

## DEPARTMENT OF REVENUE

### Division of Liquor Enforcement

#### 1 CCR 203-2

#### Liquor Code

#### Regulation 47-100. Definitions.

- J. "Sandwiches" as used in articles 47 and 48 of Title 12, C.R.S. are defined as single serving items such as hamburgers, hot dogs, frozen pizzas, burritos, chicken wings, ~~etc.~~ OR ITEMS OF A SIMILAR NATURE. "Light snacks" as used in articles 47 and 48 of Title 12, C.R.S. are defined as popcorn, pretzels, nuts, chips, ~~etc.~~ OR ITEMS OF A SIMILAR NATURE.

#### Regulation 47-300. Change in Class of License.

- B. ~~A liquor licensed drugstore licensee that was licensed on or before July 1, 2000, may convert its license to a retail liquor store license upon the filing of a new application and payment of all applicable state and local application and license fees, but the local authority shall not consider the distance restrictions described in section 12-47-313(1)(d)(i), C.R.S. Further, the local authority may, but shall not be required to, consider the reasonable requirements of the neighborhood when considering the new application.~~ REPEALED.

#### Regulation 47-303. License Renewal.

Basis and Purpose. The statutory authority for this regulation is located at subsections 12-47-202(1)(b) and 12-47-202(2)(a)(I)(D), C.R.S. The purpose of this regulation is to clarify and establish procedures and deadlines for a licensee that is applying to renew their ITS license in accordance with section 12-47-302, C.R.S.

#### Regulation 47-310. Application - General Provisions.

Basis and Purpose. The statutory authority for this regulation is located at subsections 12-47-202(1)(b), 12-47-202(2)(a)(I)(A), and 12-47-304(1), AND 12-47-307, C.R.S. The purpose of this regulation is to establish requirements for a license application, and provide factors the licensing authority must consider when evaluating an application for approval or rejection.

- E. When a licensing authority is required to make a determination as to the character, record and reputation of existing licensees or applicants for new licenses, including transfers of ownership of existing licenses, the authority may consider the following factors, which may include but not be limited to the following:
4. The applicant or licensee has been found to be currently delinquent in the payment of any state or local taxes RELATED TO A BUSINESS, and record of such tax delinquency has been filed in a court having jurisdiction, or has been made a public record by some other lawful means;

#### Regulation 47-312. Change of Location.

- F. For retail licenses no change of location shall be allowed except to another location within the same city, town, county, or city and county in which the license was originally issued ~~was to be exercised~~.

Except, a retail liquor store licensed on or before January 1, 2016, may apply to move its permanent location to another place within or outside the municipality or county in which the license was originally granted. It is unlawful for the retail liquor store licensee to sell any alcohol beverages at the new location until such application is approved by the state and local licensing authorities. Once approved, the retail liquor store licensee shall change the location of its premises within three (3) years after such approval. A change of location of a retail liquor store within the same jurisdiction is not subject to the distance requirement pursuant to section 12-47-301(12)(a), C.R.S.

**Regulation 47-322. Unfair Trade Practices and Competition.**

B. On-site sales promotions

1. Suppliers may conduct an on-site product sales promotion at a retailer's licensed premises subject to the following conditions:
  - a. Free goods of any value may be provided to the public, provided that a supplier's representative or authorized agent, who is not the retailer or a retail employee/agent, is physically present to award free goods to the public.  
SUPPLIERS SHALL NOT REQUIRE A CUSTOMER PURCHASE IN ORDER FOR THE CUSTOMER TO RECEIVE THE FREE GOODS.

F. Consignment Sales and Lawful Product Returns

3. Wholesalers are permitted to accept a return of alcohol beverages previously sold to retailers for ordinary and usual commercial reasons and to provide account credit or product exchange. Such commercial reasons for return shall be limited to the following:
  - j. ~~E~~WITHIN THIRTY DAYS OF ~~E~~Evidence of AN EXPIRATION OR a lawful surrender and cancellation of a retail liquor license by the state licensing authority.

