

**Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 26-0589.01 Jed Franklin x5484

SENATE BILL 26-094

SENATE SPONSORSHIP

Lindstedt,

HOUSE SPONSORSHIP

(None),

Senate Committees

Business, Labor, & Technology
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING ALTERNATING PREMISES LICENSED PREMISES FOR**
102 **ALCOHOL PRODUCTION.**

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://leg.colorado.gov>.)

Currently, a person licensed as a manufacturer of spirituous liquors, malt liquors, or vinous liquors; a brew pub; a vintner's restaurant; or a limited winery (licensee) may allow another licensee to manufacture and store vinous liquors and malt liquors on the first licensee's premises. The bill specifies that a person licensed as a distillery pub is a licensee. The bill also specifies that, in addition to vinous liquors and malt liquors,

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

a licensee may allow another licensee to manufacture and store spirituous liquors on the first licensee's premises.

The bill also allows a licensee to manufacture and store vinous liquors, spirituous liquors, or malt liquors (alcohol beverages) on the first licensee's premises on behalf of another licensee (alternating premises licensed premises). An alternating premises licensed premises must be adjacent to the premises of the person on whose behalf the licensee is manufacturing or storing alcohol beverages. A licensee may not sell alcohol beverages at retail from an alternating premises licensed premises.

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

2 **SECTION 1.** In Colorado Revised Statutes, 44-3-103, **amend** (3),
3 (5), (14)(b), and (60); and **add** (2.7) as follows:

4 **44-3-103. Definitions.**

5 As used in this article 3 and article 4 of this title 44, unless the
6 context otherwise requires:

7 (2.7) "ALTERNATING PREMISES LICENSED PREMISES" MEANS A
8 DISTINCT AND DEFINITE AREA, AS SPECIFIED IN AN ALTERNATING USE OF
9 PREMISES APPLICATION, THAT IS OWNED BY OR IN POSSESSION OF A PERSON
10 LICENSED PURSUANT TO SECTION 44-3-402, 44-3-403, 44-3-417, 44-3-422,
11 OR 44-3-426 AND WITHIN WHICH THE LICENSEE IS AUTHORIZED TO
12 MANUFACTURE AND STORE VINOUS LIQUORS, SPIRITUOUS LIQUORS, OR
13 MALT LIQUORS ON BEHALF OF ANOTHER PERSON LICENSED PURSUANT TO
14 SECTION 44-3-402, 44-3-403, 44-3-417, 44-3-422, OR 44-3-426 IN
15 ACCORDANCE WITH THIS ARTICLE 3. AN ALTERNATING PREMISES LICENSED
16 PREMISES MUST BE ADJACENT TO OR CONTIGUOUS WITH THE PREMISES OF
17 THE PERSON ON WHOSE BEHALF THE LICENSEE IS MANUFACTURING AND
18 STORING VINOUS LIQUORS, SPIRITUOUS LIQUORS, OR MALT LIQUORS.

19 (3) "Alternating proprietor licensed premises" means a distinct
20 and definite area, as specified in an alternating use of premises

1 application, that is owned by or in possession of a person licensed
2 pursuant to section 44-3-402, 44-3-403, 44-3-417, ~~or~~ 44-3-422, OR
3 **44-3-426** and within which the licensee and other persons licensed
4 pursuant to section 44-3-402, 44-3-403, 44-3-417, ~~or~~ 44-3-422, OR
5 **44-3-426** are authorized to manufacture and store vinous liquors,
6 SPIRITUOUS LIQUORS, or malt liquors in accordance with this article 3.

7 (5) "Brew pub" means a retail establishment that manufactures not
8 more than one million eight hundred sixty thousand gallons of malt liquor
9 on its licensed premises, A LICENSED ALTERNATING PREMISES LICENSED
10 PREMISES ON WHICH MALT LIQUOR IS PRODUCED ON THE BREW PUB'S
11 BEHALF, or ITS licensed alternating proprietor licensed premises,
12 combined, each calendar year.

13 (14) "Distillery pub" means a retail establishment:

14 (b) That ferments and distills not more than eight hundred
15 seventy-five thousand liters of spirituous liquor on its licensed premises,
16 ITS LICENSED ALTERNATING PROPRIETOR LICENSED PREMISES, OR A
17 LICENSED ALTERNATING PREMISES LICENSED PREMISES ON WHICH
18 SPIRITUOUS LIQUOR IS PRODUCED ON THE DISTILLERY PUB'S BEHALF,
19 COMBINED, each calendar year.

