

Street Officers' Guide to Liquor & Tobacco Enforcement in Colorado



Colorado Department of Revenue Liquor Enforcement Division

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**To Report Underage Drinking Problems:
Underage Drinking Hotline
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(TOLL FREE)**



COLORADO
Department of Revenue

Enforcement Division – Liquor & Tobacco

Table of Contents

Colorado is a Dual Licensing State	1
Duty and Authority of Law Enforcement Officers.....	1
Classes of Licenses and Permits	2
Sale Hours of Alcohol Beverages.....	3
Prohibited Times for On-Premise Consumption	3
Age Requirements to Sell, Serve, Dispense and Distribute Alcohol Beverages	3
Acceptable Forms of Identification	4
Food Service Requirements	4
Unlawful Acts - Enforcement	5
Sale to minors and visibly intoxicated persons.....	5
Fraudulent proof of age	6
Inspection of the Licensed Premises.....	6
Testing for Intoxication of Bar Patrons.....	6
Removal of Alcohol from Licensed Premises	7
Orderliness, loitering, and serving of intoxicated persons	7
Attire and conduct of employees, and patrons	8
Entertainment, employees, and patrons.....	8
Signage and Trade Name.....	8
Modification of Licensed Premises.....	9
Sidewalk Service Area.....	10
Gambling	11
Equipment Permitted	11
Gambling Triangle	11
Administrative Action	12

Criminal Actions.....12

Violations and Penalties13

Violations and Citation Examples13

Evidence.....14

Inspection Procedures.....14

Interference with Officers.....15

Common Liquor Violations16

Additional Violations18

Tobacco Law Enforcement19

 Definitions.....19

 Furnishing or Selling to Minors19

 Vending Machines20

 Penalties for Retailers21

Colorado Clean Indoor Air Act22

 Definitions.....22

 Exemptions.....22

 Penalties for Violations23

Possession of Cigarettes or Tobacco Products by Minors23

Colorado LED – Offices Information.....25

NOTES26

Fellow Law Enforcement Officers,

The Colorado Liquor and Tobacco Enforcement Division developed this pamphlet as a guideline for law enforcement use. It contains useful information for easy reference when questions arise during the daily enforcement of the Colorado Liquor Code and Colorado Liquor Rules. Our goal is to assist you in administering and enforcing the Colorado alcohol beverage laws and regulations in a consistent and common sense manner.

When in doubt, remember that liquor licenses will be there tomorrow. There is time to get the advice you need before committing yourself.

Sources of advice are:

- Your District Attorney;
- Your City or County Attorney;
- Your Local Liquor Enforcement Officer; and
- Colorado Liquor Enforcement Division.

Core Values:

Team Player, Optimism, Respect, Trust, and Transparency

LED Vision:

To promote safe communities in the State of Colorado through innovation, engagement, and education.

LED Mission:

To promote public safety, support economic growth, and the responsible sale and consumption of liquor and tobacco products, through the fair administration of liquor and tobacco/nicotine laws.

Colorado is a Dual Licensing State

**Local Licensing
Authority**
(City or County)

&

**State Licensing
Authority**
(Liquor Enforcement)

Both can:

- Issue or deny certain classes of licenses; and
- Suspend or revoke a license and/or accept a fine.

Refer to 44-3-305, and 44-3-601 C.R.S., Regulation 47-600, 1 CCR 203-2.

Duty and Authority of Law Enforcement Officers

- It is the duty of all officers to enforce all Liquor Laws and Regulations. 44-3-905(2) C.R.S.
- All peace officers are permitted to inspect liquor-licensed premises. Regulation 47-700, 1 CCR 203-2.
- It is the duty of the District Attorney to prosecute all violations. 44-3-905(2), C.R.S.

Classes of Licenses and Permits

44-3-401 to 44-3-428, and 44-4-104, C.R.S.

- Manufacturer's license (Brewery, Winery, Distillery)*;
 - » Spirituous Liquor Manufacturer can have one sales room and a temporary sales room for up to three consecutive days.
 - » Winery Manufacture can have one sales room and a temporary sales room for up to three consecutive days.
- Limited winery license*;
 - » Can have up to five permanent sales rooms and may operate a temporary sales room for up to three consecutive days.
- Nonresident manufacturer's license*;
- Importer's license (Vinous and Spirituous Liquor)*;
- Malt liquor importer's license*;
- Wholesaler's liquor license*;
- Wholesaler's beer license*;
 - » Can have one sales room.
- Public transportation system license*;
- Retail liquor store license;
- Liquor-licensed drugstore license;
- Beer and wine license;
- Hotel and restaurant license;
 - » Resort complex license;
 - » Campus liquor complex license;
- Tavern license;
- Brew pub license;
- Club license;
- Arts license;
- Racetrack license;
- Optional premises license;
- Retail gaming tavern license;
- Vintner's restaurant license;
- Distillery pub license;
- Lodging and entertainment license;
- Bed and breakfast permit;
- Wine festival permit;
- Art gallery permit;
- Manager's permit;
- Special Event permit;
- Wine packaging permit;
- Fermented Malt Beverage On or Off-Premises license; and
- Fermented Malt Beverage On and Off-Premises license.

