



COLORADO

Department of Revenue

Enforcement Division – Liquor & Tobacco

Physical Address:
1697 Cole Boulevard, Suite 200
Lakewood, CO 80401

Mailing Address:
P.O. Box 17087
Denver, CO 80217-0087
Fax: 303-866-2428

BULLETIN 20-09

REFERENCE: EXECUTIVE ORDER NO. 20-093 -TEMPORARY MODIFICATIONS – COMMUNAL OUTDOOR DINING AREAS AND PUBLIC CONSUMPTION

DATE: JUNE 5, 2020

The Liquor Enforcement Division recently adopted Regulation 47-302(F), allowing on-premises retailers to temporarily modify their licensed premises to include outdoor areas in order to facilitate social distancing. Some retailers and local licensing authorities expressed a desire for on-premises retailers to share such outdoor areas. However, the Liquor Code prohibits two or more liquor licenses from having their licensed premises overlap. In order to temporarily suspend this prohibition and allow for such practices, Governor Jared Polis has issued Executive Order No. 2020 093.

Licensees with on-premises serving abilities (including approved sales rooms), may now apply for a temporary modification of premises with their local and state licensing authorities to be included in a “**Communal Outdoor Dining Area.**” All the rules and requirements governing such spaces are to be found in the newly issued [Emergency Regulation \(47-1103\)](#), which is attached to this bulletin.

Please note that these communal dining areas are *not* common consumption areas and, therefore, not subject to the same restrictions.

Licensees, please directly file any temporary modification due to COVID-19 or Communal Outdoor Dining Area directly with the State Licensing Authority. All retail licensees will also need to file with their Local Licensing Authority for quicker review and processing. Filing with the State Licensing Authority does not result in automatic approval by the Local Licensing Authority.

Below please see the instructions to submit your temporary modification of the premises application for **communal outdoor dining area** to the LED. You may submit the application to both the State and Local Authority at the same time.

How to Submit for a Temporary Modification for Communal Outdoor Dining Area with the State Licensing Authority.

For the fastest response, please email a completed application to: dor_liqlicensing@state.co.us.

All Licensees participating in the communal outdoor dining area can pay online via our online payment link: <https://secure.colorado.gov/payment/liquor>. **COST: \$150.00 per licensee (For example, if you have five restaurants participating in the Communal Outdoor Dining Area, each licensee would pay \$150.00.)** Please do not pay more than this amount.

What's Required:

- One Form DR 8442 -Found here:
https://www.colorado.gov/pacific/sites/default/files/DR%208442_e_wo_2.pdf
This form should include an addendum ([Addendum to DR 8442](#)) listing all the liquor licensees associated with the communal outdoor dining area - Doing Business As Name, address, phone number, liquor license number, and signature of duly authorized representative affirming compliance with the application requirements and continued compliance with the parameters of emergency Regulation 47-1103.
- Attach a diagram of the communal outdoor dining area that you are participating in.
- Proof of your permission to use the modified area to include, but not be limited to, statements of use, permits, easements, lease, etc.
- A control plan which details boundaries of the licensed premises, ingress/egress, signage, hours of operation, and preventing sales to underage or intoxicated persons ([Control Plan Example Letter](#)).

Temporary Modification of Premises COVID-19 Applications

The Liquor Enforcement Division is working diligently to approve these modifications within 24 hours of submission with the State Licensing Authority. Please continue to file with both your local and state licensing authorities.

Public Consumption:

In order to allow for even more flexibility and judicious use of public spaces amid the pandemic, the aforementioned Executive Order No. 20-093 has also suspended the prohibition on public right of ways (e.g. municipal sidewalks and streets) being ineligible as areas where localities may authorize public consumption. These areas are now able to be included in designated public consumption areas. Under no circumstances can a licensed premises overlay an area designated for public consumption. It will be up to each local jurisdiction to determine which type of alcoholic beverages will be permitted in these designated areas.

Please remain mindful that the aforementioned Executive Order No. 20-093 does not suspend C.R.S. 42-4-1305 **Open alcoholic beverage container- motor vehicle- prohibited.**

If you have any questions about this bulletin, email LED at dor_led@state.co.us or call the customer service line at (303) 205-2300.

Colorado Liquor Enforcement Division