** The general assembly hereby finds,  
8 determines, and declares that this act is necessary for the immediate  
9 preservation of the public peace, health, and safety.