

First Regular Session
Seventieth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 15-0274.01 Christy Chase x2008

HOUSE BILL 15-1217

HOUSE SPONSORSHIP

Singer,

SENATE SPONSORSHIP

(None),

House Committees
Business Affairs and Labor

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE ABILITY OF A LOCAL LICENSING AUTHORITY TO
102 PROVIDE INPUT TO THE STATE LICENSING AUTHORITY ON
103 APPLICATIONS FOR APPROVAL TO OPERATE A SALES ROOM
104 SUBMITTED BY CERTAIN PERSONS LICENSED UNDER THE
105 "COLORADO LIQUOR CODE".

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>.)

Under current law, a winery, limited winery, distillery, or beer wholesaler licensed by the state licensing authority may operate a sales

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.

room to sell the products it manufactures. With the exception of distilleries, these licensees may obtain approval to operate a sales room without any input from the local licensing authority in whose jurisdiction the sales room is located. For distillery sales rooms, the applicant must submit a copy of the application to the local licensing authority, and the local licensing authority may request the state licensing authority to deny the application if the local licensing authority determines that approval of the proposed sales room conflicts with the reasonable requirements of the neighborhood and the desires of the adult inhabitants. However, the state licensing authority may still grant approval of the sales room, regardless of the local licensing authority's determination.

The bill requires all applicants for a sales room license who apply on or after July 1, 2015, to send a copy of the application, at the time of application to the state licensing authority, to the local licensing authority in whose jurisdiction the proposed sales room is located. The local licensing authority has 30 days to provide input on the sales room application if it chooses to do so.

The state licensing authority must consider the local licensing authority's input, if any, and may deny the proposed sales room application if the local licensing authority determines that approval of the sales room would conflict with the needs and desires of the neighborhood. Additionally, unless the local licensing authority affirms that the applicant has complied with local zoning restrictions and satisfies the needs and desires of the neighborhood, the state licensing authority cannot approve the sales room application. If the local licensing authority does not provide a response to the application within 30 days, the state licensing authority shall deem that the local licensing authority does not object to the sales room application.

The state licensing authority, upon the local licensing authority's request, may take action authorized under the "Colorado Liquor Code" (liquor code) against a licensee operating a sales room if the local licensing authority demonstrates that the licensee has committed an act defined as unlawful under the liquor code or shows good cause for the suspension or revocation.

Licensees that either have sales rooms as of July 1, 2015, or that obtain authorization to operate a sales room on or after July 1, 2015, must notify the state licensing authority of all of their sales rooms. The state licensing authority is to maintain a list of all sales rooms in the state and make the list available on its web site.

The requirements of the bill do not apply to a licensed winery, limited winery, distillery, or beer wholesaler that does not sell and serve alcohol beverages for consumption in its sales room.

The state licensing authority is authorized to adopt rules regarding sales rooms.

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

2 **SECTION 1.** In Colorado Revised Statutes, 12-47-103, **add**
3 (31.5) as follows:

4 **12-47-103. Definitions.** As used in this article and article 46 of
5 this title, unless the context otherwise requires:

6 (31.5) "SALES ROOM" MEANS AN AREA IN WHICH A LICENSED
7 WINERY, PURSUANT TO SECTION 12-47-402 (2), LIMITED WINERY,
8 PURSUANT TO SECTION 12-47-403 (2) (e), DISTILLERY, PURSUANT TO
9 SECTION 12-47-402 (6), OR BEER WHOLESALER, PURSUANT TO SECTION
10 12-47-406 (1) (b), SELLS AND SERVES ALCOHOL BEVERAGES FOR
11 CONSUMPTION ON THE PREMISES.

12 **SECTION 2.** In Colorado Revised Statutes, 12-47-202, **amend**
13 (2) (a) (I) introductory portion; and **add** (2) (a) (I) (T) as follows:

14 **12-47-202. Duties of state licensing authority.** (2) (a) (I) Rules
15 ~~and regulations~~ made pursuant to paragraph (b) of subsection (1) of this
16 section may cover ~~but shall not be limited to~~, the following subjects:

17 (T) SALES ROOMS OPERATED BY LICENSED WINERIES, DISTILLERIES,
18 LIMITED WINERIES, OR BEER WHOLESALERS, INCLUDING THE MANNER BY
19 WHICH A LICENSEE OPERATING A SALES ROOM NOTIFIES THE STATE
20 LICENSING AUTHORITY OF ITS SALES ROOMS, THE CONTENT OF THE NOTICE,
21 AND ANY OTHER NECESSARY PROVISIONS RELATED TO THE NOTICE
22 REQUIREMENT.

