

Received
Legislative Council Staff
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Be it Enacted by the People of the State of Colorado:

SECTION 1: In the Colorado Revised Statutes, **add** section 44-3-314 as follows:

44-3-314. LOCAL APPROVAL REQUIRED FOR EXPANDED LIQUOR LICENSE.

(1) NOTWITHSTANDING ANY LAW TO THE CONTRARY, NO LICENSE CONVERSION, MODIFICATION, OR OTHER LICENSING CHANGE THAT REVISES THE CLASS UNDER WHICH AN EXISTING LICENSEE OPERATES OR EXPANDS THE TYPE OR TYPES OF ALCOHOL BEVERAGE THAT MAY BE SOLD BY AN EXISTING LICENSEE SHALL BE EFFECTIVE OR ALLOW SALE OF SUCH ADDITIONAL TYPES OF ALCOHOL BEVERAGE TYPES UNLESS THE LOCAL LICENSING AUTHORITY EXPRESSLY FINDS:

(A) SUCH APPROVAL WILL MEET THE NEEDS AND DESIRES OF THE INHABITANTS OF THE NEIGHBORHOOD, BASED ON COMPETENT EVIDENCE IN THE RECORD AFTER A PUBLIC HEARING; AND

(B) THE LICENSED PREMISES, AFTER SUCH CONVERSION, MODIFICATION, OR OTHER LICENSING CHANGE, WILL COMPLY WITH THE FOLLOWING DISTANCE REQUIREMENTS, WHICHEVER IS GREATER IN THE INSTANCE OF ANY CONFLICT OR INCONSISTENCY:

(I) THE DISTANCE LIMITATIONS SPECIFIED BY LAW THAT APPLIED TO THE PREVIOUS CLASS OF LICENSE AT THE TIME SUCH LICENSE WAS APPROVED; AND

(II) ONE THOUSAND FIVE HUNDRED FEET FROM ANY PUBLIC OR PRIVATE ELEMENTARY, MIDDLE OR SECONDARY SCHOOL, DAYCARE CENTER, CHURCH, OR PREMISES LICENSED FOR THE SALE OF ALCOHOL BEVERAGES IN SEALED CONTAINERS FOR CONSUMPTION OFF THE PREMISES.

(2) NO LICENSE MAY BE RENEWED TO CONTINUE AUTHORIZATION FOR SALES AT A LICENSED PREMISES OF ANY ALCOHOL BEVERAGES IN SEALED CONTAINERS FOR OFF-PREMISES CONSUMPTION:

(I) BY OPERATION OF LAW; OR

(II) WITHOUT EXPRESS FINDINGS BY THE LOCAL LICENSING AUTHORITY THAT SUCH RENEWAL WILL SERVE THE PUBLIC INTEREST AND IS WARRANTED IN LIGHT OF THE LICENSEE'S OPERATING HISTORY.

(3) FOR PURPOSES OF THIS SECTION:

(A) "ALCOHOL BEVERAGE" HAS THE SAME MEANING AS PROVIDED IN SECTION 44-3-103 (2).

(B) "PERSON" MEANS AN INDIVIDUAL, CORPORATION, LIMITED LIABILITY COMPANY, JOINT VENTURE, PARTNERSHIP, UNINCORPORATED ASSOCIATION, GROUP OF PERSONS UNDER A COMMON OWNERSHIP STRUCTURE, GROUP OF PERSONS USING THE SAME TRADE NAME, OR ANY LEGAL OR COMMERCIAL ENTITY.

(4) THIS SECTION IS EFFECTIVE ON THE DATE OF THE PROCLAMATION BY THE GOVERNOR CERTIFYING THE VOTE AT THE NOVEMBER, 2022 GENERAL ELECTION.