**Regulation 47-323. Lawful Extension of Credit.**

A. Definitions: For purposes of this regulation, the following definitions are applicable:

2. "Retailer" means those persons licensed pursuant to sections 12-47-401(1)(h) – (t) and (v) – (w) and 12-46-104(1)(c), C.R.S. to sell alcohol beverages to the end consumer. Except the term "retailer" as used in this regulation shall not include a liquor-licensed drugstore that receives a license after January 1, 2017, which shall not purchase alcohol beverage on credit or accept an offer or extension of credit from a licensee and shall effect payment upon delivery of the alcohol beverage pursuant to section 12-47-408(42)(b), C.R.S.

B. Transaction Requirements and Restrictions:

4. Where there is lawful ownership of multiple, separately-licensed retail locations, each location must be considered separate and distinct with respect to alcohol beverage purchases. Therefore, a supplying licensee shall consider each location as separate and distinct for the purpose of extending credit. For retailers holding a resort complex OR A CAMPUS LIQUOR COMPLEX class of hotel and restaurant license, all ~~areas~~ RELATED

FACILITIES within the resort complex OR THE CAMPUS LIQUOR COMPLEX must be considered as a single location for the purpose of extending credit.

**Regulation 47-326. Distance Restriction – Applicability and Measurement.**

B. The restriction stated herein shall not be applicable to the following:

6. A CAMPUS LIQUOR COMPLEX.

**Regulation 47-416. Items Approved for Sale in Retail Liquor Stores.**

A. Retail liquor stores may sell any non-alcohol products (unless prohibited by law or rule), but only if the annual gross revenues from the sale of non-alcohol products ~~does~~ DO not exceed twenty (20) percent of the retail liquor store's total annual gross revenues.

B. FOR PURPOSES OF CALCULATING THE ANNUAL GROSS REVENUES FROM THE SALE OF NON-ALCOHOL PRODUCTS, SALES REVENUES FROM THOSE NON-ALCOHOL PRODUCTS THAT ARE EXCLUDED BY STATUTE SHALL NOT BE CONSIDERED.

**Regulation 47-426. Delivery of Alcohol Beverages.**

A. Delivery Prohibited.

No retail liquor licensee, licensed to sell malt, vinous, and spirituous liquor for off-premises consumption or fermented malt beverages for on and off premises consumption, shall conduct a delivery only business, or permit the delivery of such alcohol beverages beyond the customary parking area for the customers of the retail outlet except as permitted in PARAGRAPH B (4) of this regulation.

B. Delivery Permitted.

4. Have a licensed premises with the following conditions:

C. Have signage viewable from a public road.

**Regulation 47-502. Excise Tax Reports.**

A. Resident manufacturers and wholesalers.

2. Reporting and payment of excise taxes - first sold.

Each Colorado licensed wholesaler or manufacturer shall, in addition to filing form ~~DR 0441 and~~ DR 0445, also complete and file each month with the Department of Revenue form DR 0442. Form DR 0442 shall be filed on or before the 20th of the month succeeding the month reported. Payment of excise taxes due shall accompany the filing of form DR 0442.

**Regulation 47-600. Complaints against Licensees - Suspension and Revocation of Licenses.**

G. During any period of active license suspension, when such suspension has not otherwise been stayed by a licensing authority through the payment of a fine pursuant to section 12-47-601(3) through (7.5), C.R.S., the licensee shall not permit the selling, serving, giving away, or consumption of alcohol beverages on the licensed premises.

- H. FOR PURPOSES OF CALCULATING A FINE TO BE PAID IN LIEU OF AN ACTIVE SUSPENSION, "BETWEEN", AS USED IN SUBSECTION 12-47-601(3)(B), C.R.S., SHALL INCLUDE THE MINIMUM AND MAXIMUM FINE AMOUNTS PERMITTED BY STATUTE.