20 (60) "Vintner's restaurant" means a retail establishment that sells
21 food for consumption on the premises and that manufactures not more
22 than nine hundred twenty-five thousand gallons of wine on its premises,
23 ~~or~~ ITS licensed alternating proprietor licensed premises, OR A LICENSED
24 ALTERNATING PREMISES LICENSED PREMISES ON WHICH WINE IS PRODUCED
25 ON THE VINTNER'S RESTAURANT'S BEHALF, combined, each calendar year.

26 **SECTION 2.** In Colorado Revised Statutes, 44-3-202, **amend**
27 (2)(a)(I)(Q) and (2)(a)(I)(U); and add (1)(g) and (2)(a)(I)(V) as follows:

1 **44-3-202. Duties of state licensing authority - feasibility study**
2 **- rules - repeal.**

3 (1) The state licensing authority shall:

4 (g) GRANT A LICENSE FOR THE MANUFACTURE OR STORAGE OF
5 ALCOHOL BEVERAGES AT AN ALTERNATING PREMISES LICENSED PREMISES
6 ONLY IF THE ALTERNATING PREMISES LICENSED PREMISES IS APPROVED BY
7 THE APPLICABLE FEDERAL LICENSING AUTHORITY.

8 (2) (a) (I) Rules adopted pursuant to subsection (1)(b) of this
9 section may cover, without limitation, the following subjects:

10 (Q) Implementation, standardization, and enforcement of
11 alternating proprietor licensed premises AND ALTERNATING PREMISES
12 LICENSED PREMISES. The state licensing authority shall consult with
13 interested parties from the alcohol beverage industry in developing
14 appropriate rules to ensure adequate oversight and regulation of
15 alternating proprietor licensed premises AND ALTERNATING PREMISES
16 LICENSED PREMISES.

17 (U) Special event permits issued under article 5 of this ~~title 44.~~
18 title 44; OR

19 (V) TO ADMINISTER AND ENFORCE ALTERNATING PREMISES AND
20 MANUFACTURING CONDUCTED ON BEHALF OF ANOTHER LICENSEE,
21 INCLUDING THE ADOPTION OF RULES THAT ENSURE CLEAR IDENTIFICATION
22 OF PRODUCT OWNERSHIP, APPROPRIATE INVENTORY TRACKING AND
23 RECORD KEEPING, TRANSPARENCY IN CONTRACT OR ON-BEHALF-OF
24 PRODUCTION ARRANGEMENTS, AND ADEQUATE INSPECTION, REPORTING,
25 AND ENFORCEMENT AUTHORITY TO MAINTAIN COMPLIANCE WITH THIS
26 ARTICLE 3, ARTICLES 4 AND 5 OF THIS TITLE 44, AND TITLE 39.

27 **SECTION 3.** In Colorado Revised Statutes, 44-3-402, **amend**

1 (3)(c); and **add** (2.5) and (3)(b.5) as follows:

2 **44-3-402. Manufacturer's license - rules.**

3 (2.5) (a) A WINERY THAT HAS RECEIVED A LICENSE PURSUANT TO
4 THIS SECTION IS AUTHORIZED TO MANUFACTURE VINOUS LIQUORS UPON AN
5 ALTERNATING PREMISES LICENSED PREMISES, AS APPROVED BY THE STATE
6 LICENSING AUTHORITY, BUT RETAIL SALES OF VINOUS LIQUORS MUST NOT
7 BE CONDUCTED FROM AN AREA LICENSED OR DEFINED AS AN ALTERNATING
8 PREMISES LICENSED PREMISES.

9 (b) A BREWERY THAT HAS RECEIVED A LICENSE PURSUANT TO THIS
10 SECTION IS AUTHORIZED TO MANUFACTURE MALT LIQUORS UPON AN
11 ALTERNATING PREMISES LICENSED PREMISES, AS APPROVED BY THE STATE
12 LICENSING AUTHORITY, BUT RETAIL SALES OF MALT LIQUORS MUST NOT BE
13 CONDUCTED FROM AN AREA LICENSED OR DEFINED AS AN ALTERNATING
14 PREMISES LICENSED PREMISES.

15 (c) A DISTILLERY THAT HAS RECEIVED A LICENSE PURSUANT TO
16 THIS SECTION IS AUTHORIZED TO MANUFACTURE SPIRITUOUS LIQUORS
17 UPON AN ALTERNATING PREMISES LICENSED PREMISES, AS APPROVED BY
18 THE STATE LICENSING AUTHORITY, BUT RETAIL SALES OF SPIRITUOUS
19 LIQUORS MUST NOT BE CONDUCTED FROM AN AREA LICENSED OR DEFINED
20 AS AN ALTERNATING PREMISES LICENSED PREMISES.

