

DEPARTMENT OF REVENUE

~~Division of Liquor Enforcement~~ DIVISION

1 CCR 203-2

Liquor Code RULES

EFFECTIVE JANUARY 1, 2019

**Regulation 47-002. ~~Fermented Malt Beverages—Advertising Practices~~ REPEALED.**

Basis and Purpose. The statutory authority for this regulation is located at subsections ~~44-3-202(1)(b), 44-3-202(2)(a)(I)(G), and 44-3-202(2)(a)(I)(H)~~, C.R.S. The purpose of this regulation is to establish certain prohibited advertising practices of fermented malt beverage licensees pertaining to the alcohol content of beverages sold on the licensed premises.

No licensee for the retail sale or distribution of fermented malt beverages shall, upon or in proximity to, or referring to the licensed premises, use, publish or exhibit, or permit to be used, published or exhibited, any sign, advertisement, display, notice, symbol or other device which advertises, indicates, implies or infers that beverages containing more than 3.2% alcohol by weight (wt) or four percent by volume (vl), are sold, distributed or dispensed upon or from said premises.

**Regulation 47-006. ~~Fermented Malt Beverages—Identification and Labeling~~ REPEALED.**

Basis and Purpose. The statutory authority for this regulation is located at subsections ~~44-3-202(1)(b) and 44-3-202(2)(a)(I)(N)~~, C.R.S. The purpose of this regulation is to establish labeling standards required for the sale, offering, exposure for sale, or distribution of fermented malt beverages.

- A. ~~No licensee for the sale of fermented malt beverages shall sell, offer, expose for sale, or distribute within this state any canned or bottled fermented malt beverages in case or carton lots unless such beverages be contained in a case or carton bearing the phrase “3.2%” or “4.0% ABV” followed by a word indicating the type of beverage, such as beer or ale. The designation “3.2% BEER,” “3.2% ALE,” or “4.0% ABV Beer,” “4.0% ABV Ale,” etc., as the case may be, shall be composed of legible symbols of not less than ¼ of one inch in height, and shall be indelibly stamped or imprinted on top of the case or carton or upon the sealing strip thereof. Notwithstanding the above, cartons or unsealed returnable cases need no external markings if such container allows direct view of the individual cans or bottles which indicates the percent and type of beverage therein.~~
- B. ~~No licensee shall sell, offer or expose for sale or distribute within this state any fermented malt beverages in kegs, casks or other containers except bottles and cans of less than 33 ounces capacity unless such containers bear thereon the phrase “3.2%” followed by a word indicating~~

~~the type of beverage, such as beer or ale. The designation "3.2% BEER", "3.2% ALE," etc., as the case may be, shall be composed of legible symbols of not less than one inch in height, shall clearly and visibly appear on the container which is intended to be opened and shall be indelibly stamped or imprinted either upon the container itself or upon a label affixed thereto and sealed with a transparent water repellent material. Nothing shall prohibit the division from approving materials other than water repellent material used for labeling if the division finds the material is suitable for maintaining the required information on the container.~~

- ~~C. No such licensee shall sell, offer or expose for sale or distribute within the state any fermented malt beverages in bottles or cans of less than thirty three (33) ounces capacity unless said containers, or a label attached thereto, shall carry thereon, in clear legible and indelible print a statement which clearly indicates that the beverage therein contains not more than 3.2% alcohol by weight or 4% alcohol by volume.~~

**Regulation 47-008. Fermented Malt Beverages - Limitations of License.**

- A. EXCEPT AS PROVIDED BY SUBSECTION 44-3-107(2), C.R.S., ~~NO~~ NO person licensed for on-premises consumption ~~only~~, pursuant to section 44-4-107(1)(b), C.R.S., shall sell fermented malt beverages in sealed containers, or permit the removal from the licensed premises of any fermented malt beverages in either sealed or unsealed containers.
- B. EXCEPT AS PROVIDED BY SUBSECTION 44-3-901(6)(K)(II)(B), C.R.S., ~~NO~~ NO person licensed for off-premises consumption ~~only~~, pursuant to section 44-4-107(1)(a), C.R.S., shall sell, ~~by the drink~~, any open container of fermented malt beverage, or permit the consumption of any fermented malt beverages within the licensed premises.

**Regulation 47-100. Definitions.**

- A. "Licensed, Licensee LICENSEE, and Licensed Premises LICENSED PREMISES" mean persons or premises issued a license or permit under Articles 3, Articles 4 and Article 5 of Title 44.
- B. "Manufacturer" means a Colorado licensed brewery, winery, limited winery, distillery, vintner's restaurant, distillery pub or ~~brewpub~~ BREW PUB as defined by C.R.S. 44-4-104 and 44-3-103.
- C. "Nonresident ~~Manufacturer~~ MANUFACTURER" means a ~~manufacturer~~ of COLORADO LICENSEE THAT MANUFACTURES malt liquor or fermented malt beverages ~~that is located~~ outside the state of Colorado and has been issued a Brewer's Notice by the ~~Bureau of Alcohol, Tobacco and Firearms~~ ALCOHOL AND TOBACCO TAX AND TRADE BUREAU.
- D. "~~Product Sales Promotion~~ ON-SITE PRODUCT SALES PROMOTION" means a sales promotion, featuring a particular brand of alcohol beverage, that is conducted on a retailer's licensed premises by an alcohol beverage supplier. ~~Product sales promotions~~ ON-SITE PRODUCT SALES PROMOTION may include drink specials, product sampling and the giveaway of consumer goods.

- E. “Sponsored ~~Event~~ EVENT” means an event supported in whole or in part by a licensed supplier that is conducted at a retail licensed establishment.
- F. “Supplier” means a Colorado licensed ~~manufacturer~~, BREWERY, WINERY, DISTILLERY, ~~brewpub~~ BREW PUB, distillery pub, ~~vintners~~ VINTNER’S restaurant, limited winery, ~~non-resident~~ NONRESIDENT manufacturer, wholesaler or importer of alcohol beverages.
- H. “Unreasonable or ~~Undue~~ Noise NOISE” means a level of noise that violates local noise ordinance standards, or where no local noise ordinance standard exists, a level of noise that would violate ~~the provisions of~~ SECTION 25-12-103, C.R.S.
- I. “Wholesaler” means those entities authorized to sell alcohol beverages at wholesale to licensed retailers, including wholesalers of ~~malt liquors and fermented malt beverages~~, wholesalers of FERMENTED MALT BEVERAGES, MALT LIQUORS, vinous and spirituous liquors, limited wineries, ~~brewpubs~~ BREW PUBS, distillery pubs, and vintner's restaurants.
- K. “COLORADO LIQUOR CODE” OR “LIQUOR CODE” MEANS ARTICLE 3 OF TITLE 44, C.R.S.
- L. “COLORADO BEER CODE” OR “BEER CODE” MEANS ARTICLE 4 OF TITLE 44, C.R.S.
- M. “SPECIAL EVENT CODE” MEANS ARTICLE 5 OF TITLE 44, C.R.S.
- N. “COLORADO LIQUOR RULES” MEANS THIS REGULATORY ARTICLE, 1 C.C.R. 203-2.
- O. “DIVISION” MEANS THE STATE OF COLORADO DEPARTMENT OF REVENUE’S LIQUOR ENFORCEMENT DIVISION, EXCEPT AS PROVIDED OTHERWISE.

**REGULATION 47-104. WINERY DIRECT SHIPPER’S PERMITS.**

BASIS AND PURPOSE. THE STATUTORY AUTHORITY FOR THIS REGULATION IS LOCATED AT SUBSECTIONS 44-3-202(1)(B), 44-3-202(2)(A)(I)(A), AND 44-3-104(6), C.R.S. THE PURPOSE OF THIS REGULATION IS TO CLARIFY THE SCOPE OF A WINERY DIRECT SHIPPER’S PERMITTEE’S PRIVILEGES.