23 **SECTION 3.** In Colorado Revised Statutes, 12-47-402, **amend**
24 (2) and (6); and **repeal** (3) as follows:

25 **12-47-402. Manufacturer's license.** (2) (a) ~~Any~~ A winery that
26 ~~has received a license~~ LICENSED pursuant to this section is ~~authorized to~~

1 MAY conduct ~~tasting~~ TASTINGS and sell vinous liquors of its own
2 manufacture, as well as other vinous liquors manufactured by other
3 Colorado wineries licensed pursuant to this section or section 12-47-403,
4 IN A SALES ROOM on the licensed premises of the winery and at one other
5 licensed sales room location at no additional cost, whether included in the
6 license at the time of the original license issuance or by supplemental
7 application.

8 (b) A WINERY LICENSED PURSUANT TO THIS SECTION MAY SERVE
9 AND SELL FOOD, GENERAL MERCHANDISE, AND NONALCOHOL BEVERAGES
10 FOR CONSUMER CONSUMPTION ON OR OFF THE LICENSED PREMISES.

11 (c) (I) (A) PRIOR TO OPERATING A SALES ROOM LOCATION, A
12 WINERY LICENSED PURSUANT TO THIS SECTION SHALL, AT THE TIME OF
13 APPLICATION TO THE STATE LICENSING AUTHORITY, SEND A COPY OF THE
14 APPLICATION OR SUPPLEMENTAL APPLICATION FOR A SALES ROOM TO THE
15 LOCAL LICENSING AUTHORITY IN THE JURISDICTION IN WHICH THE SALES
16 ROOM IS PROPOSED. THE LOCAL LICENSING AUTHORITY MAY SUBMIT A
17 RESPONSE TO THE APPLICATION, INCLUDING ITS DETERMINATION AND
18 AFFIRMATION SPECIFIED IN SUBPARAGRAPHS (II) AND (III) OF THIS
19 PARAGRAPH (c), TO THE STATE LICENSING AUTHORITY BUT MUST SUBMIT
20 ITS RESPONSE WITHIN THIRTY DAYS AFTER THE LICENSED WINERY SUBMITS
21 ITS SALES ROOM APPLICATION TO THE STATE LICENSING AUTHORITY.

22 (B) IF THE LOCAL LICENSING AUTHORITY DOES NOT SUBMIT A
23 RESPONSE TO THE STATE LICENSING AUTHORITY WITHIN THIRTY DAYS
24 AFTER SUBMISSION OF THE SALES ROOM APPLICATION, THE STATE
25 LICENSING AUTHORITY SHALL DEEM THAT THE LOCAL LICENSING
26 AUTHORITY HAS DETERMINED THAT THE PROPOSED SALES ROOM DOES NOT
27 CONFLICT WITH THE REASONABLE REQUIREMENTS OF THE NEIGHBORHOOD

1 AND THE DESIRES OF THE ADULT INHABITANTS AND THAT THE APPLICANT
2 HAS COMPLIED WITH LOCAL ZONING RESTRICTIONS AND SECTION
3 12-47-301 (2) (a).

4 (II) THE STATE LICENSING AUTHORITY MUST CONSIDER THE
5 RESPONSE FROM THE LOCAL LICENSING AUTHORITY, IF ANY, AND MAY
6 DENY THE PROPOSED SALES ROOM APPLICATION IF THE LOCAL LICENSING
7 AUTHORITY DETERMINES THAT APPROVAL OF THE PROPOSED SALES ROOM
8 CONFLICTS WITH THE REASONABLE REQUIREMENTS OF THE NEIGHBORHOOD
9 AND THE DESIRES OF THE ADULT INHABITANTS AS EVIDENCED BY
10 PETITIONS, REMONSTRANCES, OR OTHERWISE.