* State Licensing Authority

Sale Hours of Alcohol Beverages

44-3-901(6)(b), C.R.S.

1. Off-premises - Retail Liquor Stores, Liquor-Licensed Drugstores, Off and On/Off-Premises Fermented Malt Beverage (FMB) Licenses

Authorized daily, from 8:00 a.m. to 12:00 midnight. Sales are not permitted on Christmas Day.

2. On and Off-premises - Brew Pub, Distillery Pub, and Vintner's Restaurant

On-premises

On-premises consumption is authorized from 7:00 a.m. to 2:00 a.m., every day of the year.

Off-premises

Sales, service, and distribution of malt liquor manufactured by the brew pub, or vinous liquor (wine) manufactured by the vintner's restaurant, or spirituous liquor manufactured by the distillery pub, for off-premises consumption is authorized from 8:00 a.m. to 12:00 midnight.

Sales, service, and distribution of alcohol beverages that are not manufactured by the brew pub, the distillery pub, or the vintner's restaurant is not permitted for off-premises. Sales are not permitted on Christmas day.

3. On-premises

From 7:00 a.m. to 2:00 a.m., every day of the year.

Prohibited Times for On-Premise Consumption

Regulation 47-910, 1 CCR 203-2.

No retail licensee shall permit the consumption of any alcohol beverages on the licensed premises at any time during such hours as the sale of such beverages is prohibited by law.

Age Requirements to Sell, Serve, Dispense and Distribute Alcohol Beverages

Regulation 47-913, 1 CCR 203-2.

Retail Liquor Stores, Liquor-Licensed Drugstores, Off and On/Off-Premises Fermented Malt Beverage (FMB) Licenses

- 18 years of age or more to sell or participate in the sale or service of any type of alcohol beverages.
- 21 years of age to deliver alcohol beverages of any kind.

On-Premises

- 18 years of age to sell, serve, dispense, or handle any type of alcohol beverages under the direct supervision of a person who is at least 21 years of age.
- 21 years of age or more to handle and serve alcohol beverages in taverns and lodging that do not regularly serve meals.

Special Events Servers

At least 18 years of age to sell, serve, dispense, or handle any type of alcohol beverages under the direct supervision of a person who is at least 21 years of age.

Wholesalers and Manufacturers

At least 18 years of age, as long as the employee or agent is under the direct supervision of a person who is at least 21 years of age, but shall not sell alcohol beverages or check ID of customers of the permitted sales room.

Acceptable Forms of Identification

Regulation 47-912, 1 CCR 203-2.

Licensees may refuse to sell alcohol beverages to any person unable to produce adequate, currently valid identification of age. As long as it contains a picture and date of birth, the kind and type of identification deemed adequate shall be limited to the following:

1. Any type of driver's license, or identification card issued by a state within the United States, the District of Columbia, any U.S. Territory, or any foreign country including Canada or Mexico.
2. A United States military identification card or any other identification card issued by the United States Government including, but not limited to, a permanent resident card, alien registration card, or consular card.
3. A passport, or passport identification card
4. A valid consular identification card from any foreign country.

Food Service Requirements

Hotel and restaurant licenses

44-3-413(1)(a)-(c), C.R.S.

- Any licensee who is open for business and selling alcohol beverages by the drink shall serve meals between the hours of 8 a.m. and 8 p.m. and meals or light snacks and sandwiches (see included items below) after 8 p.m.
- Food sales must equal at least 25% of the gross income from sales of food and drink over any period of time of at least one year.

Beer and wine, taverns, retail gaming tavern, and lodging and entertainment licenses

44-3-411(1), 44-3-414(1), 44-3-416(1), and 44-3-428(1), C.R.S.

- Must have sandwiches and light snacks available for consumption on the premises during business hours but do not need to have meals available for consumption.

Special Events Permits

44-5-104(5), C.R.S.

Sandwiches or other food snacks shall be available during all hours of service of malt, spirituous, or vinous liquors, but prepared meals need not be served.

Light Snacks and Sandwiches

Regulation 47-100(J), 1 CCR 203-2.

“**Sandwiches**” are defined as single serving items such as hamburgers, hot dogs, frozen pizzas, burritos, chicken wings, or other items of a similar nature.

“**Light Snacks**” are defined as popcorn, pretzels, nuts, chips, or items of a similar nature.

Unlawful Acts - Enforcement

44-3-901, C.R.S.

Sale to minors and visibly intoxicated persons

44-3-901(1), C.R.S.