- A. FOR PURPOSES OF THIS REGULATION, THE TERM “PERMIT” OR “PERMITTEE” MEANS THE NATURAL PERSON OR ENTITY HOLDING A WINERY DIRECT SHIPPER’S PERMIT AND ANY MANAGER, AGENT, SERVANT, OFFICER, OR EMPLOYEE THEREOF.
- B. FOR PURPOSES OF THIS REGULATION, THE TERM “PERSONAL CONSUMER” HAS THE MEANING SET FORTH IN SECTION 44-3-103(36).
- C. SUBJECT TO THE REQUIREMENTS AND LIMITATIONS IN SECTION 44-3-104, C.R.S., A PERMITTEE MAY SHIP OR DELIVER ONLY WINE THAT IT PRODUCED OR BOTTLED TO A PERSONAL CONSUMER LOCATED IN COLORADO.
- D. A WINERY DIRECT SHIPPER’S PERMITTEE SHALL NOT ENGAGE IN ANY IN-PERSON SALE (AS DEFINED IN SECTION 44-3-103(52), C.R.S.) OF WINE TO BE SHIPPED OR DELIVERED TO A CONSUMER IN THE STATE OF COLORADO, EXCEPT

AT THE LICENSED PREMISES OF A PERMITTEE'S LICENSED WINERY OR LIMITED WINERY, OR AT AN APPROVED SALES ROOM OF A LICENSED WINERY OR LIMITED WINERY THAT ALSO HAS RECEIVED A WINERY DIRECT SHIPPER'S PERMIT.

- E. IN-PERSON SALES (AS DEFINED IN SECTION 44-3-103(52), C.R.S.) OF WINE TO BE SHIPPED OR DELIVERED TO A CONSUMER IN THE STATE OF COLORADO, SHALL ALSO BE ALLOWED UPON THE LICENSED PREMISES ASSOCIATED WITH A WINE FESTIVAL PERMIT VALIDLY HELD BY A LICENSED WINERY OR LIMITED WINERY.

**REGULATION 47-313. TASTINGS.**

BASIS AND PURPOSE. THE STATUTORY AUTHORITY FOR THIS REGULATION IS FOUND AT SUBSECTIONS 44-3-202(1)(B) AND 44-3-202(2)(A)(I)(A), C.R.S. THE PURPOSE OF THIS REGULATION IS TO CLARIFY WHO MAY CONDUCT TASTINGS AND HOW OPEN AND UNCONSUMED SAMPLES MUST BE APPROPRIATELY TREATED AFTER A TASTING.

A. TASTINGS.

- 1. A TASTING SHALL BE CONDUCTED ONLY BY A PERSON WHO HAS COMPLETED SELLER-SERVER TRAINING THAT MEETS THE STANDARDS ESTABLISHED BY THE DIVISION, AND IS:

- A. A RETAIL LIQUOR STORE OR LIQUOR-LICENSED DRUGSTORE LICENSEE OR EMPLOYEE; OR

- B. A REPRESENTATIVE, EMPLOYEE, OR AGENT OF ONE OF THE FOLLOWING SUPPLIERS LICENSED BY THE STATE LICENSING AUTHORITY:

- I. WHOLESALER,

- II. BREW PUB,

- III. DISTILLERY PUB,

- IV. MANUFACTURER,

- V. LIMITED WINERY,

- VI. IMPORTER, OR

- VII. VINTNER'S RESTAURANT.

- B. FOLLOWING A TASTING, THE LICENSEE SHALL PROMPTLY REMOVE ALL OPEN AND UNCONSUMED ALCOHOL BEVERAGE SAMPLES FROM THE LICENSED PREMISES, DESTROY THE SAMPLES IMMEDIATELY FOLLOWING THE COMPLETION OF THE TASTING, OR STORE ANY OPEN CONTAINERS OF UNCONSUMED ALCOHOL BEVERAGES IN A SECURE AREA OUTSIDE THE SALES AREA OF THE LICENSED PREMISES FOR USE ONLY AT A TASTING CONDUCTED AT A LATER TIME OR DATE. A SECURE AREA MEANS:

- 1. A DESIGNATED AREA, INCLUDING, BUT NOT LIMITED TO, A CLOSET, CABINET, OR SAFE;

- 2. THAT IS UPON THE LICENSED PREMISES AND NOT ACCESSIBLE TO CONSUMERS; AND

3. IS SECURED BY A LOCKING MECHANISM AT ALL TIMES WHILE ANY OPEN CONTAINERS OF UNCONSUMED ALCOHOL BEVERAGES ARE STORED FOR USE AT A FUTURE TASTING.

**REGULATION 47-315. LODGING AND ENTERTAINMENT LICENSE.**

**BASIS AND PURPOSE.** THE STATUTORY AUTHORITY FOR THIS REGULATION IS LOCATED AT SUBSECTIONS 44-3-202(1)(B), 44-3-202(2)(A)(I)(A), 44-3-202(2)(A)(I)(C), 44-3-202(2)(A)(I)(L), AND 44-3-202(2)(A)(I)(R), C.R.S. THE PURPOSE OF THIS REGULATION IS TO DESCRIBE THOSE SPORTS AND ENTERTAINMENT ACTIVITIES WHICH QUALIFY AN ESTABLISHMENT AS AN ENTERTAINMENT FACILITY. ADDITIONALLY, THE PURPOSE OF THIS REGULATION IS TO DESCRIBE HOW TO DETERMINE THE PRIMARY BUSINESS OF A LODGING AND ENTERTAINMENT FACILITY.

A. IN ADDITION TO OTHER STATUTORY REQUIREMENTS, A LODGING AND ENTERTAINMENT LICENSE MAY BE ISSUED TO A QUALIFYING LODGING AND ENTERTAINMENT FACILITY. A “LODGING AND ENTERTAINMENT FACILITY” IS AN ESTABLISHMENT THAT IS EITHER:

1. A “LODGING FACILITY,” THE PRIMARY BUSINESS OF WHICH IS TO PROVIDE THE PUBLIC WITH SLEEPING ROOMS AND MEETING FACILITIES; OR
2. AN “ENTERTAINMENT FACILITY,” THE PRIMARY PURPOSE OF WHICH IS TO PROVIDE THE PUBLIC WITH SPORTS OR ENTERTAINMENT ACTIVITIES WITHIN ITS LICENSED PREMISES.

B. TO QUALIFY AS AN ENTERTAINMENT FACILITY, THE APPLICANT OR LODGING AND ENTERTAINMENT LICENSEE MUST DEMONSTRATE THAT ITS PRIMARY BUSINESS IS TO PROVIDE QUALIFYING SPORTS OR ENTERTAINMENT ACTIVITIES WITHIN ITS LICENSED PREMISES.

1. TO QUALIFY AS A SPORTS ACTIVITY, THE ACTIVITY MUST PROVIDE THE PUBLIC WITH AN OPPORTUNITY TO PARTICIPATE IN, OR TO OBSERVE OTHERS WHO PARTICIPATE IN, AN ACTIVITY SUCH AS A GAME, RECREATION, TEAM OR INDIVIDUAL SPORT, OR AN ACTIVITY OF A SIMILAR NATURE. EXAMPLES OF QUALIFYING SPORTS ACTIVITIES INCLUDE, BUT ARE NOT LIMITED TO, THE FOLLOWING:

- A. ARCADE GAMES;
- B. BILLIARDS;
- C. BOWLING;
- D. GOLF; OR
- E. LASER TAG.

2. TO QUALIFY AS AN ENTERTAINMENT ACTIVITY, THE ACTIVITY MUST PROVIDE THE PUBLIC WITH AN OPPORTUNITY TO PARTICIPATE IN OR OBSERVE OTHERS WHO PARTICIPATE IN AN ACTIVITY THAT IS PRIMARILY ARTISTIC, CULTURAL, EDUCATIONAL, OR ENTERTAINING, OR AN ACTIVITY OF A SIMILAR NATURE. EXAMPLES OF QUALIFYING ENTERTAINMENT ACTIVITIES INCLUDE, BUT ARE NOT LIMITED TO, THE FOLLOWING:

- A. ARTISTIC EXHIBITIONS, FILMS, OR PERFORMANCES;
- B. ARTS AND CRAFTS CLASSES;
- C. COOKING CLASSES;
- D. AMUSEMENT RIDES; OR
- E. SPA EXPERIENCES.
  - I. FOR PURPOSES OF THIS REGULATION, TO QUALIFY AS A "SPA EXPERIENCE" THE FACILITY MUST OFFER AT LEAST THREE (3) OF THE FOLLOWING TREATMENTS AND EXPERIENCES:
    - A. FACIALS;
    - B. MASSAGE THERAPY;
    - C. SKIN TREATMENT;
    - D. BODY WRAPS; OR
    - E. BODY WAXING.