11 (III) THE STATE LICENSING AUTHORITY SHALL NOT GRANT
12 APPROVAL OF A SALES ROOM UNLESS THE LOCAL LICENSING AUTHORITY
13 AFFIRMS TO THE STATE LICENSING AUTHORITY THAT THE APPLICANT HAS
14 COMPLIED WITH LOCAL ZONING RESTRICTIONS AND THE PROVISIONS OF
15 SECTION 12-47-301 (2) (a).

16 (IV) A LICENSED WINERY THAT IS OPERATING A SALES ROOM AS OF
17 THE EFFECTIVE DATE OF THIS PARAGRAPH (c), OR THAT IS GRANTED
18 APPROVAL PURSUANT TO THIS PARAGRAPH (c) TO OPERATE A SALES ROOM
19 ON OR AFTER THE EFFECTIVE DATE OF THIS PARAGRAPH (c), SHALL NOTIFY
20 THE STATE LICENSING AUTHORITY OF ALL SALES ROOMS IT OPERATES. THE
21 STATE LICENSING AUTHORITY SHALL MAINTAIN A LIST OF ALL LICENSED
22 WINERY SALES ROOMS IN THE STATE AND MAKE THE LIST AVAILABLE ON
23 ITS WEB SITE.

24 (V) THE LOCAL LICENSING AUTHORITY MAY REQUEST THAT THE
25 STATE LICENSING AUTHORITY TAKE ACTION IN ACCORDANCE WITH
26 SECTION 12-47-601 AGAINST A LICENSED WINERY APPROVED TO OPERATE
27 A SALES ROOM IF THE LOCAL LICENSING AUTHORITY:

1 (A) DEMONSTRATES TO THE STATE LICENSING AUTHORITY THAT
2 THE LICENSEE HAS ENGAGED IN AN UNLAWFUL ACT AS SET FORTH IN PART
3 9 OF THIS ARTICLE; OR

4 (B) SHOWS GOOD CAUSE AS SPECIFIED IN SECTION 12-47-103 (9)
5 (a), (9) (b), OR (9) (d).

6 (VI) THIS PARAGRAPH (c) DOES NOT APPLY IF THE LICENSED
7 WINERY DOES NOT SELL AND SERVE VINOUS LIQUORS IN ITS SALES ROOM
8 FOR CONSUMPTION ON THE LICENSED PREMISES.

9 (3) ~~Any winery that has received a license pursuant to this section~~
10 ~~is authorized to serve and sell food, general merchandise, and nonalcohol~~
11 ~~beverages for consumption on the premises of any licensed premises or~~
12 ~~to be taken by the consumer.~~

13 (6) (a) ~~Any A manufacturer of spirituous liquors that has received~~
14 ~~a license LICENSED pursuant to this section is authorized to~~ MAY conduct
15 tastings and sell to customers spirituous liquors of its own manufacture
16 IN A SALES ROOM on its licensed premises and at one other licensed sales
17 room location at no additional cost. ~~Such additional A sales room location~~
18 may be included in the license at the time of the original license issuance
19 or by supplemental application.

20 (b) ~~Any A manufacturer of spirituous liquors that has received a~~
21 ~~license LICENSED pursuant to this section is authorized to~~ MAY serve and
22 sell food, general merchandise, and nonalcohol beverages for CONSUMER
23 consumption on OR OFF the LICENSED premises. ~~or to be taken off the~~
24 ~~premises by the consumer.~~

25 (c) (I) (A) ~~Prior to operating an additional A sales room location,~~
26 a manufacturer of spirituous liquors ~~that has received a license LICENSED~~
27 pursuant to this section shall, AT THE TIME OF APPLICATION TO THE STATE

1 LICENSING AUTHORITY, send a copy of the application or supplemental
2 application for ~~an additional~~ A sales room to the local licensing authority
3 in the jurisdiction in which ~~such~~ THE sales room is proposed. The local
4 licensing authority ~~may request that the proposed sales room location~~
5 ~~license be denied by~~ MAY SUBMIT A RESPONSE TO THE APPLICATION,
6 INCLUDING ITS DETERMINATION AND AFFIRMATION SPECIFIED IN
7 SUBPARAGRAPHS (II) AND (III) OF THIS PARAGRAPH (c), TO THE STATE
8 LICENSING AUTHORITY BUT MUST SUBMIT ITS RESPONSE WITHIN THIRTY
9 DAYS AFTER THE LICENSEE SUBMITS ITS SALES ROOM APPLICATION TO THE
10 STATE LICENSING AUTHORITY.