#### **Regulation 47-700. Inspection of the Licensed Premises.**

Basis and Purpose. The statutory authority for this regulation ~~is located at~~ INCLUDES, BUT IS NOT LIMITED TO, subsections 12-47-102, 12-47-201, 12-47-202(1)(b), 12-47-202(2)(A)(I)(C), 12-47-202(2)(a)(I)(E), ~~and~~ 12-47-202(2)(a)(I)(O), AND 12-47-202(2)(A)(I)(R), C.R.S. The purpose of this regulation is to clarify ~~the premises,~~ THAT THE ADMINISTRATION OF ARTICLES 46, 47, OR 48 OF TITLE 12 PERMITS INSPECTIONS OF LICENSED PREMISES AND THE SEIZURE OF ANY AND ALL ALCOHOL BEVERAGES OR OTHER ITEMS THAT ARE IN VIOLATION OF, OR ARE EVIDENCE OF A VIOLATION OF, ARTICLES 46, 47, OR 48 OF TITLE 12 AND ANY REGULATIONS PROMULGATED THEREUNDER. THIS REGULATION ALSO PROVIDES CLARITY TO LICENSEES AND THEIR AGENTS, SERVANTS, AND EMPLOYEES, REGARDING THE TIME, PLACE, SCOPE, AND ITEMS SUBJECT TO INSPECTION. THIS REGULATION ALSO SERVES THE PURPOSE OF IDENTIFYING THE ~~books,~~ and records ~~subject to investigation by the licensing authority as well as records~~ REQUIRED to be maintained by the licensee and the period of time such records ~~shall~~ MUST be maintained AND PROVIDED UPON REQUEST.

- A. The licensed premises, including any places of storage where alcohol beverages are stored or dispensed, shall be subject to ~~inspection~~ INSPECTIONS by the State or Local Licensing Authorities and their DULY AUTHORIZED REPRESENTATIVES (WHICH INCLUDE investigators<sub>1</sub> or peace officers)<sub>1</sub> during all business hours and all other times of apparent activity, for the purpose of DETERMINING COMPLIANCE WITH THE PROVISIONS OF ARTICLES 46, 47, OR 48 OF TITLE 12, C.R.S., AND REGULATIONS PROMULGATED THEREUNDER ~~inspection or investigation~~. For examination of any inventory or books and records required to be kept by licensees, access shall only be required during business hours. Where any part of the licensed premises consists of a locked area (FOR EXAMPLE, CLOSETS, FILING CABINETS, DESKS, SAFES), upon demand to the licensee, such area shall be made available for inspection without UNREASONABLE delay; and upon request by authorized representatives of the licensing authority or peace officers, such licensee shall open said area for inspection.
1. THE STATE AND LOCAL LICENSING AUTHORITIES AND THEIR DULY AUTHORIZED REPRESENTATIVES SHALL HAVE THE AUTHORITY TO INVENTORY ANY OR ALL ALCOHOL BEVERAGES AND ITEMS RELATED TO THE MANUFACTURE, DISTRIBUTION, OR SALE OF ALCOHOL BEVERAGES ON THE LICENSED PREMISES OR ANY PLACE WHERE ALCOHOL BEVERAGES ARE STORED OR DISPENSED.
  2. IN CONNECTION WITH ANY SUCH INSPECTIONS, THE STATE AND LOCAL LICENSING AUTHORITIES AND THEIR DULY AUTHORIZED REPRESENTATIVES MAY EXAMINE, SECURE, OR SEIZE ALCOHOL BEVERAGES OR OTHER ITEMS FOUND SO LONG AS THERE IS A REASONABLE BELIEF THAT SUCH ALCOHOL BEVERAGES OR OTHER ITEMS ARE IN VIOLATION OF, OR MAY BE USED AS EVIDENCE OF A VIOLATION OF, ARTICLES 46, 47, OR 48 OF TITLE 12, OR ANY REGULATIONS PROMULGATED THEREUNDER. BY WAY OF ILLUSTRATION, SUCH OTHER ITEMS MAY INCLUDE, BUT ARE NOT LIMITED TO, INVENTORY, SURVEILLANCE MEDIA, BOOKS AND RECORDS REQUIRED TO BE KEPT BY THE LICENSEE, AND OTHER RECORDS MAINTAINED BY THE LICENSEE.
  3. THE STATE AND LOCAL LICENSING AUTHORITIES AND THEIR DULY AUTHORIZED REPRESENTATIVES SHALL PROMPTLY PROVIDE THE LICENSEE WITH WRITTEN NOTICE DESCRIBING ANY AND ALL ITEMS SECURED OR SEIZED AND THE REASONS FOR SECURING OR SEIZING SUCH ITEMS.
- B. Each licensee shall retain all books and records necessary to show fully the business transactions of such licensee for a period of the current tax year and the three prior tax years. "Books" and "records" ~~includes information and documents provided in a readable electronic/digital format, facsimile or paper~~ INCLUDE DOCUMENTS OR INFORMATION IN PRINTED OR PAPER FORM AS WELL AS DOCUMENTS OR INFORMATION MAINTAINED IN A READABLE ELECTRONIC OR DIGITAL FORMAT. LICENSEES SHALL PROVIDE COPIES OF BOOKS AND RECORDS REQUESTED BY THE

STATE AND LOCAL LICENSING AUTHORITIES AND THEIR DULY AUTHORIZED REPRESENTATIVES WITHOUT UNREASONABLE DELAY.