3. THE FOLLOWING ACTIVITIES SHALL NOT QUALIFY AS ENTERTAINMENT ACTIVITIES FOR PURPOSES OF AN ENTERTAINMENT FACILITY:

- A. ANY ACTIVITY NOT DESCRIBED IN SUBPARAGRAPHS (B)(1) OR (B)(2) OF THIS REGULATION; AND
- B. SHOPPING FOR OR RECEIVING GOODS OR PERSONAL SERVICES, INCLUDING BUT NOT LIMITED TO HAIR CARE OR NAIL CARE SERVICES.

C. AN ACTIVITY THAT WOULD OTHERWISE QUALIFY UNDER SUBPARAGRAPHS (B)(1) AND (B)(2) OF THIS REGULATION, SHALL NOT QUALIFY IF THE ACTIVITY INVOLVES THE USE OF A DEADLY WEAPON AS DEFINED BY SUBSECTION 18-1-901(3)(E), C.R.S., OR CREATES A SUBSTANTIAL HEALTH AND SAFETY RISK TO ANY PERSON.

D. DETERMINING THE PRIMARY BUSINESS OF A LODGING AND ENTERTAINMENT FACILITY.

1. TO SATISFY THE REQUIREMENT THAT THE PRIMARY BUSINESS OF A LODGING FACILITY IS TO PROVIDE THE PUBLIC WITH SLEEPING ROOMS AND MEETING FACILITIES, AND THAT SERVING AND SELLING ALCOHOL BEVERAGES IS INCIDENTAL THERETO, THE LODGING FACILITY'S ANNUAL GROSS REVENUES FROM THE SALE OF SLEEPING ROOMS AND MEETING FACILITIES MUST EXCEED FIFTY (50) PERCENT OF THE LODGING FACILITY'S TOTAL ANNUAL GROSS SALES REVENUES.

2. TO SATISFY THE REQUIREMENT THAT THE PRIMARY BUSINESS OF AN ENTERTAINMENT FACILITY IS TO PROVIDE THE PUBLIC WITH SPORTS OR ENTERTAINMENT ACTIVITIES, AND THAT SERVING AND SELLING ALCOHOL BEVERAGES IS INCIDENTAL THERETO, THE ENTERTAINMENT FACILITY'S ANNUAL GROSS

REVENUES FROM THE SALE OF SPORTS OR ENTERTAINMENT ACTIVITIES MUST EXCEED FIFTY (50) PERCENT OF THE ENTERTAINMENT FACILITY'S TOTAL ANNUAL GROSS SALES REVENUES.

**REGULATION 47-321. BONA FIDE LOYALTY OR REWARDS PROGRAMS – DISCONTINUED SALES – CLOSE-OUT SALES.**

**BASIS AND PURPOSE.** THE STATUTORY AUTHORITY FOR THIS REGULATION IS FOUND AT SUBSECTIONS 44-3-202(1)(B), 44-3-202(2)(A)(I)(A), 44-3-202(2)(A)(I)(D), AND 44-3-202(2)(A)(I)(O), C.R.S. THE PURPOSE OF THIS REGULATION IS TO CLARIFY HOW APPLICABLE LICENSEES MAY SELL ALCOHOL BEVERAGES BELOW COST UNDER LIMITED STATUTORY EXCEPTIONS.

A. A RETAILER LICENSED PURSUANT TO SECTION 44-3-409 OR 44-3-410, OR SUBSECTION 44-4-107(1)(A), C.R.S., SHALL NOT SELL ALCOHOL BEVERAGES TO CONSUMERS AT A PRICE THAT IS BELOW THE RETAILER'S COST, AS LISTED ON THE INVOICE, UNLESS THE SALE IS OF DISCONTINUED OR CLOSE-OUT ALCOHOL BEVERAGES. FOR PURPOSES OF THIS SUBSECTION:

1. "DISCONTINUED" MEANS WHEN A MANUFACTURER OR IMPORTER DISCONTINUES THE PRODUCTION, IMPORTATION, OR MARKET AVAILABILITY OF A SPECIFIC ALCOHOL BEVERAGE PRODUCT. A RETAILER'S DECISION TO STOP MAKING AVAILABLE THE ALCOHOL BEVERAGE PRODUCT FOR PURCHASE BY A CONSUMER DOES NOT QUALIFY AS A DISCONTINUED PRODUCT.

2. TO QUALIFY AS A "CLOSE-OUT" SALE, THE FOLLOWING CONDITIONS MUST BE SATISFIED:

A. THE CLOSE-OUT SALE MUST INCLUDE AND LIQUIDATE, BY SALE OR DESTRUCTION, ALL OF THE RETAILER'S CURRENT INVENTORY OF A SPECIFIC ALCOHOL BEVERAGE PRODUCT AS OF THE DATE THE CLOSE-OUT SALE BEGINS.

B. THE RETAILER IS PROHIBITED FROM SELLING THE SPECIFIC ALCOHOL BEVERAGE PRODUCT THAT WAS INVOLVED IN THE CLOSE-OUT SALE AT A PRICE BELOW COST FOR A PERIOD OF TWO (2) YEARS COMMENCING ON THE DATE THE LAST ITEM INCLUDED IN THE CLOSE-OUT SALE IS LIQUIDATED.

B. A RETAILER LICENSED PURSUANT TO SECTION 44-3-409 OR 44-3-410, OR SUBSECTION 44-4-107(1)(A), C.R.S., SHALL NOT BE PROHIBITED FROM OPERATING A BONA FIDE LOYALTY OR REWARDS PROGRAM FOR ALCOHOL BEVERAGES THE RETAILER IS LICENSED TO SELL SO LONG AS THE PRICE FOR THE PRODUCT IS NOT BELOW THE RETAILER'S COSTS AS LISTED ON THE INVOICE. FOR PURPOSES OF SUBSECTIONS (B) AND (C) OF THIS REGULATION:

1. "BONA FIDE LOYALTY OR REWARDS PROGRAM" MEANS A STRUCTURED PROGRAM USED BY A RETAILER LICENSED PURSUANT TO SECTION 44-3-409 OR 44-3-410, OR SUBSECTION 44-4-107(1)(A), C.R.S., TO ENCOURAGE PARTICIPANTS TO CONTINUE TO SHOP AT THE RETAILER'S LICENSED BUSINESS BY ALLOWING PARTICIPANTS TO ACCRUE PROGRAM BENEFITS, THROUGH THE PURCHASE OF ALCOHOL BEVERAGES, TO BE REDEEMED IN THE FORM OF A DISCOUNT UPON A SUBSEQUENT SALES TRANSACTION ON ALCOHOL BEVERAGE PRODUCTS ONLY.

2. "RETAILER'S COST" MEANS THE ACTUAL PROPORTIONATE INVOICE PRICE CHARGED BY THE WHOLESALER, PER ITEM, INCLUDING APPLICABLE STATE AND FEDERAL TAXES. ALL INVOICES MUST CLEARLY DESIGNATE A

PRICE PAID FOR EACH PRODUCT, WHICH SHALL NOT BE LESS THAN THE WHOLESALER'S LAID-IN COST FOR EACH PRODUCT.

3. "PRICE" MEANS THE AMOUNT AN ALCOHOL BEVERAGE PRODUCT IS LISTED FOR SALE TO CONSUMERS BY THE RETAILER, BEFORE APPLICABLE TAXES, AND BEFORE APPLICATION OF BONA FIDE LOYALTY OR REWARDS PROGRAM BENEFITS IN THE FORM OF A DISCOUNT.
4. A SUPPLIER SHALL NOT PROVIDE TO A RETAILER, AND A RETAILER SHALL NOT ACCEPT FROM A SUPPLIER, ANY FINANCIAL ASSISTANCE IN CONNECTION WITH A BONA FIDE LOYALTY OR REWARDS PROGRAM.
5. BONA FIDE LOYALTY REWARDS PROGRAM BENEFITS SHALL BE STRUCTURED SO THAT BOTH THE ACCRUAL AND REDEMPTION OF BENEFITS IS APPLIED WITHOUT DISCRIMINATION ACROSS ALL BRANDS AND LABELS OF ALCOHOL BEVERAGES.