11 (B) IF THE LOCAL LICENSING AUTHORITY DOES NOT SUBMIT A
12 RESPONSE TO THE STATE LICENSING AUTHORITY WITHIN THIRTY DAYS
13 AFTER SUBMISSION OF THE SALES ROOM APPLICATION, THE STATE
14 LICENSING AUTHORITY SHALL DEEM THAT THE LOCAL LICENSING
15 AUTHORITY HAS DETERMINED THAT THE PROPOSED SALES ROOM DOES NOT
16 CONFLICT WITH THE REASONABLE REQUIREMENTS OF THE NEIGHBORHOOD
17 AND THE DESIRES OF THE ADULT INHABITANTS AND THAT THE APPLICANT
18 HAS COMPLIED WITH LOCAL ZONING RESTRICTIONS AND SECTION
19 12-47-301 (2) (a).

20 (II) The state licensing authority MUST CONSIDER THE RESPONSE
21 FROM THE LOCAL LICENSING AUTHORITY, IF ANY, AND MAY DENY THE
22 PROPOSED SALES ROOM APPLICATION if the local licensing authority
23 determines that ~~issuance~~ APPROVAL of the proposed sales room ~~license~~
24 ~~would be in conflict~~ CONFLICTS with the reasonable requirements of the
25 neighborhood and the desires of the adult inhabitants as evidenced by
26 petitions, remonstrances, or otherwise.

27 ~~(d)~~ (III) The state licensing ~~agency~~ AUTHORITY shall not grant a

1 ~~license for an additional~~ APPROVAL OF A sales room unless THE LOCAL
2 LICENSING AUTHORITY AFFIRMS TO THE STATE LICENSING AUTHORITY
3 THAT the applicant has complied with local zoning restrictions and the
4 provisions of section 12-47-301 (2) (a).

5 (IV) A LICENSED SPIRITUOUS LIQUORS MANUFACTURER THAT IS
6 OPERATING A SALES ROOM AS OF THE EFFECTIVE DATE OF THIS PARAGRAPH
7 (c), AS AMENDED, OR THAT IS GRANTED APPROVAL PURSUANT TO THIS
8 PARAGRAPH (c) TO OPERATE A SALES ROOM ON OR AFTER THE EFFECTIVE
9 DATE OF THIS PARAGRAPH (c), AS AMENDED, SHALL NOTIFY THE STATE
10 LICENSING AUTHORITY OF ALL SALES ROOMS IT OPERATES. THE STATE
11 LICENSING AUTHORITY SHALL MAINTAIN A LIST OF ALL LICENSED
12 SPIRITUOUS LIQUOR MANUFACTURER SALES ROOMS IN THE STATE AND
13 MAKE THE LIST AVAILABLE ON ITS WEB SITE.

14 (V) THE LOCAL LICENSING AUTHORITY MAY REQUEST THAT THE
15 STATE LICENSING AUTHORITY TAKE ACTION IN ACCORDANCE WITH
16 SECTION 12-47-601 AGAINST A LICENSED SPIRITUOUS LIQUORS
17 MANUFACTURER APPROVED TO OPERATE A SALES ROOM IF THE LOCAL
18 LICENSING AUTHORITY:

19 (A) DEMONSTRATES TO THE STATE LICENSING AUTHORITY THAT
20 THE LICENSEE HAS ENGAGED IN AN UNLAWFUL ACT AS SET FORTH IN PART
21 9 OF THIS ARTICLE; OR

22 (B) SHOWS GOOD CAUSE AS SPECIFIED IN SECTION 12-47-103 (9)
23 (a), (9) (b), OR (9) (d).

24 (VI) THIS PARAGRAPH (c) DOES NOT APPLY IF THE LICENSED
25 SPIRITUOUS LIQUORS MANUFACTURER DOES NOT SELL AND SERVE ITS
26 SPIRITUOUS LIQUORS IN ITS SALES ROOM FOR CONSUMPTION ON THE
27 LICENSED PREMISES.