21 (d) A WINERY, BREWERY, OR DISTILLERY THAT HOLDS A
22 WHOLESALER'S LICENSE PURSUANT TO SECTION 44-3-407 MAY ENGAGE IN
23 THE WHOLESALE SALE OF ALCOHOL BEVERAGES THAT THE LICENSEE
24 MANUFACTURED AT AN ALTERNATING PREMISES LICENSED PREMISES FROM
25 BOTH ITS LICENSED PREMISES AND THE ALTERNATING PREMISES LICENSED
26 PREMISES WHERE THE ALCOHOL BEVERAGES WERE MANUFACTURED.

27 (3) (b.5) A DISTILLERY THAT HAS RECEIVED A LICENSE PURSUANT

1 TO THIS SECTION IS AUTHORIZED TO MANUFACTURE SPIRITUOUS LIQUORS
2 UPON AN ALTERNATING PROPRIETOR LICENSED PREMISES, AS APPROVED BY
3 THE STATE LICENSING AUTHORITY, BUT RETAIL SALES OF SPIRITUOUS
4 LIQUORS MUST NOT BE CONDUCTED FROM AN AREA LICENSED OR DEFINED
5 AS AN ALTERNATING PROPRIETOR LICENSED PREMISES.

6 (c) Any winery, ~~or~~ brewery, OR DISTILLERY that holds a
7 wholesaler's license pursuant to section 44-3-407 may engage in the
8 wholesale sale of alcohol beverages that the licensee manufactured at an
9 alternating proprietor licensed premises from both its licensed premises
10 and the alternating proprietor licensed premises where the alcohol
11 beverages were manufactured.

12 **SECTION 4.** In Colorado Revised Statutes, 44-3-403, **add** (2.5)
13 as follows:

14 **44-3-403. Limited winery license - rules.**

15 (2.5) (a) A LIMITED WINERY THAT HAS RECEIVED A LICENSE
16 PURSUANT TO THIS SECTION IS AUTHORIZED TO MANUFACTURE VINOUS
17 LIQUORS UPON AN ALTERNATING PREMISES LICENSED PREMISES, AS
18 APPROVED BY THE STATE LICENSING AUTHORITY, BUT RETAIL SALES OF
19 VINOUS LIQUORS MUST NOT BE CONDUCTED FROM AN AREA LICENSED OR
20 DEFINED AS AN ALTERNATING PREMISES LICENSED PREMISES.

21 (b) A LIMITED WINERY LICENSEE MAY ENGAGE IN THE WHOLESALE
22 SALE OF ALCOHOL BEVERAGES THAT THE LICENSEE MANUFACTURED AT AN
23 ALTERNATING PREMISES LICENSED PREMISES FROM BOTH ITS LICENSED
24 PREMISES AND THE ALTERNATING PREMISES LICENSED PREMISES WHERE
25 THE ALCOHOL BEVERAGES WERE MANUFACTURED.

26 **SECTION 5.** In Colorado Revised Statutes, 44-3-417, **amend**
27 (2)(a) introductory portion and (2)(a)(III); and **add** (1)(c) and (1)(d) as

1 follows:

2 **44-3-417. Brew pub license - definitions.**

3 (1) (c) A BREW PUB THAT HAS RECEIVED A LICENSE PURSUANT TO
4 THIS SECTION IS AUTHORIZED TO MANUFACTURE MALT LIQUORS UPON AN
5 ALTERNATING PREMISES LICENSED PREMISES, AS APPROVED BY THE STATE
6 LICENSING AUTHORITY, BUT RETAIL SALES OF MALT LIQUORS MUST NOT BE
7 CONDUCTED FROM AN AREA LICENSED OR DEFINED AS AN ALTERNATING
8 PREMISES LICENSED PREMISES.

9 (d) A BREW PUB MAY ENGAGE IN THE WHOLESALE SALE OF
10 ALCOHOL BEVERAGES THAT THE LICENSEE MANUFACTURED AT AN
11 ALTERNATING PREMISES LICENSED PREMISES FROM BOTH ITS LICENSED
12 PREMISES AND THE ALTERNATING PREMISES LICENSED PREMISES WHERE
13 THE ALCOHOL BEVERAGES WERE MANUFACTURED.

14 (2) (a) Except as provided in subsection (2)(b) of this section,
15 during the hours established in section 44-3-901 (6)(b), malt liquors
16 manufactured by a brew pub licensee on the licensed premises,
17 ALTERNATING PREMISES LICENSED PREMISES, or alternating proprietor
18 licensed premises may be:

19 (III) Sold to the public in sealed containers for off-premises
20 consumption. Except as provided in subsection (2)(a.5) of this section,
21 only malt liquors manufactured and packaged by the licensee on the
22 licensed premises, ALTERNATING PREMISES LICENSED PREMISES, or on an
23 alternating proprietor licensed premises may be sold to the public in
24 sealed containers.