C. A RETAILER DESCRIBED IN SUBSECTION (B) OF THIS REGULATION SHALL MAINTAIN AND MAKE AVAILABLE THOSE BUSINESS RECORDS REGARDING ALL BONA FIDE LOYALTY OR REWARDS PROGRAM TRANSACTIONS CONSISTENT WITH REGULATION 47-700, 1 C.C.R. 203-2. A RETAILER DESCRIBED IN SUBSECTION (B) OF THIS REGULATION MUST MAINTAIN, AT A MINIMUM, THE FOLLOWING RECORDS REGARDING ITS BONA FIDE LOYALTY OR REWARDS PROGRAM:

1. DOCUMENTATION REGARDING THE VALUE OF LOYALTY OR REWARDS PROGRAM BENEFITS AND HOW THOSE BENEFITS MAY BE ACCRUED AND REDEEMED BY PARTICIPANTS;
2. DOCUMENTATION SHOWING THE LOYALTY OR REWARDS PROGRAM BENEFITS ACTUALLY ACCRUED AND REDEEMED BY EACH PARTICIPANT, ORGANIZED BY A UNIQUE CUSTOMER IDENTIFICATION NUMBER ASSIGNED TO EACH PARTICIPANT;
3. INVOICES SHOWING THE RETAILER'S COST OF THE INDIVIDUAL ALCOHOL BEVERAGE PRODUCT TO WHICH ANY CONSUMER LOYALTY OR REWARDS BENEFIT WAS APPLIED OR REDEEMED; AND
4. RECEIPTS FOR EVERY ALCOHOL BEVERAGE SALE TO WHICH LOYALTY OR REWARDS PROGRAM BENEFITS ARE REDEEMED, SHOWING THE PRICE FOR EVERY ALCOHOL BEVERAGE AND THE AMOUNT OF SUCH BENEFITS.

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

A. Sales of alcohol beverages.

5. Certain sales of alcohol beverages below cost are not designed or intended to influence or control a retailer's product selection. The following exceptions to below cost product sales are therefore permitted:
  - c. Products for use, but not for resale by the drink, by a non-profit organization or similar group, as defined in section 44-5-102, C.R.S., on a retailer's licensed premises, may be invoiced to a retailer at no cost. The invoice for said products must detail the products provided and the group for whose benefit it is



provided. At the conclusion of the organization's event any unused product must be returned to the ~~manufacturer~~, wholesaler, ~~brewpub~~ BREW PUB, distillery pub, or vintner's restaurant, or invoiced at a minimum of laid in cost to the retailer.

9. WHOLESALER INVOICES PROVIDED TO RETAIL LIQUOR STORE, FERMENTED MALT BEVERAGE OFF-PREMISES, AND LIQUOR LICENSED DRUGSTORE LICENSEES MUST CLEARLY DESIGNATE A PRICE PAID FOR EACH PRODUCT, WHICH SHALL NOT BE LESS THAN THE WHOLESALER'S LAID-IN COST OF EACH PRODUCT. AT NO POINT MAY A RETAIL LIQUOR STORE, FERMENTED MALT BEVERAGE OFF-PREMISES, OR LIQUOR LICENSED DRUGSTORE LICENSEE RECEIVE ANY PRODUCTS FROM A WHOLESALER AT LESS THAN LAID-IN COST.

B. On-site sales promotions

2. ON-PREMISES SAMPLING. ~~Supplier-sponsored~~ A SUPPLIER-SPONSORED consumer sampling of alcohol beverages ~~that is~~ MAY BE HELD ~~in establishments licensed for on-premises consumption~~ AT A RETAILER'S PREMISES LICENSED FOR ON-PREMISES CONSUMPTION for the purpose of product sales promotion, ~~are permitted~~ under the following conditions:
  - A. A SUPPLIER-SPONSORED CONSUMER SAMPLING HELD AT THE LICENSED PREMISES OF A RETAILER LICENSED FOR ON-PREMISES CONSUMPTION SHALL INCLUDE ONLY THE ALCOHOL BEVERAGES THE RETAILER IS LICENSED TO SELL.
  - B. THE SUPPLIER SHALL ONLY OFFER ITS ALCOHOL BEVERAGE PRODUCT TO CONSUMERS DURING A SUPPLIER-SPONSORED CONSUMER SAMPLING.
  - C. A RETAILER OR SUPPLIER SHALL NOT IMPOSE ANY CHARGE TO THE CONSUMER TO ENTER OR PARTICIPATE IN THE SAMPLING.
  - aD. Product used for sampling must be invoiced by ~~a~~ THE supplier, who is authorized to sell THE alcohol beverages to licensed retailers pursuant to article 3 or 4 of title 44, as if sold to the retailer.
  - b. ~~A retailer may not impose any charge to the consumer to enter or participate in the sampling.~~
  - eE. If all product listed in the sales invoice is consumed as permitted herein, the supplier may issue the retailer a credit against the entire amount of the original invoice.
  - dF. Any remaining product must be returned to the wholesaler, or sold to the retailer at a minimum of the ~~seller's~~ WHOLESALER'S cost.
  - eG. THE SUPPLIER MUST BE PRESENT AND SHALL BE THE PERSON WHO PROVIDES THE SAMPLE TO A CONSUMER WHO IS TWENTY-ONE (21) YEARS OF AGE OR OLDER.; ~~Supplier representatives~~

~~or their authorized agents may provide alcohol beverage samples directly to the consumer, if the product has been delivered to the retail premises pursuant to the conditions described herein, and the retailer has so consented.~~

fh. Suppliers may provide or pay for any media announcement of a ~~supplier sponsored~~ SUPPLIER-SPONSORED consumer sampling that primarily advertises the product, the location, and the date and time of the sampling. The name of the retail outlet may also be mentioned.

3. OFF-PREMISES GIVEAWAY. A supplier-sponsored consumer ~~give-a-way~~ GIVEAWAY OF SEALED malt liquors LIQUOR OR FERMENTED MALT BEVERAGES MAY BE held in retail establishments licensed for off premises consumption AT A RETAILER'S PREMISES LICENSED FOR OFF-PREMISES CONSUMPTION for the purpose of product sales promotion, ~~are permitted~~ under the following conditions:

A. A SUPPLIER-SPONSORED CONSUMER GIVEAWAY HELD AT THE LICENSED PREMISES OF A RETAILER LICENSED FOR OFF-PREMISES CONSUMPTION IS LIMITED TO EITHER SEALED MALT LIQUOR OR FERMENTED MALT BEVERAGES, WHICHEVER THE RETAILER IS LICENSED TO SELL.

B. THE SUPPLIER SHALL ONLY OFFER ITS MALT LIQUOR OR FERMENTED MALT BEVERAGES PRODUCT TO CONSUMERS DURING A SUPPLIER-SPONSORED CONSUMER GIVEAWAY.

C. A RETAILER OR SUPPLIER SHALL NOT IMPOSE ANY CHARGE TO THE CONSUMER TO ENTER OR PARTICIPATE IN THE GIVEAWAY.

ad. ~~The supplier must purchase the malt liquors from the retailer at the retail price of the product to be given away, including sales tax.~~ PRODUCT USED FOR THE GIVEAWAY MUST BE INVOICED BY A SUPPLIER, WHO IS AUTHORIZED TO SELL MALT LIQUOR OR FERMENTED MALT BEVERAGE TO LICENSED RETAILERS PURSUANT TO ARTICLE 3 OR 4 OF TITLE 44, AS IF SOLD TO THE RETAILER.

~~b. A retailer/supplier may not impose any charge to the consumer to enter or participate in the give-a-way.~~

E. IF ALL PRODUCT LISTED IN THE SALES INVOICE IS GIVEN AWAY AS PERMITTED HEREIN, THE SUPPLIER MAY ISSUE THE RETAILER A CREDIT AGAINST THE ENTIRE AMOUNT OF THE ORIGINAL INVOICE.

F. ANY REMAINING PRODUCT MUST BE RETURNED TO THE WHOLESALER, OR SOLD TO THE RETAILER AT A MINIMUM OF THE WHOLESALER'S COST.

