

**COLORADO DEPARTMENT OF REVENUE  
LIQUOR ENFORCEMENT DIVISION  
LIQUOR INDUSTRY WORKING GROUP**

**Manufacturer Sales Room Rule Recommendation 15-02**

1 C.C.R. 203-2

2015

**Regulation 47-400. Licensed Breweries.**

All brewers who are licensed pursuant to 12-47-402 C.R.S. and who sell their manufactured product directly to consumers for consumption of the product FOR EITHER ON-PREMISES OR OFF-PREMISES CONSUMPTION ~~away from the licensed premises~~, must also obtain a wholesale license, pursuant to 12-47-406, C.R.S.

**Regulation 47-412. Wholesale Warehouse or Branch Houses.**

- E. Any wholesaler licensed to distribute malt, vinous and spirituous liquors may establish and operate as many warehouses or branch houses as it sees fit for the sole purpose of storing, handling, distributing or dealing in such liquors. Malt liquor wholesalers may establish one salesroom for the purpose of selling malt liquor WITHIN THE WHOLESALE LICENSED PREMISES.

**Regulation 47-428. Manufacturer Sales Rooms.**

- A. ~~Any manufacturer of spirituous liquors, licensed pursuant to 12-47-402 C.R.S., applying to operate an additional sales room location shall submit a copy of the application or supplemental application for the additional sales room to the local licensing authority in the jurisdiction in which such sales room is proposed.~~
- B. ~~Any manufacturer of vinous liquors applying to operate an additional sales room licensed pursuant to 12-47-402, and any limited winery licensee applying to operate an additional licensed premises pursuant to 12-47-403, shall also submit a copy of the application or supplemental application for an additional sales room or additional licensed premises to the local licensing authority in the jurisdiction in which such sales room or additional licensed premises is proposed.~~
- C. ~~The local licensing authority may request that the state licensing authority deny the issuance of a license for an additional sales room or limited winery licensed premises if it has determined that the applicant is not in compliance with local zoning restrictions or any other reasonable restrictions placed upon the neighborhood by the local licensing authority; and that for licenses issued for more than 3 consecutive days, that the proposed sales room or additional limited winery licensed premises is in keeping with the reasonable requirements of the neighborhood and desires of the adult inhabitants, in accordance with 12-47-301(2)(a) C.R.S. Neither the state or local licensing authority shall impose any additional fees for the processing or review of an application for an additional sales room or limited winery licensed premises.~~
- D. ~~All applications for additional sales rooms or licensed premises to be operated for no more than three (03) consecutive days shall be filed with both the local and state licensing authorities not less than 10 business days prior to the proposed opening date.~~