1 **SECTION 4.** In Colorado Revised Statutes, 12-47-403, **amend**
2 (2) (e) as follows:

3 **12-47-403. Limited winery license.** (2) A limited winery
4 licensee is authorized:

5 (e) (I) (A) EXCEPT AS PROVIDED IN SUB-SUBPARAGRAPH (B) OF
6 THIS SUBPARAGRAPH (I) AND SUBJECT TO SUBPARAGRAPH (II) OF THIS
7 PARAGRAPH (e), to conduct tastings and sell vinous liquors of its own
8 manufacture, as well as vinous liquors manufactured by other Colorado
9 wineries, IN A SALES ROOM on the licensed premises of the limited winery
10 and up to five other licensed premises, whether included in the license at
11 the time of the original license or by supplemental application. ~~except that~~
12 ~~no~~

13 (B) A LIMITED WINERY LICENSEE SHALL NOT CONDUCT retail sales
14 ~~shall be conducted~~ from an area licensed or defined as an alternating
15 proprietor licensed premises.

16 (II) (A) PRIOR TO OPERATING A SALES ROOM LOCATION, A LIMITED
17 WINERY LICENSED PURSUANT TO THIS SECTION SHALL, AT THE TIME OF
18 APPLICATION TO THE STATE LICENSING AUTHORITY, SEND A COPY OF THE
19 APPLICATION OR SUPPLEMENTAL APPLICATION FOR A SALES ROOM TO THE
20 LOCAL LICENSING AUTHORITY IN THE JURISDICTION IN WHICH THE SALES
21 ROOM IS PROPOSED. THE LOCAL LICENSING AUTHORITY MAY SUBMIT A
22 RESPONSE TO THE APPLICATION, INCLUDING ITS DETERMINATION AND
23 AFFIRMATION SPECIFIED IN SUB-SUBPARAGRAPHS (B) AND (C) OF THIS
24 SUBPARAGRAPH (II), TO THE STATE LICENSING AUTHORITY BUT MUST
25 SUBMIT ITS RESPONSE WITHIN THIRTY DAYS AFTER THE LICENSED LIMITED
26 WINERY SUBMITS ITS SALES ROOM APPLICATION TO THE STATE LICENSING
27 AUTHORITY. IF THE LOCAL LICENSING AUTHORITY DOES NOT SUBMIT A

1 RESPONSE TO THE STATE LICENSING AUTHORITY WITHIN THIRTY DAYS
2 AFTER SUBMISSION OF THE SALES ROOM APPLICATION, THE STATE
3 LICENSING AUTHORITY SHALL DEEM THAT THE LOCAL LICENSING
4 AUTHORITY HAS DETERMINED THAT THE PROPOSED SALES ROOM DOES NOT
5 CONFLICT WITH THE REASONABLE REQUIREMENTS OF THE NEIGHBORHOOD
6 AND THE DESIRES OF THE ADULT INHABITANTS AND THAT THE APPLICANT
7 HAS COMPLIED WITH LOCAL ZONING RESTRICTIONS AND SECTION
8 12-47-301 (2) (a).

9 (B) THE STATE LICENSING AUTHORITY MUST CONSIDER THE
10 RESPONSE FROM THE LOCAL LICENSING AUTHORITY, IF ANY, AND MAY
11 DENY THE PROPOSED SALES ROOM APPLICATION IF THE LOCAL LICENSING
12 AUTHORITY DETERMINES THAT APPROVAL OF THE PROPOSED SALES ROOM
13 CONFLICTS WITH THE REASONABLE REQUIREMENTS OF THE NEIGHBORHOOD
14 AND THE DESIRES OF THE ADULT INHABITANTS AS EVIDENCED BY
15 PETITIONS, REMONSTRANCES, OR OTHERWISE.

16 (C) THE STATE LICENSING AUTHORITY SHALL NOT GRANT
17 APPROVAL OF A SALES ROOM UNLESS THE LOCAL LICENSING AUTHORITY
18 AFFIRMS TO THE STATE LICENSING AUTHORITY THAT THE LIMITED WINERY
19 APPLICANT HAS COMPLIED WITH LOCAL ZONING RESTRICTIONS AND THE
20 PROVISIONS OF SECTION 12-47-301 (2) (a).