**Regulation 47-902. Sanitary Requirements.**

- A. Each ~~retail~~ licensee selling alcohol beverages for consumption on the premises, shall maintain its establishment in clean and sanitary condition.
- B. ~~and if IF the licensed establishment LICENSEE is a restaurant~~ ALSO REQUIRED TO BE licensed by the Colorado Department of Public Health and Environment OR THE DENVER DEPARTMENT OF EXCISE AND LICENSES, it shall maintain ~~such~~ THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT OR THE DENVER DEPARTMENT OF EXCISE AND LICENSES license in full force and effect at all times while selling such ALCOHOL beverages for consumption therein.

**Regulation 47-904. Product Labeling, Substitution, Sampling and Analysis.**

~~Material incorporated by reference in this rule does not include later amendments to or editions of the incorporated material.~~ Copies of the material incorporated by reference may be obtained by contacting the Director of the Colorado Liquor Enforcement Division of the Department of Revenue, 1881 Pierce Street, Suite 108A, Lakewood, Colorado Tel: 303-205-2300, and copies of the material may be examined at any state publication depository library.

**Regulation 47-905. Colorado Wineries – Labeling and Records.**

Basis and Purpose. The statutory authority for this regulation is located at subsections 12-47-202(1)(b), ~~and 12-47-202(2)(a)(I)(N), and 12-47-202(2)(a)(I)(O), AND 12-47-403(2.3),~~ C.R.S. The purpose of this regulation is to establish labeling and record keeping standards for Colorado wineries.

- C. Honey wine, mead or any vinous liquor the alcoholic content of which is primarily obtained from fermented honey shall not be subject to paragraph 4 A of this regulation, 47-905, except that the use of the phrase “Colorado grown” shall require that all honey and any other agricultural products used to manufacture or flavor the wine must be grown, gathered or harvested within Colorado.

**Regulation 47-908. Automatic and Electronic Dispensing Systems.**

Basis and Purpose. The statutory authority for this regulation is located at subsections 12-47-202(1)(b), ~~and 12-47-202(2)(a)(I)(A), 12-47-202(2)(A)(I)(B), 12-47-202(2)(A)(I)(E), 12-47-202(2)(A)(I)(L), 12-47-202(2)(A)(I)(M), AND 12-47-202(2)(A)(I)(N),~~ C.R.S. The purpose of this regulation is to establish requirements for an on-premises consumption licensee’s self-dispensing system and its operation if a licensee has a self-dispensing system on the licensed premises.

- C. Such equipment shall not be coin operated nor be able to accept other payment methods and shall be operated personally and directly only by the licensee or employees thereof. Provided, however, this subsection (C) does not apply to a dispensing system that is located at a licensed premises where the regular consumption of malt liquors, fermented malt beverages, vinous liquor or spirituous liquor by persons over the age of twenty-one is authorized under the following conditions:
  - 5. No alcohol shall be dispensed ~~past~~ OUTSIDE the ~~time in accordance to~~ TIMES ALLOWED PURSUANT TO sections 12-47-901(5) or 12-47-301(10)(~~f~~)(C)(V), C.R.S. and any undispensed alcohol after such time will be forfeited and not be able to be dispensed at a later time. ~~this~~ THIS paragraph (5) does not prohibit a refund of unused credit to a consumer.

