



**COLORADO**

**Department of Revenue**

Enforcement Division - Liquor & Tobacco

Physical Address:  
1881 Pierce Street  
Lakewood, CO 80214

Mailing Address:  
P.O. Box 173350  
Denver, CO 80217-3350

## **BULLETIN 15-04**

REFERENCE: HOMEBREW USE AND LIMITATIONS

November 13, 2015

### **Colorado Liquor Enforcement Division**

The popularity of home brewed malt liquor (homebrew) in Colorado has increased significantly and with this increased interest, it is imperative homebrewers understand the use and limitations of their product. Therefore, the Colorado Liquor Enforcement Division (Division) in cooperation with the American Homebrewers Association is publishing this bulletin to provide guidance to homebrewers concerning the use of homebrew product, including guidance for section 12-47-106, C.R.S.

Below are some Q & As presented to the Division:

**1. Q.** How can a producer use homebrew?

**A.** The best way to think about the use of homebrew is to compare it to what you would do with a beer purchased from a licensed business (i.e. you can consume it, transport it in a sealed container and share it with family and friends). However, you cannot consume it in public, give it to a minor, or sell it. (Sections 12-47-901(h)(I), 12-47-901(1)(a.5)(I), 12-47-901(e), C.R.S)

**2. Q.** Can Homebrew be consumed in public?

**A.** No. Section 12-47-901(h)(I) – prohibits public consumption

**3. Q.** What is considered “public?”

**A.** Anywhere the public is allowed to go is considered public. Thus, a homebrew supply store during open hours would be a public place. Homebrew events that are publicly advertised, such as on a website or via social media, are considered “public” unless the advertising expressly limits participation to select group of people (e.g. members of a club or competition judges/stewards).

**4. Q.** What would be considered “private?”

**A.** The following are some examples of a “private” event or location: an office in a homebrew supply store that is not accessible to customers; a homebrew supply store after closing; a private residence; an event held at a non-liquor-licensed private room, etc. In addition, the consumption of homebrew cannot be publically advertised.

**5. Q.** Can homebrewers bring homebrew into a homebrew supply store to get feedback from the store employees?

**A.** Yes, but only if the sampling is done in a private location.

**6. Q.** Is the Big Brew event held in May of each year allowed to be held at a homebrew store and can participants consume homebrew samples at the event.

**A.** Yes. This event is allowed at homebrew store, but alcohol can only be consumed if the event is not considered public. (Section 12-47-901(h)(I), C.R.S.)

**7. Q.** Are homebrew samples offered at a homebrew class conducted at a homebrew supply store allowed for consumption?

**A.** Yes. As long as the samples are not sold and the class is a private event. (Sections 12-47-103(34) and 12-47-901(h)(I), C.R.S.)

**8. Q.** Are homebrew clubs allowed to meet and consume homebrew at a licensed establishment?

**A.** Yes. Homebrew may be transported and delivered by the producer to any licensed premises where consumption of malt liquors by persons over the age of twenty-one is authorized (including malt liquor sales room, or tap rooms) for use at organized affairs, exhibitions, or competitions, such as home brew contests, tastings, or judgments. Consumption shall be limited solely to the participants in and judges of such events. Malt liquors used for these purposes shall be served in portions not exceeding six ounces and shall not be sold, offered for sale, or made available for consumption by the general public. (Section 12-47-106, C.R.S.).

**9. Q.** Homebrew competitions use several drop off locations for homebrewers to allow for efficient transportation of the products to the competitions. Is this allowed?

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A. Section 12-47-106, C.R.S. states – “Homebrew may be transported and delivered by the producer to any licensed premises where consumption of malt liquors by persons over the age of twenty-one is authorized for use at organized affairs, exhibitions, or competitions, such as home brew contests, tastings, or judgments.” Currently, the Division is also allowing the practice of dropping the product at homebrew supply stores and is looking at rule making to allow drop off locations to be considered a part of the event. In addition, if the competition is located at a Special Event Permit premises pursuant to section 12-48-101, C.R.S, the homebrewer can deliver the product to the area designated on the special event application for storage prior to the permit going into effect at the time of application.

Questions concerning this bulletin can be sent to [dor\\_led@state.co.us](mailto:dor_led@state.co.us). or call us at 303-205-2306.