

Excerpt's from Colorado Statutes for malt liquor importers and non-resident manufacturers

Section 12 - 47 - 103(19) CRS

"Malt Liquors" includes beer and shall be construed to mean any beverage obtained by the alcoholic fermentation of any infusion or decoction of barley, malt, hops or any other similar products, or any combination thereof, in water containing more than three and two-tenths percent of alcohol by weigh. (A separate license is required to import fermented malt beverage, that which is not more than three and two-tenths percent by weight)

Section 12-47-405 CRS

A nonresident manufacturer's license shall be issued to persons brewing malt liquor outside of the state of Colorado for the following purpose only: to import and sell malt liquors within the state of Colorado to persons licensed as wholesalers pursuant to article 47; to maintain stocks of malt liquors and to operate malt liquor warehouses by procuring a malt liquor wholesaler's license for each such operation as provided in article 47; and to solicit orders from retail licensees and sell such orders through malt liquor wholesalers. A malt liquor importer's license shall be issued to persons importing malt liquor into this state for the same purposes as a nonresident manufacturer.

Each nonresident manufacturer and malt liquor importer shall enter into a written contract each wholesaler with which he intends to do business, which shall designate the territory within which the product of such importer or non-resident manufacturer shall be sold by the respective wholesaler. An importer or non-resident manufacturer shall not contract with more than one wholesaler to sell their products within the same territory. The contract shall be submitted to the state licensing authority (Liquor Enforcement Division) with the initial application, and such applicant, if licensed, shall have a continuing duty to submit any subsequent revisions, amendments, or superseding contracts to the state licensing authority.

Division Note: For determining whether a person qualifies for a non-resident manufacturers license or a malt liquor importers license the Division reviews the applicants federal licenses. Persons who have been issued a brewers notice would be considered a non-resident manufacturer under Colorado law while persons issued a importers basic permit would be considered a malt liquor importer under Colorado law.

Section 12-47-901(3) CRS

It is unlawful for any person to import or sell malt liquor in this state unless such person is the primary source of supply in the United States for the brand of malt liquor imported into or sold within this state and unless such person holds a valid nonresident manufacturer's or malt liquor importer's license. (The selling activities of the licensed importer's employee are covered under the importer's license.) Such importer or non-resident manufacturer may be authorized by the state licensing authority to import and sell, under and subject to the provisions of his license, any brand of malt liquor for which he is not the primary source of supply in the United States if such licensee is the sole source of supply of that brand of malt liquor in the state of Colorado.

It is unlawful for a non-resident manufacturer licensed pursuant to article 47 of the Colorado Liquor Code to have a direct or indirect financial interest in any Colorado retail licensee.

Section 12-47-901(3)(C), CRS

It is unlawful for any person licensed as an importer (or non-resident manufacturer) of malt liquors pursuant to this article to deliver any such liquors to any person not in possession of a valid wholesaler's license.

Regulation 47-924

At least thirty (30) days prior to shipment of malt liquor into the state of Colorado, each licensed non-resident manufacturer or importer shall submit to the state licensing authority a complete report, on forms prepared and furnished by the state licensing authority (DR 8440) which shall detail: the licensee's name and license number; the designated Colorado licensed wholesaler(s); the name of the U.S. primary source of supply; the products to be imported, including the brand name, class or type, and fanciful name; and a copy of federal brand label approval for each brand. The import licensee, if not the product manufacturer, shall also include with said form a separate letter from the primary source of supply designating such import licensee as the sole source of supply in Colorado. A separate form is required for each primary source.

Regulation 47-406

It is hereby required that all alcohol beverages shall be the sole and exclusive property of and subject to the unrestricted power of disposal of a duly licensed Colorado wholesale dealer at the time such alcohol beverages cross the Colorado state line and are imported into this state for the purpose of being sold, offered for sale or used in this state. (Importers and their employees or agents may not take possession of such malt liquor for sale or use in this state).

Section 12-47-308 CRS and Regulation 47-322

Importers and non-resident manufacturers, and/or their agents or employees may not attempt to control a retail licensee's product purchase selection by engaging in unfair trade practices or competition. (Please contact the Colorado Liquor Enforcement Division at 303-205-2300 for more detailed information on unfair trade practices),