**Regulation 47-913. Age of Employees.**

- A. ~~RETAIL LIQUOR~~ LIQUOR stores (~~pursuant to section 12-47-407, C.R.S.~~), liquor-licensed drug stores (~~pursuant to section 12-47-408, C.R.S.~~), and taverns (~~pursuant to section 12-47-412, C.R.S.~~) THAT DO NOT REGULARLY SERVE MEALS, AND LODGING AND ENTERTAINMENT FACILITIES THAT DO NOT REGULARLY SERVE MEALS:
- C. EXCEPT AS PROVIDED IN PARAGRAPH A OF THIS REGULATION, ~~Retailers~~ RETAILERS licensed for on-premises consumption pursuant to article 47 of title 12, C.R.S., ~~except for taverns licensed under section 12-47-412, C.R.S.~~ and special event permit holders:
2. Employees or agents of the licensee who are at least eighteen (18) years of age may handle and otherwise act with respect to alcohol beverages in the same manner as such person would with other items sold at retail AND MAY SELL SUCH ALCOHOL BEVERAGES OR CHECK IDENTIFICATION OF THE CUSTOMERS OF THE RETAIL OUTLET, as long as they are under the direct supervision of a person who is at least 21 years of age.

**Regulation 47-916. Advertising.**

Basis and Purpose. The statutory authority for this regulation is located at subsections 12-47-202(1)(b)<sub>1</sub>, and 12-47-202(2)(a)(I)(H), AND 12-47-202(2)(A)(I)(N)<sub>1</sub> C.R.S. The purpose of this regulation is to provide guidance regarding certain prohibited advertising practices of malt, vinous, or spirituous liquor licensees regarding the alcohol content of beverages sold, distributed, or dispensed on the licensed premises.

**Regulation 47-918. Removal of Alcohol Beverages from Premises.**

- A. Other than those licensees described in ~~Section~~ SECTION 12-47-421(2)(AA), C.R.S. who may permit a patron to reseal a partially consumed bottle of vinous liquor (not to exceed 750 ml) which was originally sold for on-premises consumption; no licensee, manager or agent of any establishment licensed for on-premises consumption shall knowingly or recklessly permit the removal from the licensed premises of any alcohol beverages in sealed or unsealed containers.
- B. Licensees described in paragraph A of this regulation who permit a patron to remove a partially consumed bottle of vinous liquor shall reseal the bottle with a cork or other commercially manufactured stopper.

**Regulation 47-920. Solicitation of Drinks.**

- A. No licensee, manager or agent shall employ or permit upon any premises licensed for on-premises consumption, any employee, waiter, waitress, entertainer, host or hostess to mingle with patrons and personally beg, procure, or solicit the purchase or sale of drinks or ALCOHOL beverages for the use of the one begging, procuring or soliciting or for the use of any other employee.
- B. No licensee, manager or agent SELLING ALCOHOL BEVERAGES FOR CONSUMPTION ON THE PREMISES shall permit ~~upon any licensed on-sale premises~~ anyone to loiter in or about said premises who solicits or begs any patron or customer of, or visitor in, such premises to purchase any drinks or ALCOHOL beverages for the one soliciting or begging.

**Regulation 47-926. Interference with Officers.**

Basis and Purpose. The statutory authority for this regulation is located at subsections 12-47-202(1)(b)<sub>1</sub>, and 12-47-202(2)(a)(I)(A), 12-47-202(2)(A)(I)(E), AND 12-47-202(2)(A)(I)(R)<sub>1</sub> C.R.S. The purpose of this regulation is to prohibit the use or threat of force against a licensing authority employee or peace officer exercising their duties under the article.

**Regulation 47-940. Powdered Alcohol – Packaging and Labeling.**

Basis and Purpose. The statutory authority for this regulation is found at subsections 12-47-202(1)(b), 12-47-202(2)(a)(I)(A), 12-47-202(2)(A)(I)(N)<sub>1</sub>, and 12-47-401(2), C.R.S. The purpose of this regulation is to establish packaging and labeling standards for powdered alcohol products.

Any manufactured package of powdered alcohol as defined in section 12-47-103(23.7), C.R.S. OR SECTION 12-47-103(36), C.R.S. shall have the following words:

**THIS PRODUCT CONTAINS ALCOHOL**

in a bold-face font at least ¼ inch in height, which is a part of the permanent manufactured packaging of the powdered alcohol product.