21 (D) A LICENSED LIMITED WINERY THAT IS OPERATING A SALES
22 ROOM AS OF THE EFFECTIVE DATE OF THIS SUBPARAGRAPH (II), OR THAT
23 IS GRANTED APPROVAL PURSUANT TO THIS SUBPARAGRAPH (II) TO
24 OPERATE A SALES ROOM ON OR AFTER THE EFFECTIVE DATE OF THIS
25 SUBPARAGRAPH (II), SHALL NOTIFY THE STATE LICENSING AUTHORITY OF
26 ALL SALES ROOMS IT OPERATES. THE STATE LICENSING AUTHORITY SHALL
27 MAINTAIN A LIST OF ALL LIMITED WINERY LICENSEE SALES ROOMS IN THE

1 STATE AND MAKE THE LIST AVAILABLE ON ITS WEB SITE.

2 (E) THE LOCAL LICENSING AUTHORITY MAY REQUEST THAT THE
3 STATE LICENSING AUTHORITY TAKE ACTION IN ACCORDANCE WITH
4 SECTION 12-47-601 AGAINST A LICENSED LIMITED WINERY APPROVED TO
5 OPERATE A SALES ROOM IF THE LOCAL LICENSING AUTHORITY
6 DEMONSTRATES TO THE STATE LICENSING AUTHORITY THAT THE LICENSEE
7 HAS ENGAGED IN AN UNLAWFUL ACT AS SET FORTH IN PART 9 OF THIS
8 ARTICLE OR SHOWS GOOD CAUSE AS SPECIFIED IN SECTION 12-47-103 (9)
9 (a), (9) (b), OR (9) (d).

10 (F) THIS SUBPARAGRAPH (II) DOES NOT APPLY IF THE LICENSED
11 LIMITED WINERY DOES NOT SELL AND SERVE VINOUS LIQUORS IN ITS SALES
12 ROOM FOR CONSUMPTION ON THE LICENSED PREMISES.

13 **SECTION 5.** In Colorado Revised Statutes, 12-47-406, **amend**
14 (1) (b) as follows:

15 **12-47-406. Wholesaler's license.** (1) (b) (I) A wholesaler's beer
16 license shall be issued to persons selling malt liquors at wholesale who
17 designate to the state licensing authority on their application the territory
18 within which the licensee may sell the designated products of any brewer
19 as agreed upon by the licensee and the brewer of such products for the
20 following purposes only:

21 ~~(H)~~ (A) To maintain and operate warehouses and one ~~salesroom~~
22 SALES ROOM in this state to handle malt liquors to be denominated a
23 wholesale beer store;

24 ~~(H)~~ (B) To take orders for malt liquors at any place within the
25 territory designated on the license application and deliver malt liquors on
26 orders previously taken to any place within the designated geographical
27 territory, if the licensee has procured a wholesaler's beer license and the

1 place where orders are taken and delivered is a place regularly licensed
2 pursuant to the provisions of this article.

3 (II) (A) PRIOR TO OPERATING A SALES ROOM AS AUTHORIZED BY
4 THIS PARAGRAPH (b), A WHOLESALER'S BEER LICENSEE THAT IS LICENSED
5 PURSUANT TO THIS SECTION SHALL, AT THE TIME OF APPLICATION TO THE
6 STATE LICENSING AUTHORITY, SEND A COPY OF THE APPLICATION OR
7 SUPPLEMENTAL APPLICATION FOR A SALES ROOM TO THE LOCAL LICENSING
8 AUTHORITY IN THE JURISDICTION IN WHICH THE SALES ROOM IS PROPOSED.
9 THE LOCAL LICENSING AUTHORITY MAY SUBMIT A RESPONSE TO THE
10 APPLICATION, INCLUDING ITS DETERMINATION AND AFFIRMATION
11 SPECIFIED IN SUB-SUBPARAGRAPHS (B) AND (C) OF THIS SUBPARAGRAPH
12 (II), TO THE STATE LICENSING AUTHORITY BUT MUST SUBMIT ITS RESPONSE
13 WITHIN THIRTY DAYS AFTER THE WHOLESALER'S BEER LICENSEE SUBMITS
14 ITS SALES ROOM APPLICATION TO THE STATE LICENSING AUTHORITY. IF
15 THE LOCAL LICENSING AUTHORITY DOES NOT SUBMIT A RESPONSE TO THE
16 STATE LICENSING AUTHORITY WITHIN THIRTY DAYS AFTER SUBMISSION OF
17 THE SALES ROOM APPLICATION, THE STATE LICENSING AUTHORITY SHALL
18 DEEM THAT THE LOCAL LICENSING AUTHORITY HAS DETERMINED THAT THE
19 PROPOSED SALES ROOM DOES NOT CONFLICT WITH THE REASONABLE
20 REQUIREMENTS OF THE NEIGHBORHOOD AND THE DESIRES OF THE ADULT
21 INHABITANTS AND THAT THE APPLICANT HAS COMPLIED WITH LOCAL
22 ZONING RESTRICTIONS AND SECTION 12-47-301 (2) (a).