25 **SECTION 6.** In Colorado Revised Statutes, 44-3-422, **amend**
26 (2)(a) introductory portion and (2)(a)(III); and **add** (1)(c) as follows:

27 **44-3-422. Vintner's restaurant license.**

1 (1) (c) A VINTNER'S RESTAURANT THAT HAS RECEIVED A LICENSE
2 PURSUANT TO THIS SECTION IS AUTHORIZED TO MANUFACTURE VINOUS
3 LIQUORS UPON AN ALTERNATING PREMISES LICENSED PREMISES OR
4 ALTERNATING PROPRIETOR LICENSED PREMISES, AS APPROVED BY THE
5 STATE LICENSING AUTHORITY, BUT RETAIL SALES OF VINOUS LIQUORS
6 MUST NOT BE CONDUCTED FROM AN AREA LICENSED OR DEFINED AS AN
7 ALTERNATING PREMISES LICENSED PREMISES OR ALTERNATING
8 PROPRIETOR LICENSED PREMISES.

9 (2) (a) Except as provided in subsection (2)(b) of this section,
10 during the hours established in section 44-3-901 (6)(b), vinous liquors
11 manufactured by a vintner's restaurant licensee on the licensed premises,
12 ALTERNATING PREMISES LICENSED PREMISES, OR ALTERNATING
13 PROPRIETORSHIP LICENSED PREMISES may be:

14 (III) Sold to the public in sealed containers for off-premises
15 consumption. Only vinous liquors fermented, manufactured, and
16 packaged on the licensed premises, ALTERNATING PREMISES LICENSED
17 PREMISES, or alternating proprietor licensed premises by the licensee shall
18 be sold in sealed containers.

19 **SECTION 7.** In Colorado Revised Statutes, 44-3-426, **amend** (3)
20 introductory portion and (3)(c); and **add** (2.5) as follows:

21 **44-3-426. Distillery pub license - legislative declaration -**
22 **definition.**

23 (2.5) A DISTILLERY PUB THAT HAS RECEIVED A LICENSE PURSUANT
24 TO THIS SECTION IS AUTHORIZED TO MANUFACTURE SPIRITUOUS LIQUORS
25 UPON AN ALTERNATING PREMISES LICENSED PREMISES, AS APPROVED BY
26 THE STATE LICENSING AUTHORITY, BUT RETAIL SALES OF SPIRITUOUS
27 LIQUORS MUST NOT BE CONDUCTED FROM AN AREA LICENSED OR DEFINED

1 AS AN ALTERNATING PREMISES LICENSED PREMISES.

2 (3) During the hours established in section 44-3-901 (6)(b), a
3 licensed distillery pub may, with regard to spirituous liquors fermented
4 and distilled by the distillery pub licensee on the licensed premises,
5 ALTERNATING PREMISES LICENSED PREMISES, OR ALTERNATING
6 PROPRIETOR LICENSED PREMISES:

7 (c) Sell its spirituous liquors to the public in sealed containers for
8 off-premises consumption, as long as the spirituous liquors are fermented,
9 distilled, and packaged on the licensed premises, ALTERNATING PREMISES
10 LICENSED PREMISES, OR ALTERNATING PROPRIETOR LICENSED PREMISES by
11 the licensee; or

12 **SECTION 8.** In Colorado Revised Statutes, 44-3-501, **amend**
13 (3)(a)(V) as follows:

14 **44-3-501. State fees - rules.**

15 (3) (a) The state licensing authority shall establish fees for
16 processing the following types of applications, notices, or reports required
17 to be submitted to the state licensing authority:

18 (V) Applications for alternating use of premises pursuant to
19 section 44-3-402 (2.5) OR (3), 44-3-403 (2)(a) OR (2.5), or 44-3-417
20 (1)(b) OR (1)(c), 44-3-422 (1)(c), OR 44-3-426 (2.5) OR (3), and rules
21 adopted pursuant to those sections;

22 **SECTION 9. Act subject to petition - effective date.** This act
23 takes effect at 12:01 a.m. on the day following the expiration of the
24 ninety-day period after final adjournment of the general assembly (August
25 12, 2026, if adjournment sine die is on May 13, 2026); except that, if a
26 referendum petition is filed pursuant to section 1 (3) of article V of the
27 state constitution against this act or an item, section, or part of this act

1 within such period, then the act, item, section, or part will not take effect
2 unless approved by the people at the general election to be held in
3 November 2026 and, in such case, will take effect on the date of the
4 official declaration of the vote thereon by the governor.