~~c. The product purchased must be of the supplier's brands and currently offered by the supplier.~~

- ~~dg.~~ The supplier must be present and shall be the person who gives the ~~product~~ SEALED CONTAINER to consumers. The supplier representative must verify that each consumer is of lawful age prior to ~~giving the item to them~~ GIVING AWAY THE SEALED CONTAINER.
- ~~e.~~ ~~The supplier and retailer must keep records of all items purchased from a retail liquor store to be used as a free give-a-way to consumers. The records must include the date, retailer/supplier name, amount paid, and name of products purchased.~~
- ~~f.~~ ~~Supplier representatives or their authorized agents may give a way sealed malt liquor products directly to the consumer (for off premises consumption only), if the product has been purchased in accordance to this regulation and the retailer has so consented. The retail licensee or their employee(s) are not eligible to receive free malt liquor samples.~~
- ~~g.~~ ~~The maximum amount of malt liquor beverages given to each consumer is limited to twenty four (24) ounces.~~
- hh. Suppliers may provide or pay for any media announcement of a ~~supplier sponsored~~ SUPPLIER-SPONSORED consumer ~~give-a-way~~ GIVEAWAY that primarily advertises the product, the location, and the date and time of the ~~give-a-way~~ GIVEAWAY. The name of the retail outlet may also be mentioned.
- ~~i.~~ ~~All items purchased by the supplier representative for the give-a-way must be given away to the consumer or the retailer must purchase back any remaining items not given away at the original purchase price.~~
- I. THE MAXIMUM AMOUNT OF MALT LIQUOR OR FERMENTED MALT BEVERAGES GIVEN TO EACH CONSUMER SHALL NOT EXCEED TWENTY-SIX (26) OUNCES.

J. Other goods

Suppliers may not provide a retailer with any other goods below a ~~supplier's cost~~ FAIR MARKET VALUE except those items expressly permitted by articles 3, 4, or 5 of title 44, C.R.S, and related regulations.

L. Value of labor

- ~~1.~~ ~~Suppliers may provide labor at no cost as it relates to product delivery, price stamping, rotation and stocking. The cleaning of beverage dispensing equipment and supplier-provided displays may also be provided at no cost.~~

- ~~2. Suppliers may, upon retail premises, organize, construct, and maintain displays of these alcohol beverages that they sell. Such supplier constructed displays shall be accessible by the consumer.~~
- ~~3. Cost of labor provided to a retailer for services such as the installation of dispensing systems and the pouring or serving of alcohol beverages (except as allowed by regulation 47-322(B)(2)) shall be at least at a minimum of that employee's hourly wage.~~
1. FOR PURPOSES OF THIS SUBSECTION (L):
  - A. "DELIVER" OR "DELIVERING" IS THE ACT OF A WHOLESALER BRINGING AND UNLOADING ITS ALCOHOL BEVERAGE PRODUCT FROM ITS DELIVERY VEHICLE ONTO THE RETAILER'S LICENSED PREMISES OR PERMITTED RETAIL WAREHOUSE STORAGE LOCATION. "DELIVER" OR "DELIVERING" DOES NOT MEAN A WHOLESALER BRINGING AND UNLOADING ITS ALCOHOL BEVERAGE PRODUCT FROM A PERMITTED RETAIL WAREHOUSE STORAGE LOCATION TO A RETAILER'S LICENSED PREMISES.
  - B. "STOCK" OR "STOCKING" IS THE ACT OF A SUPPLIER PLACING OR REPLENISHING ITS ALCOHOL BEVERAGE PRODUCT ON ANY SHELF, REFRIGERATOR, OR SIMILAR LOCATION WITHIN THE RETAILER'S LICENSED PREMISES.
  - C. "ROTATE" OR "ROTATING" IS THE ACT OF A SUPPLIER MOVING ITS ALCOHOL BEVERAGE PRODUCT FROM THE REAR TO THE FRONT OF ANY SHELF, REFRIGERATOR, OR SIMILAR LOCATION WITHIN THE RETAILER'S LICENSED PREMISES, SO THAT OLDER ALCOHOL BEVERAGE PRODUCT WILL SELL FIRST.
  - D. "PRICE STAMP" OR "PRICE STAMPING" IS THE ACT OF A SUPPLIER AFFIXING THE RETAIL PRICE OF ITS ALCOHOL BEVERAGE PRODUCT TO ITS RESPECTIVE SHELF, REFRIGERATOR, OR ANY OTHER SIMILAR LOCATION WITHIN THE RETAILER'S LICENSED PREMISES.
  - E. "MERCHANDISE" OR "MERCHANDISING" IS THE ACT OF A SUPPLIER ORGANIZING, CONSTRUCTING, OR MAINTAINING A TEMPORARY DISPLAY OF ALCOHOL BEVERAGE PRODUCT INCLUDING A SIGN, INTERIOR DISPLAY, CONSUMER ADVERTISING SPECIALTY, OR POINT-OF-SALE ADVERTISING, WITHIN THE RETAILER'S LICENSED PREMISES, FOR THE PURPOSE OF INCREASED PRODUCT VISIBILITY TO CONSUMERS.
2. EXCEPT AS OTHERWISE PROVIDED BY THIS SUBSECTION (L)(2), THE COLORADO LIQUOR CODE, THE COLORADO BEER CODE, OR THE COLORADO LIQUOR RULES, A SUPPLIER IS PROHIBITED FROM PROVIDING ANY LABOR TO A RETAILER AT NO COST OR CONDUCTING AN ON-SITE SALES PROMOTION PURSUANT TO SUBSECTION (B) OF THIS REGULATION, FOR THE PURPOSE OF ALTERING OR INFLUENCING A RETAILER'S PRODUCT SELECTION. A RETAILER IS PROHIBITED FROM REQUIRING A SUPPLIER TO PROVIDE ANY LABOR TO THE RETAILER OR TO CONDUCT AN ON-SITE SALES PROMOTION PURSUANT TO SUBSECTION (B) OF THIS

REGULATION, AS AN EXPRESS OR IMPLIED CONDITION OF THE DELIVERY, PURCHASE, OR FUTURE PURCHASES BETWEEN THE SUPPLIER AND THE RETAILER.

- A. A WHOLESALER MAY DELIVER ITS ALCOHOL BEVERAGE PRODUCT AT NO COST TO THE RETAILER.
- B. IN A SUPPLIER'S SOLE DISCRETION, A SUPPLIER MAY STOCK, ROTATE, PRICE STAMP, AND MERCHANDISE ITS ALCOHOL BEVERAGE PRODUCT ON THE RETAILER'S LICENSED PREMISES AT NO COST TO THE RETAILER.
  - I. EXCEPT AS PROVIDED BY SUBSECTION (L)(2)(B)(II) OF THIS REGULATION, NO SINGLE LICENSED SUPPLIER, NOR ANY COMBINATION OF LICENSED SUPPLIERS OF ANY GIVEN ALCOHOL BEVERAGE PRODUCT MAY PERFORM THE ACTIVITIES LISTED IN SUBSECTION (L)(2)(B) OF THIS REGULATION UPON ANY RETAILER'S LICENSED PREMISES MORE THAN FOUR (4) DAYS IN A CALENDAR WEEK. A CALENDAR WEEK, FOR PURPOSES OF THIS SUBSECTION, WILL COMMENCE ON SUNDAY AND END ON SATURDAY.
  - II. TWELVE (12) TIMES PER CALENDAR YEAR, ANY SINGLE LICENSED SUPPLIER, OR COMBINATION OF LICENSED SUPPLIERS OF ANY GIVEN ALCOHOL BEVERAGE PRODUCT SHALL BE PERMITTED TO PERFORM THE ACTIVITIES LISTED IN SUBSECTION (L)(2)(B) OF THIS REGULATION FOR A TOTAL OF FIVE (5) DAYS IN A CALENDAR WEEK. NOTHING IN THIS SUBSECTION SHALL BE CONSTRUED TO PERMIT A SINGLE LICENSED SUPPLIER, OR ANY COMBINATION OF LICENSED SUPPLIERS OF ANY GIVEN ALCOHOL BEVERAGE PRODUCT TO PERFORM THESE ACTIVITIES MORE THAN FIVE (5) DAYS IN A CALENDAR WEEK.
  - III. A SUPPLIER IS PROHIBITED FROM DISTURBING ANOTHER SUPPLIER'S ALCOHOL BEVERAGE PRODUCT WHILE STOCKING, ROTATING, PRICE STAMPING, AND/OR MERCHANDISING.
  - IV. FOR PURPOSES OF THIS SUBSECTION (L)(2)(B), THE RETAILER'S LICENSED PREMISES SHALL NOT INCLUDE A PERMITTED RETAIL WAREHOUSE STORAGE LOCATION.
  - V. BOTH THE RETAIL LICENSEE AND EACH LICENSED SUPPLIER SHALL MAINTAIN, IN THEIR RESPECTIVE RECORDS, PURSUANT TO 44-3-701, C.R.S., A LOG FOR EACH CALENDAR WEEK THAT DOCUMENTS EVERY INSTANCE IN WHICH A LICENSED SUPPLIER PERFORMED ANY OF THE ACTIVITIES LISTED IN SUBSECTION (L)(2)(B) OF THIS REGULATION.
    - A. THE LOG SHALL INCLUDE THE LICENSED SUPPLIER NAME, THE DATE THE ACTIVITIES WERE PERFORMED, AND THE NAME OF AT LEAST ONE PERSON WHO PERFORMED THE ACTIVITIES ON BEHALF OF THE SUPPLIER.
    - B. THESE RECORDS SHALL BE MAINTAINED BY EACH LICENSEE IN ACCORDANCE WITH REGULATION 47-700.