23 (B) THE STATE LICENSING AUTHORITY MUST CONSIDER THE
24 RESPONSE FROM THE LOCAL LICENSING AUTHORITY, IF ANY, AND MAY
25 DENY THE PROPOSED SALES ROOM APPLICATION IF THE LOCAL LICENSING
26 AUTHORITY DETERMINES THAT APPROVAL OF THE PROPOSED SALES ROOM
27 CONFLICTS WITH THE REASONABLE REQUIREMENTS OF THE NEIGHBORHOOD

1 AND THE DESIRES OF THE ADULT INHABITANTS AS EVIDENCED BY
2 PETITIONS, REMONSTRANCES, OR OTHERWISE.

3 (C) THE STATE LICENSING AUTHORITY SHALL NOT GRANT
4 APPROVAL OF A SALES ROOM UNLESS THE LOCAL LICENSING AUTHORITY
5 AFFIRMS TO THE STATE LICENSING AUTHORITY THAT THE APPLICANT HAS
6 COMPLIED WITH LOCAL ZONING RESTRICTIONS AND THE PROVISIONS OF
7 SECTION 12-47-301 (2) (a).

8 (D) A WHOLESALER'S BEER LICENSEE THAT IS OPERATING A SALES
9 ROOM AS OF THE EFFECTIVE DATE OF THIS SUBPARAGRAPH (II), OR THAT
10 IS GRANTED APPROVAL PURSUANT TO THIS SUBPARAGRAPH (II) TO
11 OPERATE A SALES ROOM ON OR AFTER THE EFFECTIVE DATE OF THIS
12 SUBPARAGRAPH (II), SHALL NOTIFY THE STATE LICENSING AUTHORITY OF
13 ITS SALES ROOM. THE STATE LICENSING AUTHORITY SHALL MAINTAIN A
14 LIST OF ALL WHOLESALER'S BEER LICENSEE SALES ROOMS IN THE STATE
15 AND MAKE THE LIST AVAILABLE ON ITS WEB SITE.

16 (E) THE LOCAL LICENSING AUTHORITY MAY REQUEST THAT THE
17 STATE LICENSING AUTHORITY TAKE ACTION IN ACCORDANCE WITH
18 SECTION 12-47-601 AGAINST A WHOLESALER'S BEER LICENSEE APPROVED
19 TO OPERATE A SALES ROOM IF THE LOCAL LICENSING AUTHORITY
20 DEMONSTRATES TO THE STATE LICENSING AUTHORITY THAT THE LICENSEE
21 HAS ENGAGED IN AN UNLAWFUL ACT AS SET FORTH IN PART 9 OF THIS
22 ARTICLE OR SHOWS GOOD CAUSE AS SPECIFIED IN SECTION 12-47-103 (9)
23 (a), (9) (b), OR (9) (d).

24 (F) THIS SUBPARAGRAPH (II) DOES NOT APPLY IF THE
25 WHOLESALER'S BEER LICENSEE DOES NOT SELL AND SERVE MALT LIQUORS
26 IN ITS SALES ROOM FOR CONSUMPTION ON THE LICENSED PREMISES.

27 **SECTION 6. Act subject to petition - effective date -**

1 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
2 the expiration of the ninety-day period after final adjournment of the
3 general assembly (August 5, 2015, if adjournment sine die is on May 6,
4 2015); except that, if a referendum petition is filed pursuant to section 1
5 (3) of article V of the state constitution against this act or an item, section,
6 or part of this act within such period, then the act, item, section, or part
7 will not take effect unless approved by the people at the general election
8 to be held in November 2016 and, in such case, will take effect on the
9 date of the official declaration of the vote thereon by the governor.

10 (2) This act applies to applications for sales rooms submitted on
11 or after the applicable effective date of this act.