

**Senate Bill 16-197 Working Group
Legislative Report Recommendation Form**

1. Work Group Sponsor (s): Colorado Liquor Enforcement Division (LED)
2. Describe the Recommendation: Current state law does not allow the public consumption of malt liquors (in addition to vinous and spirituous liquors). However, the laws does allow for public consumption of fermented malt beverage (“FMB”), which has a maximum alcohol content of 3.2% ABV. The allowance of FMB in public is mostly seen at local parks (if allowed by ordinance) and state parks (if allowed by policy). Effective 1/1/19, SB16-197 will change this to where any beer (malt liquor or FMB) can be consumed in public. To allow public consumption of any beer will create a major shift in public policy and create public safety issues. The LED recommends the legislature look at this issue and modify the laws effective 1/1/19 so that the public consumption of beer is prohibited, unless a local, county or state entity allows it by rule, ordinance or resolution.
3. Which portion or portions of Senate Bill 16-197 does this recommendation address (underline all those that apply)?
 - a. Develop an implementation process for grocery and convenience stores to apply for a license to sell malt liquor and fermented malt beverages containing at least one-half percent alcohol by volume starting January 1, 2019.
 - b. Analyze the impact that removing the alcohol content limit on fermented malt beverages will have on the alcohol beverage industry as a whole, as well as on current retail licensees.**
 - c. Legislative, regulatory, or administrative changes necessary to promote the three-tiered distribution system in Colorado.
 - d. Laws governing tastings conducted on retail premises licensed under article 47 of this title and the ability of retail liquor stores licensed under section 12-47-407 to sell growlers containing malt liquors.
4. Please summarize the rationale for the recommendation – why is it important? The recommendation addresses (1) what would be a major shift if public policies and (2) public safety issues created on 1/1/19 when any beer can be consumed in public.
5. What issue or issues does your recommendation resolve? Please identify the issues. Public safety and public policy issues of allowing the public consumption of any beer.
6. What stakeholders would be positively or negatively impacted by this recommendation, and how would they be impacted? Local and state entiteies would be given control of whether or not to allow the public consumption of beer within parks and other areas.
7. Which of the following does the recommendation impact (underline those that apply):

- a. **Statute (legislation)**
 - b. Policy
 - c. **Rules and Regulations**
 - d. Other: *(please describe)*

8. Who owns implementation of the recommendation (underline those that apply):
 - a. **State Legislature**
 - b. **Department of Revenue**
 - c. **Local Government**
 - d. Other: *(please describe)*

9. Is there a dissenting voice on the working group concerning this recommendation? If yes, please provide a summary of the minority opinion about this recommendation. Unknown at this time.

10. Are you aware of any statutory authority or regulation that supports the basis of this recommendation? If yes, please include it here. Current law does not allow the public consumption of beer over 3.2% ABV, (section 12-47-901(1)(h)(l)).

11. Is the implementation of your recommendation dependent on another decision or action? If yes, specifically what actions or decisions are required before this recommendation can be implemented? No

12. Will the recommendation have a cost to implement? If yes, please explain the reason for the cost and provide an estimate. Unknown at this time

13. Provide an estimate of how long it would take to implement the recommendation. Unknown at this time.