

44-3-____. Beer shipments - permits. (1) (a) The holder of a brewery direct shipper's permit may sell and deliver malt liquor that is produced or bottled by the permittee to a personal consumer located in Colorado.

(b) The holder of a brewery direct shipper's permit may not sell or ship malt liquor to a minor, as defined in section 2-4-401 (6).

(2) A brewery direct shipper's permit may be issued to only a person who applies for such permit to the state licensing authority and who:

(a) Operates a brewery, brewpub, or holds any other license to manufacture beer located in the United States and holds all state and federal licenses, permits, or both, necessary to operate the brewery, including the federal brewer's notice;

(b) Expressly submits to personal jurisdiction in Colorado state and federal courts for civil, criminal, and administrative proceedings and expressly submits to venue in the city and county of Denver, Colorado, as proper venue for any proceedings that may be initiated by or against the state licensing authority;

(c) Files an application with the state licensing authority; and

(d) Pays a \$100.00 registration fee, and an annual renewal fee of \$50.00.

(3) (a) All malt liquor sold or shipped by the holder of a brewery direct shipper's permit shall be in a package that is clearly and conspicuously labeled, showing that:

(I) The package contains malt liquor; and

(II) The package may be delivered only to a person who is twenty-one years of age or older.

(b) Malt liquor sold or shipped by a holder of a brewery direct shipper's permit may not be delivered to any person other than:

(I) The person who purchased the malt liquor;

(II) A recipient designated in advance by such purchaser; or

(III) A person who is twenty-one years of age or older.

(c) Malt liquor may be delivered only to a person who is twenty-one years of age or older after the person accepting the package:

(I) Presents valid proof of identity and age; and

(II) Personally signs a receipt acknowledging delivery of the package.

(4) The holder of a brewery direct shipper's permit shall maintain records of all sales and deliveries made under the permit in accordance with section 44-3-701.

(5) The holder of a brewery direct shipper's permit that is located outside of this state must report to the Department of Revenue annually the total amount of beer shipped into the state the preceding calendar year and shall annually pay to the Department of Revenue all sales taxes and excise taxes due

on sales to residents of Colorado in the preceding calendar year, the amount of such taxes to be calculated as if the sale were in Colorado at the location where delivery is made.

(6) A personal consumer purchasing malt liquor from the holder of a brewery direct shipper's permit may not resell the malt liquor.

(7) Any other shipments of beer direct to consumers in Colorado by persons who do not possess a current brewery directly shipper's permit from the state licensing authority are prohibited. Any person who knowingly makes, participates in, transports, imports, or receives such a shipment is guilty of a misdemeanor punishable by a fine of _____. Without limitation on any punishment or remedy, criminal or civil, any person who knowingly makes, participates in, transports, imports or receives such a shipment commits an unfair trade practice.

(8) The state licensing authority may adopt rules and forms necessary to implement this section.