C. FAILURE TO MAINTAIN ACCURATE OR COMPLETE RECORDS SHALL BE A VIOLATION OF THIS REGULATION.

C. A SUPPLIER MAY CLEAN THE RETAILER'S ALCOHOL BEVERAGE DISPENSING EQUIPMENT AT NO COST TO THE RETAILER. A SUPPLIER MAY ONLY CLEAN THE PORTION OF THE RETAILER'S ALCOHOL BEVERAGE DISPENSING EQUIPMENT USED FOR DISPENSING ITS ALCOHOL BEVERAGE PRODUCT.

3. A SUPPLIER IS PROHIBITED FROM PROVIDING TO A RETAILER, AND A RETAILER IS PROHIBITED FROM REQUIRING FROM A SUPPLIER, ANY ACTS OF LABOR OTHER THAN THOSE ACTS DESCRIBED IN SUBSECTION (L)(2) OF THIS REGULATION. SUCH PROHIBITED ACTS OF LABOR SHALL INCLUDE, BUT ARE NOT LIMITED TO:

- A. CLEANING, SWEEPING, MOPPING, OR MAINTAINING THE RETAILER'S LICENSED PREMISES;
- B. CLEANING THE RETAILER'S SHELVES OR REFRIGERATORS;
- C. OPERATING THE RETAILER'S POWERED MECHANICAL EQUIPMENT; OR
- D. PERFORMING INVENTORY FOR THE RETAILER'S RECORDS.

4. A REPRESENTATIVE, EMPLOYEE, OR AGENT OF ONE OF THE FOLLOWING SUPPLIERS LICENSED BY THE STATE LICENSING AUTHORITY MAY POUR OR SERVE ONLY ITS OWN ALCOHOL BEVERAGE PRODUCTS AS PART OF A TASTING AT NO COST TO THE RETAILER:

- A. WHOLESALER,
- B. BREW PUB,
- C. DISTILLERY PUB,
- D. MANUFACTURER,
- E. LIMITED WINERY,
- F. IMPORTER, OR
- G. VINTNER'S RESTAURANT.

M. PROHIBITION.

1. EXCEPT AS OTHERWISE PROVIDED BY THE COLORADO LIQUOR CODE, COLORADO BEER CODE, OR COLORADO LIQUOR RULES, A SUPPLIER IS PROHIBITED FROM DISTURBING ANOTHER SUPPLIER'S ALCOHOL BEVERAGE PRODUCT.

REGULATION 47-322(A)(9) IS EFFECTIVE JULY 1, 2019.

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

- A. Except as provided in this regulation, no RETAIL license shall be issued to or held by any person where ~~malt, vinous, or spirituous liquor~~ ALCOHOL BEVERAGES ARE sold if the licensed premises is located within 500 feet of any public or parochial school or the principal campus of any college, university or seminary; ~~said SAID distance to~~ SHALL be computed by direct measurement from the nearest property line of the land used for school purposes to the nearest portion of the building in which ~~malt, vinous, or spirituous liquors~~ ALCOHOL BEVERAGES are to be sold, using a route of direct pedestrian access, measured as a person would walk safely and properly, without trespassing, with right angles at crossings and with the observance of traffic regulations and traffic signals.
- B. The restriction stated herein shall not be applicable to the following:
7. A RETAILER LICENSED PURSUANT TO SUBSECTION 44-4-107(1)(B), C.R.S.

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

Basis and Purpose. The statutory authority for this regulation is located at subsections 44-4-107(1)(c), 44-3-202(1)(b), 44-3-202(2)(a)(I)(A), 44-3-409(3), and 44-3-410(3), C.R.S. The purpose of this regulation is to permit fermented malt beverage ~~on off premises~~ OFF-PREMISES licensees, retail liquor stores, and liquor licensed drug stores to deliver alcohol beverage products to consumers within the requirements, restrictions, and limitations outlined in the regulation in accordance with the statutory provisions under which limited retail delivery activities are authorized.

~~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 of this regulation.~~

BA. Delivery Permitted.

~~A 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, may,~~ RETAILER LICENSED PURSUANT TO SECTION 44-3-409 OR 44-3-410, OR SUBSECTION 44-4-107(1)(A), C.R.S., MAY deliver such alcohol beverages AUTHORIZED BY ITS LICENSE to any location off the licensed premises, pursuant to the following restrictions:

1. ORDER.
  - A. The order for the alcohol beverages which are to be delivered, must be taken by the licensee or an ordering service acting as an agent of the licensee pursuant to

a written agreement entered into with the licensee. Licensee shall provide a copy of said agreement to the ~~Liquor Enforcement~~ Division prior to any orders being accepted by licensee's agent.

- B. The order may be taken by written order, by telephone, in person, or via internet communication with the licensee or its agent.
- C. The person placing the order must provide the licensee with their name, ~~address, date of birth, AND DELIVERY ADDRESS and a valid form of identification, including the identification number.~~ Under no circumstances shall a person under TWENTY-ONE (21) years of age be permitted to place an order for alcohol beverages.

2. DELIVERY.

- A. Delivery of alcohol beverages shall only be made to a person TWENTY-ONE (21) years of age or older at the address specified in the order.
- B. Delivery must be made by the licensee, ~~an employee of the licensee, or a delivery service acting as an agent of the licensee pursuant to a written agreement entered into with the licensee. A copy of said agreement shall be maintained by the licensee~~ OR THE LICENSEE'S EMPLOYEE WHO IS AT LEAST TWENTY-ONE (21) YEARS OF AGE AND IS USING A VEHICLE OWNED OR LEASED BY THE LICENSEE TO MAKE THE DELIVERY.
- C. The licensee or ~~his~~ THE LICENSEE'S employee, ~~or a representative of a delivery service~~ who delivers the alcohol beverages shall note and log, at the time of delivery; the name, ~~address, date of birth and the valid form of identification, including the~~ AND identification number, of the person the alcohol beverages are delivered to. Under no circumstances shall a person under TWENTY-ONE (21) years of age be permitted to receive a delivery of alcohol beverages.
- D. A LICENSEE MUST DERIVE NO MORE THAN FIFTY (50) PERCENT OF ITS GROSS ANNUAL REVENUES FROM TOTAL SALES OF ALCOHOL BEVERAGES THAT THE LICENSEE DELIVERS.

3. Licensees who deliver alcohol beverages shall maintain as a part of their required records, pursuant to 44-3-701, C.R.S., all records of delivery including; ~~delivery agreements,~~ delivery orders, receipt logs and journals. These records shall be maintained by the licensee for the current and three prior calendar years. Failure to maintain accurate or complete records shall be a violation of this regulation.

