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### An Act in Relation to the Prescription and Sale of Intoxicating Liquor for Medicinal Purposes.

Colorado General Assembly

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## CHAPTER 11

## INTOXICATING LIQUOR

## PRESCRIPTION AND SALE FOR MEDICINAL PURPOSES

(House Bill No. 9. By Representatives Keating and Hoefnagels)

## AN ACT

AN ACT IN RELATION TO THE PRESCRIPTION AND SALE  
OF INTOXICATING LIQUOR FOR MEDICINAL PURPOSES.

*Be It Enacted by the General Assembly of the State of Colorado:*

Section 1. It shall be lawful for any regularly licensed physician to prescribe malt, vinous or spirituous liquor for medicinal purposes to the extent that the prescription thereof is or may be hereafter permitted by the Constitution, laws or regulations of the United States of America.

Lawful to  
Prescribe  
Liquors--When

For the purpose of this Act:

Definitions

The term "spirituous liquor" shall be construed to mean alcohol, whiskey, sherry, rum, gin and any such liquor produced by distillation.

The term "malt liquor" shall be construed to mean any liquor obtained by the alcoholic fermentation of an infusion or decoction of barley, malt or other cereals and hops in water.

The term "vinous liquor" shall be construed to mean any alcoholic beverage obtained by the fermentation of the sugar contents of fruits or other agricultural products containing sugar including fortified wines such as port, sherry and champagne.

Unlawful for  
Wholesaler or  
Manufacturer to  
Sell or Deal in  
Without License

Section 2. It shall be unlawful from and after the passage of this Act, for any manufacturer of, or wholesale druggist dealing in, or other person, firm or corporation handling, dealing or selling malt, vinous or spirituous liquor for medicinal purposes not at retail, to buy, sell, handle, transport or otherwise deal in such malt, vinous or spirituous liquors for medicinal purposes, without first having complied with the laws and regulations of the United States relative to such liquors and without obtaining an annual license from the State Treasurer by the payment of a fee of One Hundred (\$100.00) Dollars. It shall be unlawful for any wholesale druggist to sell malt, vinous or spirituous liquors for medicinal purposes to any person who is not a duly licensed retail druggist, and it shall be unlawful for any person except a duly licensed retail druggist hereunder to sell any medicinal liquors at retail.

Fee

Unlawful for  
Retailer to Sell  
Without License

Section 3. It shall be unlawful from and after the passage of this Act for any retail druggist to sell malt, vinous or spirituous liquor for medicinal purposes without first having complied with the laws and regulations of the United States relative to such liquors and without obtaining an annual license from the State Treasurer by the payment of a fee of Twenty-five (\$25.00) Dollars.

Fee

Tax Imposed  
on Liquors

Section 4. An excise tax of three cents per gallon or fraction thereof on malt liquors, three cents

per pint or fraction thereof on vinous liquors, and fifteen cents per pint or fraction thereof on spirituous liquors, is hereby imposed and shall be collected on all such respective liquors sold, offered for sale, or used in this State. Provided, however, that upon the same liquors only one such tax shall be paid in this State. The manufacturer thereof, or the first wholesaler or retailer receiving such liquors in this State, if shipped from without the State, shall be primarily liable, for such tax. Provided, however, that if such liquor shall be transported by a manufacturer or wholesaler to a point or points outside of the State and there disposed of, then in such event such manufacturer or wholesaler upon the filing with the State Treasurer of a duplicate Bill of Lading or Affidavit showing such transaction, the tax provided herein shall not apply to such liquor, and if already paid, shall be refunded to the manufacturer or wholesaler.

The excise tax herein provided for shall be paid on or before the tenth day of the calendar month following the calendar month in which such liquor was manufactured or imported into this State. Payable When

Every person who shall sell or use any such liquor on which the above tax has not been paid shall be liable for and shall pay to the State Treasurer such tax.

The State Treasurer shall make and publish such rules and regulations with respect to, and to secure and enforce the collection and payment of such tax as he may deem proper, may require reasonable bond or other security and may provide for stamps or other evidence of payment of the tax, provided such rules and regulations are not inconsistent with the provi-

State Treasurer  
Make and Publish  
Rules and  
Regulations—  
Violation of—  
Penalty

sions of this Act. Any violations of any of such rules or regulations shall constitute a misdemeanor and any person convicted of such violation shall be punished by a fine of not exceeding Five Thousand (\$5000.00) Dollars.

License May  
Be Revoked  
or Suspended

The State Treasurer after reasonable notice and hearing, shall revoke any license theretofore issued under the provisions of this Act for a failure to pay such excise tax and may suspend or revoke such license for a violation of any of the provisions of this Act or for a failure to comply with the rules and regulations promulgated by said Treasurer hereunder. Out of the funds and moneys collected from such excise tax, the State Treasurer shall pay the expenses of collecting said tax in amount which shall not exceed five per cent (5%) of the total amount derived from said tax.

Disposition  
of Funds

All of the funds derived hereunder from the license fees shall be credited, distributed and paid to the Old Age Pension funds in the manner now provided for by law.

On all malt, vinous or spirituous liquors held for sale by any person, company, corporation, firm or co-partnership in this State at the time this Act becomes effective, the respective excise taxes herein provided for, shall immediately become due and payable.

Unlawful to Sell  
Without License

Section 5. It shall be unlawful to sell spirituous and vinous liquor for medicinal purposes unless licensed as herein provided so to do.

Violation of  
Act--Penalty

Section 6. Any person, company, corporation, firm or co-partnership violating any provisions of this Act shall be deemed guilty of a misdemeanor and upon

conviction shall be fined in the sum of not more than Three Hundred (\$300.00) Dollars, or may be punished by confinement in the County Jail for a term of not more than ninety (90) days, or by both, and if such conviction shall be in a Court of Record, any license theretofore issued under the provisions hereof, shall be revoked and shall be void and wholly without effect.

Section 7. All Acts and parts of Acts in conflict herewith are hereby repealed. Repealing Clause

Section 8. The General Assembly hereby declares that it would have passed this Act, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases thereof may be declared unconstitutional. Constitutional Clause

Section 9. The General Assembly herewith finds, determines and declares that this Act, and each and every sentence, phrase, clause, section and subsection thereof, is necessary for the immediate preservation of the public peace, health and safety. Safety Clause

Section 10. Whereas in the opinion of the General Assembly an emergency exists; therefore, this Act shall take effect and be in force from and after its passage. Emergency

Approved August 22, 1933.