- ~~E. All applications for additional sales rooms or licensed premises to be operated for more than three (03) consecutive days shall be filed at least thirty (30) days prior to approval by the state licensing authority. Once an application has been filed for an additional location pursuant to this paragraph E, no application filed pursuant to paragraph D of this regulation will be accepted for the same location.~~
- A. ANY MANUFACTURER OF VINOUS SPIRITUOUS LIQUOR, LICENSED PURSUANT TO 12-47-402 C.R.S., A LIMITED WINERY LICENSE ISSUED PURSUANT TO SECTION 12-47-403, C.R.S., OR BEER (MALT LIQUOR) WHOLESALER LICENSED PURSUANT TO SECTION 12-47-406(1)(B), C.R.S., APPLYING TO OPERATE A SALES ROOM AS DEFINED BY SECTION 12-47-103(31.5), SHALL SUBMIT AN APPLICATION FOR SALES ROOM TO THE STATE LICENSING AUTHORITY.
- B. THE APPLICANT MUST SEND A COPY OF THE APPLICATION FOR THE SALES ROOM CONCURRENTLY TO THE STATE LICENSING AUTHORITY AND TO THE LOCAL LICENSING AUTHORITY IN THE JURISDICTION IN WHICH SUCH SALES ROOM IS PROPOSED. ALL APPLICATIONS FOR SALES ROOMS TO BE OPERATED FOR NO MORE THAN THREE (03) CONSECUTIVE DAYS SHALL BE FILED WITH BOTH THE LOCAL AND STATE LICENSING AUTHORITIES NOT LESS THAN TEN (10) BUSINESS DAYS PRIOR TO THE PROPOSED OPENING DATE.
- C. THE SALES ROOM APPLICATION SUBMITTED TO THE STATE LICENSING AUTHORITY AND COPIES OF THE SALES ROOM APPLICATION SUBMITTED TO THE LOCAL LICENSING AUTHORITY SHALL BE DONE IN A MANNER THAT PROVIDES PROOF OF DATE OF DELIVERY. THIS INCLUDES, BUT NOT LIMITED TO, EMAIL, FACSIMILE, OR CERTIFIED MAIL.
- D. THE LOCAL LICENSING AUTHORITY MAY SUBMIT A RESPONSE TO THE APPLICATION TO THE STATE LICENSING AUTHORITY INCLUDING ITS DETERMINATION WHETHER OR NOT THE APPROVAL OF THE PROPOSED SALES ROOM WILL IMPACT TRAFFIC, NOISE, OR OTHER NEIGHBORHOOD CONCERNS IN A MANNER THAT IS INCONSISTENT WITH LOCAL REGULATIONS OR ORDINANCES, WHICH MAY BE DETERMINED BY THE LOCAL LICENSING AUTHORITY WITHOUT REQUIRING A PUBLIC HEARING, OR THAT THE APPLICANT CANNOT SUFFICIENTLY MITIGATE ANY POTENTIAL IMPACTS IDENTIFIED BY THE LOCAL LICENSING AUTHORITY. THE LOCAL LICENSING AUTHORITY SUBMISSION TO THE STATE LICENSING AUTHORITY SHALL BE DONE IN A MANNER THAT PROVIDES PROOF OF DATE OF DELIVERY. THIS INCLUDES, BUT NOT LIMITED TO, EMAIL, FACSIMILE, OR CERTIFIED MAIL.
- E. FOR PROPOSED SALES ROOMS OPERATING MORE THAN THREE (3) CONSECUTIVE DAYS, THE LOCAL LICENSING AUTHORITY MUST SUBMIT ITS RESPONSE TO THE STATE LICENSING AUTHORITY WITHIN FORTY-FIVE (45) DAYS FROM THE DATE OF APPLICATION TO THE STATE LICENSING AUTHORITY.
- F. FOR PROPOSED SALES ROOMS OPERATING NOT MORE THAN THREE (3) CONSECUTIVE DAYS, THE LOCAL LICENSING AUTHORITY MUST SUBMIT ITS RESPONSE TO THE STATE LICENSING AUTHORITY WITHIN EIGHT (8) BUSINESS DAYS FROM THE DATE OF APPLICATION TO THE STATE LICENSING AUTHORITY.
- G. IF THE STATE LICENSING AUTHORITY DOES NOT RECEIVE A RESPONSE FROM THE LOCAL LICENSING AUTHORITY WITHIN THE TIME FRAME AS STATED IN PARAGRAPH E OR F, THE STATE LICENSING AUTHORITY SHALL DEEM THAT THE LOCAL LICENSING AUTHORITY DOES NOT OBJECT TO THE SALES ROOM ACCORDING TO PARAGRAPH D.
- H. FOR ADDITIONAL SALES ROOMS FOR VINOUS OR SPIRITUOUS LIQUOR, THE APPLICANT MUST AFFIRM TO THE STATE LICENSING AUTHORITY THAT THE APPLICANT HAS COMPLIED WITH LOCAL ZONING RESTRICTIONS.
- I. THE LOCAL LICENSING AUTHORITY CAN REQUEST THE STATE LICENSING AUTHORITY TAKE ACTION IN ACCORDANCE WITH SECTION 12-47-601, C.R.S. AGAINST A LICENSEE WHO OPERATES AN APPROVED SALES ROOM IF THE LOCAL LICENSING AUTHORITY:
1. DEMONSTRATES THAT THE LICENSEE HAS ENGAGED IN AN UNLAWFUL ACTION SET FORTH IN PART 9 OF TITLE 47, C.R.S.

2. SHOWS GOOD CAUSE AS SPECIFIED IN SECTION 12-47-103(9)(A), (9)(B) OR (9)(D).

- J. NEITHER THE STATE OR LOCAL LICENSING AUTHORITY SHALL IMPOSE ANY ADDITIONAL FEES FOR THE PROCESSING OR REVIEW OF AN APPLICATION FOR A SALES ROOM
- K. IF A LICENSEE THAT HAS A SALESROOM WITHIN ITS MAIN LICENSED PREMISES CHANGES ITS LOCATION PURSUANT TO REGULATION 47-312, 1 C.C.R. 203-2, THE LICENSEE MUST APPLY FOR A NEW SALES ROOM LICENSE AT ITS NEW LOCATION IN ACCORDANCE TO THIS REGULATION.
- L. SALES ROOMS THAT DO NOT SELL AND SERVE ALCOHOL FOR CONSUMPTION ON THE LICENSED PREMISES ARE EXEMPT FROM LOCAL LICENSING REVIEW IN ACCORDANCE WITH PARAGRAPHS B, D, E, F, AND G.