4. Have a licensed premises with the following conditions:

- AA. Open to the public a minimum of three (3) days a week; and



~~B~~B. Open to the public a minimum of five (5) hours each day the business is open; and

C. Have signage viewable from a public road.

5. PERMIT REQUIRED.

- A. EFFECTIVE JULY 1, 2019, THE STATE LICENSING AUTHORITY WILL ACCEPT COMPLETE DELIVERY PERMIT APPLICATIONS FROM ANY APPLICANT OF OR RETAILER LICENSED PURSUANT TO SECTION 44-3-409 OR 44-3-410, OR SUBSECTION 44-4-107(1)(A), C.R.S.
- B. EFFECTIVE JULY 1, 2020, ANY RETAILER LICENSED PURSUANT TO SECTION 44-3-409 OR 44-3-410, OR SUBSECTION 44-4-107(1)(A), C.R.S., MUST HOLD A VALID DELIVERY PERMIT ISSUED BY THE STATE LICENSING AUTHORITY TO DELIVER ALCOHOL BEVERAGES PURSUANT TO THE COLORADO LIQUOR CODE, THE COLORADO BEER CODE, AND THIS REGULATION.
- C. THE APPLICANT MUST AFFIRM ON ITS DELIVERY PERMIT APPLICATION THAT THE APPLICANT DERIVES OR WILL DERIVE NO MORE THAN FIFTY (50) PERCENT OF ITS GROSS ANNUAL REVENUES FROM TOTAL SALES OF ALCOHOL BEVERAGES THAT THE APPLICANT DELIVERS. HOWEVER, NOTHING WITHIN THIS SUBSECTION (A)(5)(C) SHALL LIMIT THE AUTHORITY OF THE STATE LICENSING AUTHORITY TO INSPECT BOOKS AND RECORDS PURSUANT TO REGULATION 47-700, 1 C.C.R. 203-2, TO VERIFY THIS AFFIRMATION OR COMPLIANCE WITH THIS STATUTORY REQUIREMENT.
- D. A DELIVERY PERMITTEE SHALL DISPLAY ITS DELIVERY PERMIT AT ALL TIMES IN A PROMINENT PLACE ON ITS LICENSED PREMISES. A DELIVERY PERMITTEE SHALL NOT BE REQUIRED TO HOLD OR CARRY A COPY OF ITS DELIVERY PERMIT IN THE DELIVERY VEHICLE.
- E. A DELIVERY PERMIT SHALL NOT BE REQUIRED FOR A RETAILER TO DELIVER ALCOHOL BEVERAGES WITHIN ITS CUSTOMARY PARKING AREA.

~~CB. Suspension/Revocation~~ **SUSPENSION OR REVOCATION.**

Any delivery made in violation of Title 44, Articles 3 and Article 4, or in violation of this regulation may be grounds for suspension or revocation OF THE LICENSEE'S LICENSE AND/OR DELIVERY PERMIT by the ~~State Licensing Authority~~ STATE LICENSING AUTHORITY as provided for in section 44-3-601, C.R.S.

**REGULATION 47-901. PUBLIC CONSUMPTION OF ALCOHOL BEVERAGES.**

BASIS AND PURPOSE. THE STATUTORY AUTHORITY FOR THIS REGULATION IS FOUND AT SUBSECTIONS 44-3-202(1)(B), 44-3-202(2)(A)(I)(A), AND 44-3-202(2)(A)(I)(D), C.R.S. THE PURPOSE OF THIS REGULATION IS ESTABLISH A MECHANISM FOR AN APPROPRIATE AUTHORITY TO NOTIFY THE STATE LICENSING AUTHORITY WHEN PUBLIC CONSUMPTION ORDINANCES, RESOLUTIONS, OR RULES ARE PROMULGATED WITHIN THE APPLICABLE JURISDICTION SO THAT THE STATE LICENSING AUTHORITY IS AWARE OF THE VARYING ORDINANCES, RESOLUTIONS, OR RULES.

- A. A LOCAL LICENSING AUTHORITY OR THE PARKS AND WILDLIFE COMMISSION, AS APPLICABLE, SHALL NOTIFY THE DIVISION OF ANY NEW OR AMENDED ORDINANCE, RESOLUTION, OR RULE WHICH AUTHORIZES THE PUBLIC CONSUMPTION OF ALCOHOL BEVERAGES. SUCH NOTIFICATION MUST INCLUDE A COPY OF AND CITATION TO THE ORDINANCE, RESOLUTION, OR RULE.

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

- E. All licensees for the sale of alcohol beverages for consumption on the premises where sold shall, upon request of the ~~Department of Revenue, Liquor Enforcement~~ Division or any of its officers, make available to the person so requesting a sufficient quantity of such alcohol beverage to enable sampling or analysis thereof. The licensee shall be notified of the results of the sampling or analysis without delay.
- F. The manufacturer or importer of any alcohol beverage product sold in or shipped to Colorado must register said product with the ~~Liquor Enforcement~~ Division prior to the date of the product's initial intended date of sale or shipment. If required by applicable Federal laws or regulations, alcohol beverages sold in Colorado must have obtained either a "Certificate of Label Approval" or a "Certificate of Exemption" from the Alcohol and Tobacco Tax and Trade Bureau ("TTB").

THE MATERIAL INCORPORATED BY REFERENCE SHALL BE THOSE EFFECTIVE AS OF JANUARY 1, 2019. 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~~ 1697 COLE BOULEVARD, SUITE 200, GOLDEN, COLORADO, 80401, and copies of the material may be examined at any state publication depository library.

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

~~This regulation provides guidance as to the acceptable age of employees employed in the manufacture, sale, and/or distribution of alcohol beverages.~~

- A. ~~However, nothing herein~~ NOTHING WITHIN THIS REGULATION shall authorize a licensee to permit ~~an employee~~ A PERSON under the age of eighteen (18) to sell, DISPENSE, ~~or serve,~~ OR PARTICIPATE IN THE SALE, DISPENSING, OR SERVICE OF alcohol beverages ~~under any circumstances.~~
- B. EXCEPT AS OTHERWISE PROVIDED BY THIS REGULATION, ~~not to~~ A LICENSEE SHALL NOT permit a person WHO IS at least eighteen (18) YEARS of age but less than twenty-one (21) years of age ~~to possess alcohol beverages except as part of the person's employment responsibilities authorized herein~~ TO SELL, DISPENSE, OR SERVE ALCOHOL BEVERAGES UNLESS THE EMPLOYEE IS SUPERVISED BY ANOTHER PERSON WHO IS ON THE LICENSED PREMISES AND IS AT LEAST TWENTY-ONE (21) YEARS OF AGE.

AC. ~~Retail liquor stores, liquor licensed drug stores, taverns that do not regularly serve meals, TAVERN and lodging and entertainment facilities~~ LICENSEES that do not regularly serve meals:

1. Employees or agents of the licensee who are at least twenty-one (21) years of age may handle and otherwise act with respect to malt, vinous, and spirituous liquors in the same manner as that person does with other items sold at retail and may sell such alcohol beverages or check identification of the customers of the retail outlet.

D. RETAIL LIQUOR STORE AND LIQUOR-LICENSED DRUGSTORE LICENSEES.

1. RETAIL LIQUOR STORE AND LIQUOR-LICENSED DRUGSTORE LICENSEES MAY PERMIT A PERSON WHO IS AT LEAST EIGHTEEN (18) YEARS OF AGE TO SELL, SERVE, OR PARTICIPATE IN THE SALE OR SERVICE OF MALT, VINOUS, AND SPIRITUOUS LIQUOR.
2. RETAIL LIQUOR STORE AND LIQUOR-LICENSED DRUGSTORE LICENSEES SHALL NOT PERMIT A PERSON WHO IS LESS THAN TWENTY-ONE (21) YEARS OF AGE TO DELIVER MALT, VINOUS, AND SPIRITUOUS LIQUOR PURSUANT TO REGULATION 47-426, 1 C.C.R. 203-2.

BE. ~~3.2% beer licensees (On-premises, Off-premises, and On/Off Premises) and 3.2% special event permit holders:~~ FERMENTED MALT BEVERAGE LICENSEES.

1. ~~Employees or agents of the licensee who are at least eighteen (18) years of age may handle and otherwise act with respect to fermented malt beverages in the same manner as such person would with other items sold at retail, without the supervision of persons who are at least twenty one (21) years of age, including the sale of fermented malt beverage and checking identification of the customers of the retail outlet.~~ FERMENTED MALT BEVERAGE LICENSEES MAY PERMIT A PERSON WHO IS AT LEAST EIGHTEEN (18) YEARS OF AGE TO SELL, SERVE, OR PARTICIPATE IN THE SALE OR SERVICE OF FERMENTED MALT BEVERAGES.
2. FERMENTED MALT BEVERAGE LICENSEES FOR SALES FOR CONSUMPTION OFF THE LICENSED PREMISES SHALL NOT PERMIT A PERSON WHO IS LESS THAN TWENTY-ONE (21) YEARS OF AGE TO DELIVER FERMENTED MALT BEVERAGES PURSUANT TO REGULATION 47-426, 1 C.C.R. 203-2.