**Regulation 47-942. Powdered Alcohol Regulation.**

Basis and Purpose. The statutory authority for this regulation is found at subsections 12-47-202(1)(b), 12-47-202(2)(a)(I)(A), and 12-47-401(2), C.R.S. On March 10, 2015, the Federal Alcohol and Tobacco Tax and Trade Bureau (TTB) allowed the use of powdered alcohol as a distilled spirit. The purpose of this regulation is to establish rules and guidance regarding the manufacture, purchase, sale, possession, and use of powdered alcohol and clarifying that because powdered alcohol is defined as a spirituous liquor all regulations that apply to spirituous liquor apply to powdered alcohol.

- A. Pursuant to section 12-47-103(36), C.R.S., ~~Powdered~~ POWDERED alcohol is defined as a spirituous liquor; therefore all regulations pertaining to spirituous liquor apply to powdered alcohol.

**Regulation 47-1000. Qualifications for Special Event Permit.**

Organizations qualifying for special events permit are described as follows:

- D. A regularly chartered branch, lodge, or chapter of a national organization or society organized for such purposes and being ~~non-profit~~ NONPROFIT in nature.
- G. Any political candidate who has filed the necessary reports and statements with the secretary of state pursuant to article 45 of title 1, C.R.S. ~~political~~ POLITICAL as used in article 48 of title 12, shall mean any political organization OR POLITICAL PARTY as defined in section 1-1-104, C.R.S. However, no permit shall be required for those individuals or candidates campaigning or running for public office and who sponsor fund raising activities when such activities are held in a private residence and there is no cash bar in operation.
- H. AN ENTITY THAT IS EITHER A STATE AGENCY, THE COLORADO WINE INDUSTRY DEVELOPMENT BOARD CREATED IN SECTION 35-29.5-103, C.R.S., OR AN INSTRUMENTALITY OF A MUNICIPALITY OR COUNTY, PROVIDED THAT THE ENTITY PROMOTES:
1. ALCOHOL BEVERAGES MANUFACTURED IN THE STATE; OR
  2. TOURISM IN AN AREA OF THE STATE WHERE ALCOHOL BEVERAGES ARE MANUFACTURED.
- I. ANY MUNICIPALITY OWNING ARTS FACILITIES AT WHICH PRODUCTIONS OR PERFORMANCES OF AN ARTISTIC OR CULTURAL NATURE ARE PRESENTED FOR USE AT SUCH FACILITIES.

**Regulation 47-1002. Application for Special Event Permit.**

- B. A local authority may elect not to notify the state licensing authority for the purpose of obtaining the state licensing authority's approval or disapproval of an application for special event permit. a Any local authority electing not to notify the state licensing authority shall promptly act upon each application for special event permit.
- H. The holder of any type of special event permit issued by either licensing authority, shall post such permit upon the premises covered by such permit and any authorized non-contiguous storage areas, and it shall produce evidence of the permit to any law enforcement officer.

**Regulation 47-1006. Special Event Permit - Application on School Property.**

Basis and Purpose. The statutory authority for this regulation is located at subsections 12-47-202(1)(b), ~~and 12-47-202(2)(a)(I)(A), AND 12-47-202(2)(A)(I)(R)~~, C.R.S. The purpose of this regulation is to make clear that the issuance of a special event permit within a distance restricted (500 ft) area pertaining to school property during hours in which no school classes are scheduled is permitted and otherwise prohibiting the same.

- A. No application for the issuance of a special event permit for the sale of malt, vinous or spirituous liquors shall be received or acted upon where the premises upon which the alcohol beverage is to be sold is located within five hundred feet of any public or parochial school or the principal campus of any college, university or seminary, which distance is to be measured as set forth in the liquor code or related regulations, ~~provided such~~.
- B. THIS restriction shall not be imposed during those hours in which no school classes are scheduled, OR SHALL NOT APPLY TO THOSE APPLICABLE EXCEPTIONS SET FORTH IN SUBSECTION 12-47-313(1)(D)(I), C.R.S. OR RELATED REGULATIONS.

**Regulation 47-1012. Special Event Permit – Permitted Age of Servers.**

- B. EXCEPT AS PROVIDED BY REGULATION 47-913(B), 1 C.C.R. 203-2, A A person who is between eighteen (18) and twenty (20) years of age may sell and dispense alcohol beverages when said person is under the direct supervision of a person who is at least twenty-one (21) years of age.