



  
**COLORADO MUNICIPAL LEAGUE**

**2018 Liquor Legislative Changes  
Including SB18-243**  
 December 13, 2018

  
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Contents of this presentation reflects the view of the presenter, not of CML.


*Robin Eaton, Deputy City Clerk  
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**Major bills that survived in 2018**

- HB18-1096
- Adds **municipalities, counties, special districts and educational organizations** to statutory list of organizations qualified to hold Special Event Permits (SEPs). No art facilities are required.
- Those groups were only allowed by Rule, since 2012
- SB18-067: Allows organizations, available for SEPs to auction donated alcohol beverages in **sealed containers** for fundraising purposes under specified circumstances.
- Donation Rule 47-1022 to change; allowing "persons".

  
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**Expand Allowances**

- **SB18-173**
- Expands "cork and carry" to licensees that have sandwiches and light snacks available.
- Still only available for one opened container of partially consumed vinous liquor; no more than 750 milliliters.

  
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**From SB16-197 To SB18-243**


- Effective 1/1/2019: " Fermented malt beverage" (FMB) means beer and any other beverage obtained by the fermentation of any infusion (chemical process, i.e. soaking the leaves or herbs) or decoction (heating or boiling) of barley, malt, hops, or any similar product or any combination thereof in water containing not less than one-half percent alcohol by volume.

  
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**Is it Beer or is it Malt Liquor?**

- **DANGED IF I KNOW!!**




  
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### Malt Liquor- same def as FMB

- Beer usually gets most of its sugars from barley or other wheat grains. Yeast eats these sugars and is turned into alcohol.
- Malt liquor adds other grains like corn or rice to give it more sugars for the yeast to eat, thus raising the alcohol content.
- Beer usually ranges around 3-5% but can go up to 15% alcohol. Malt liquor is low at 8-12% but can go all the way up to 20%. After that it is considered a spirit.

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### Segregation of FMB and Malt Liquor


- FMB and Malt liquors must continue to follow separate and distinct regulations.
- SB18-243 did not do away with the beer code.
- License only allows for the sale of FMB (Beer).
- Modifications ARE required to increase display or sale areas of alcohol beverage products.

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### AGE OF SERVERS - Did you know?

- RLS and LLDS can employ a person at least 18-21 yrs. of age to sell or dispense alcohol and check ID's and that they do not require adult supervision.




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### New FMB Lawful Acts

- Under 18 yr. olds, that have on-site supervision by an 18 yr. old can be employed at an FMB, but cannot sell, dispense or check IDs.
- 18-20 yr. olds can sell, dispense, check IDs but cannot deliver sealed FMB products. No adult supervision required.
- Only those over 21 yrs. of age can deliver but must follow the delivery rules. 1/1/19


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### Laws per Effective Dates

- 20% food sales for new and renewed FMBs- exempted if building permit or CO was issued prior to 1-1-19 (State will specify manner and form) and the premises building "intent" for use was an FMB retailer.(??) Emergency Rule 47-010
- NO FMB sales allowed at self checkouts without **complete** help by an employee of the FMB.


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### Licensing in General

- Expands restraints of competition on second or additional licenses to all types. Undue concentration remains same – Taverns, RLS
- FMBs and RLS cannot change location within 1,500/3,000/1,500(Denver) ft. restrictions of another RLS. No provision against an RLS to move nearby an FMB.
- With ordinance, new tastings hours 11 a.m.-9 p.m., 7 days a week, no more than 156 days per calendar year: RLS, LLDS.

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### New Feet Restrictions

- No new RLS or LLDS within 1,500 ft, 10,000 less population, that is contiguous to City/County of Denver.
- FMBs cannot be within 500 ft. of an RLS – exempted if building permit or CO was issued prior to 1-1-19 and the premises “intent” was for an FMB. New Emergency Rule 47-009
- **Off premises** FMBs cannot be within 500 ft. of public or parochial schools, principal campuses. Can be eliminated or modified by Ordinance.

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### New RLS/LLDS Rules


- No sales below cost, except for discontinued or close-out liquors
- Delivery rules – 21 or older, vehicle leased by the licensee, no more than 50% of gross, only to non-licensed areas.
- Delivery permits required in 2019
- Multiple LLDS if licensed prior to 10/1/16

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### Is this a Delivery?

- Home James!



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### Suspensions - Unlawful acts

- No suspension or fine consideration against licensee that occurred five or more years past – sales to underage, habitual drunkard or visibly intoxicated. 44-3-901 (5)(a)(I)
- **Not** unlawful for a person who is at least 21 yrs. of age to consume FMB, Malt, Vinous, or Spirituous liquors in public, except on a right of way, **if** authorized by local ordinance, resolution or adopted rule.

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### Unlawful Acts - exceptions

- **No** Sale of FMB or Alcohol in sealed containers on **Christmas Day**. New in 2019 for FMBs
- Opened samples of FMB or Liquor can stay on the premises but must remain with the licensee.
- **All** off premises sales, including FMBs, verified with ID 21-50 yrs. of age. Not required if the consumer is or appears to be over fifty.

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### THANK YOU!!!

- QUESTIONS??? HEAD SPINNING??



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