CF. ~~Except as provided in paragraph A of this regulation, retailers licensed for on-premises consumption pursuant to article 3 of title 44, C.R.S., and special-SPECIAL event permit holders:~~

1. ~~Employees or agents of the licensee who are at least twenty one (21) years of age may handle and otherwise act with respect to alcohol beverages in the same manner as that person does with other items sold at retail and may sell such alcohol beverages or check identification of the customers of the retail outlet.~~
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.~~

1. NO PERSON UNDER EIGHTEEN (18) YEARS OF AGE MAY SELL, SERVE, DISPENSE OR HANDLE ALCOHOL BEVERAGES.
2. MALT, VINOUS, AND SPIRITUOUS LIQUORS SPECIAL EVENT PERMITTEES MAY PERMIT A PERSON WHO IS AT LEAST EIGHTEEN (18) YEARS OF AGE BUT LESS THAN TWENTY-ONE (21) YEARS OF AGE TO SELL, SERVE, DISPENSE, OR HANDLE ALCOHOL BEVERAGES WHEN SAID PERSON IS UNDER THE DIRECT SUPERVISION OF A PERSON WHO IS AT LEAST TWENTY-ONE (21) YEARS OF AGE.
3. FERMENTED MALT BEVERAGE SPECIAL EVENT PERMITTEES MAY PERMIT A PERSON WHO IS AT LEAST EIGHTEEN (18) YEARS OF AGE TO SELL, SERVE, DISPENSE, OR HANDLE FERMENTED MALT BEVERAGES.

DG. Wholesalers and manufacturers licensed pursuant to article 3, of title 44, C.R.S.

1. Employees or agents of the licensee who are at least twenty-one (21) years of age may handle and otherwise act with respect to alcohol beverages ~~liquors~~ in the same manner as that person does with other items sold at wholesale and may sell and/or deliver such alcohol beverages to retail outlets.
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 wholesale, as long as they are under the direct supervision of a person who is at least TWENTY-ONE (21) years of age. However, persons under the age of TWENTY-ONE (21) shall not sell malt, vinous, or spirituous liquors or check identification of the customers of the ~~retail outlet~~ PERMITTED SALES ROOM.

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

A. ~~Other than those licensees described in section 44-3-423(2)(a), 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;~~ EXCEPT AS PROVIDED BY SECTION 44-3-423, C.R.S., OR SUBSECTION 44-3-107(2), C.R.S., 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.

1. Licensees that post signs as specified in ~~Section~~ SUBSECTION 44-3-901(10)(a)(II)(A), C.R.S., must post the signs at all exits in a location that can be easily identified and read by patrons using those exits.
2. Regardless of whether a licensee posts a sign as specified in ~~Section~~ SUBSECTION 44-3-901(10)(a)(II)(A), C.R.S., the licensee may be charged with knowingly permitting the

removal of an alcohol beverage from the licensed premises if the licensee shows reckless disregard for the prohibition against alcohol beverage removal from the licensed premises, which may include permitting the removal of an alcohol beverage from the licensed premises three times within a twelve-month period, regardless of whether the three incidents occur on the same day or separate days. A licensee may be charged with knowingly permitting the removal of an alcohol beverage from the licensed premises upon the third occurrence of alcohol beverage removal from the licensed premises.

- B. Licensees ~~described in paragraph A of this regulation~~ who MAY permit a patron to remove a partially consumed bottle of vinous liquor PURSUANT TO SECTION 44-3-423, C.R.S., shall reseal the bottle with a cork or other commercially manufactured stopper.
- C. Patrons transporting a partially consumed bottle of vinous liquor in a motor vehicle shall comply with the requirements of SECTION 42-4-1305, C.R.S.

**Regulation 47-930. Testing of Alcohol Content — Malt Liquor and Fermented Malt Beverage. REPEALED.**

~~Basis and Purpose. The statutory authority for this regulation is located at subsections 12-47-202(1)(b), 12-47-202(2)(a)(I)(M), and 12-47-202(2)(a)(I)(S), C.R.S. The purpose of this regulation is to require licensees to make malt liquor and fermented malt beverage available for sampling and analysis to the Department of Revenue, Liquor Enforcement Division upon its request to assist with compliance and enforcement of alcohol content limits on fermented malt beverages.~~

~~All licensees for the sale of malt liquor and fermented malt beverage shall, upon request of the Department of Revenue, Liquor Enforcement Division, make available a sufficient quantity of such malt liquor or fermented malt beverage to enable sampling or analysis thereof. The licensee shall be notified of the results of the sampling or analysis without delay.~~

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

Organizations qualifying for special events permit are described as follows:

- A. Organizations that are incorporated under the laws of this state ~~for nonprofit purposes, including but not limited to,~~ for social, fraternal, patriotic, political, educational, or athletic purposes, and not for pecuniary gain.
- B. ~~Local governmental entities, including~~ MUNICIPALITIES, COUNTIES, OR special districts.
- C. Any ~~non-profit~~ NONPROFIT or charitable organization that is incorporated or registered with the Colorado secretary of state.

- D. A regularly chartered branch, lodge, or chapter of a national organization or society organized for such SOCIAL, FRATERNAL, PATRIOTIC, POLITICAL, EDUCATIONAL, OR ATHLETIC purposes and being is nonprofit in nature.
- I. ~~Any municipality owning arts facilities at which productions or performances of an artistic or cultural nature are presented for use at such facilities.~~ REPEALED.

**Regulation 47-1010. Special Event Permit - Possession of Beverages.**

- A. No SPECIAL EVENT permittee shall allow the sale, possession, or consumption of any ALCOHOL beverages on the licensed premises when OR WHERE the sale, possession or consumption of such ALCOHOL beverages is prohibited by the permit.
- B. EXCEPT AS PROVIDED BY SUBSECTION 44-3-107(2), C.R.S., ~~NO~~ no person shall possess or consume on the licensed premises any beverage other than that allowed by the type of special events permit as issued.
- C. ~~Permittees may~~ SPECIAL EVENT PERMITTEES SHALL ONLY sell licensed beverages by the drink ~~only~~ to persons for consumption on the licensed premises ~~only~~.

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

Basis and Purpose. The statutory authority for this regulation is located at subsections 44-3-202(1)(b) and 44-3-202(2)(a)(I)(A), C.R.S. The purpose of this regulation is to establish age requirements for alcohol beverage ~~servers~~ EMPLOYEES, AGENTS, OR VOLUNTEERS under a special event permit.

- A. No person under eighteen (18) years of age may sell, serve, dispense or ~~distribute~~ HANDLE alcohol beverages.
- B. ~~Except as provided by Regulation 47-913(B), 1 C.C.R. 203-2, a~~ MALT, VINOUS, AND SPIRITUOUS LIQUORS SPECIAL EVENT PERMITTEES MAY PERMIT a person who is ~~between~~ AT LEAST eighteen (18) YEARS OF AGE ~~and twenty (20)~~ BUT LESS THAN TWENTY-ONE (21) years of age ~~may~~ TO sell, SERVE, ~~and~~ dispense, OR HANDLE alcohol beverages when said person is under the direct supervision of a person who is at least twenty-one (21) years of age.
- C. Fermented malt beverage special event permittees may permit a person who is at least eighteen (18) years of age to sell, serve, dispense, or handle fermented malt beverages.

**REGULATION 47-1022. DONATED ALCOHOL BEVERAGES IN SEALED CONTAINERS FOR AUCTION FOR FUNDRAISING PURPOSES.**

- A. FOR PURPOSES OF SUBSECTION 44-3-107(2), C.R.S., “DONATED” OR “OTHERWISE LAWFULLY OBTAINED” ALCOHOL BEVERAGES MEAN:
  - 1. ALCOHOL BEVERAGES DONATED PURSUANT TO REGULATION 47-1020, 1 C.C.R. 203-2; OR

2. ALCOHOL BEVERAGES DONATED BY A PRIVATE INDIVIDUAL WHO IS AT LEAST TWENTY-ONE (21) YEARS OF AGE AND LAWFULLY OBTAINED THE ALCOHOL BEVERAGES SHE OR HE IS DONATING; OR
3. ALCOHOL BEVERAGES DONATED BY AN ENTITY THAT DOES NOT HOLD A LIQUOR LICENSE PURSUANT TO ARTICLES 3 OR 4 OF TITLE 44, C.R.S. AND LAWFULLY OBTAINED THE ALCOHOL BEVERAGES IT IS DONATING. THE AGENT OR REPRESENTATIVE OF THE DONATING ENTITY MUST BE A PRIVATE INDIVIDUAL WHO IS AT LEAST TWENTY-ONE (21) YEARS OF AGE AND LAWFULLY OBTAINED THE ALCOHOL BEVERAGES SHE OR HE IS DONATING.