

S. WARD  
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APR 08 2016

**SALE OF INTOXICANTS AT FOOD STORES – FINAL #156** Colorado Secretary of State

*Be it enacted by the People of the State of Colorado:*

**SECTION 1.** In Colorado Revised Statutes, **add** section 12-47-401.5 as follows:

**12-47-401.5. NO MARIJUANA OR LIQUOR IN FOOD STORES – EXCEPTIONS.**

(1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW AND CONSISTENT WITH SECTION 16(1)(b) OF ARTICLE XVIII OF THE COLORADO CONSTITUTION, THE STATE OR LOCAL LICENSING AUTHORITY MUST NOT ISSUE A LICENSE TO A FOOD STORE THAT OFFERS FOR SALE, IN SEALED CONTAINERS FOR OFF-PREMISES CONSUMPTION, THE FOLLOWING INTOXICANTS THAT ARE REGULATED PURSUANT TO ARTICLES 43.3, 43.4, AND 47 OF TITLE 12:

- (a) MARIJUANA OR MARIJUANA PRODUCT, AS DEFINED IN SECTION 16(2)(f), (k) OF ARTICLE XVIII OF THE COLORADO CONSTITUTION;
- (b) SPIRITUOUS LIQUOR, VINOUS LIQUOR, OR MALT LIQUOR; OR
- (c) BOTH.

FOR PURPOSES OF THIS SECTION, A “FOOD STORE” MEANS ANY ESTABLISHMENT THAT OFFERS FOR SALE FOOD ITEMS AT A RETAIL PREMISES, PROVIDED THAT 15% OR MORE OF THE GROSS ANNUAL INCOME FROM ITS TOTAL SALES IS DERIVED FROM THE SALE OF FOOD ITEMS.

(2) AS AUTHORIZED BY SECTION 12-47-202(1)(b), THE STATE LICENSING AUTHORITY SHALL ADOPT RULES, CONSISTENT WITH THIS PART 4, TO DEFINE “FOOD ITEMS” AND RELATED TERMS. SUCH RULES SHALL BE EFFECTIVE JULY 1, 2017.

**SECTION 2.** In Colorado Revised Statutes, 12-47-901, **add** (5)(p) as follows:

**12-47-901. UNLAWFUL ACTS – EXCEPTIONS.** (5) It is unlawful for any person to sell at retail pursuant to this article:

(p) FOR OFF-PREMISES CONSUMPTION, SEALED CONTAINERS THAT CONTAIN MALT, VINOUS, OR SPIRITUOUS LIQUORS OR MARIJUANA OR MARIJUANA PRODUCT AT A FOOD STORE.

**SECTION 3.** In Colorado Revised Statutes, 12-47-903, **amend** (2.5) as follows:

**12-47-901. VIOLATIONS – PENALTIES.** (2.5) A person violating the provisions of section 12-47-901(1)(a.5) OR (5)(p) commits a class 1 misdemeanor and shall be punished as provided in section 18-1.3-501, C.R.S.

**SECTION 4.** THIS ACT TAKES EFFECT JANUARY 1, 2017.