Except as provided in section 18-13-122, C.R.S., it is unlawful for any person:

- (a) To sell, serve, give away, dispose of, exchange, or deliver or permit the sale, serving, giving, or procuring of any alcohol beverage to a visibly intoxicated person, or to a known habitual drunkard.
- (b)(l) To sell, serve, give away, dispose of, exchange, or deliver or permit the sale, serving, giving, or procuring of any alcohol beverage to or for any person under the age of twenty-one years.

Fraudulent proof of age

44-3-901(5)(II)(A),(B), C.R.S. and Regulation 47-912(B), 1 CCR 203-2.

If a licensee or a licensee's employee believes that a person is a minor and is providing a false proof of age to purchase an alcohol beverage of any kind, the licensee or employee has the authority to confiscate the fraudulent proof of age. The false ID must be turned over to the LED or local law enforcement authority within 72 hours of the confiscation.

If the minor presented a false ID, from the list of acceptable forms of identification (See page 8 of this document), and the licensee possessed an identification book issued within the last 3 years, which contained a sample of the specific kind of ID presented for compliance, there may not be an administrative action taken against the licensee.

Inspection of the Licensed Premises

Regulation 47-700, 1 CCR 203-2.

For the purpose of inspection or investigation, the licensed premises, including any places of storage where alcohol beverages are stored or dispensed, shall be subject to inspection by the State or Local Licensing Authorities and their investigators, or peace officers, during all business hours and all other times of apparent activity.

Bar checks

Watch for:

- Presence of minors;
- Visibly intoxicated persons or known habitual drunkards;
- Conduct of Establishment (See Regulation 47-900, 1 CCR 203-2);
- After hours sales, service, distribution, and/or consumption of alcohol beverages;
- Gambling;
- Safety violations;
- Marijuana consumption; and
- Any other suspicious activities.

Testing for Intoxication of Bar Patrons

44-3-901, C.R.S.

No bar patron shall be required or solicited by law enforcement officers to submit to any mechanical testing to determine blood or breath alcohol content while on licensed premises, unless a court order is provided or in case of a medical emergency.

Removal of Alcohol from Licensed Premises

Regulation 47-918, 1 CCR 203-2.

- (A) 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 who may permit (see exceptions below) a customer to remove a partially consumed bottle of vinous liquor shall reseal the bottle with a cork or other commercially manufactured stopper so long as the originally sealed container did not contain more than 750 ml of vinous liquor.

Exceptions

44-3-423, C.R.S.

- Manufacturer's licensees;
- Limited winery licensees;
- Beer and wine licensees;
- Hotel and restaurant licensees;
- Tavern licensees;
- Brew Pub licensees;
- Vintner's licensees;
- Club licensees;
- Distillery Pub licensees; and
- Lodging and Entertainment licensees.

That has meals or sandwiches and light snacks available for consumption on the licensed premises. Manufacturers, Brew Pubs and Vintner's Restaurants can allow patrons to leave the licensed premises with sealed alcohol beverages of their own manufacture for off-premises consumption.

Notes

- It does not have to be the original seal.
- Suggest to the customer to put bottle on the back seat or in the trunk of their vehicle.

Conduct of Establishment

Regulation 47-900(A)-(C), 1 CCR 203-2.

Orderliness, loitering, and serving of intoxicated persons

Each person licensed under Article 3, Article 4, and Article 5 of Title 44, and any employee or agent of such licensee shall:

- Conduct the licensed premises in a decent, orderly, and respectable manner;

- Not serve a known habitual drunkard or any person who displays any visible signs of intoxication;
- Not permit a known habitual drunkard or any person who displays any visible signs of intoxication to remain on the licensed premises without an acceptable purpose;
- Knowingly permit any activity or acts of disorderly conduct as defined by and provided for in Section 18-9-106, C.R.S.; and
- Permit rowdiness, undue noise, or other disturbances or activity offensive to the senses of the average citizen, or to the residents of the neighborhood in which the licensed establishment is located.

Attire and conduct of employees, and patrons

Employees or any person used in the sale or service of alcohol beverages must not expose to view any portion of the female breast below the top of the areola or any portions of the pubic hair, anus, cleft of the buttocks, vulva, or genitals, nor wear any device or costume that exposes or simulates such anatomy.

Entertainment, employees, and patrons

It is unlawful to engage in or permit any person to perform acts or acts that simulate:

- Sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts prohibited by law;
- The touching, caressing, or fondling of the breasts, buttocks, anus, or genitals; and/or
- The displaying of pubic hair, anus, vulva, or genitals.

Signage and Trade Name

Regulation 47-306, 1 CCR 203-2

- Licensee needs to submit a written notice to Local and State Licensing Authorities at least 10 days before the use of a new business or trade name.
- Exterior signage isn't required but, if used, reflects the business or trade name on file with the Division.
- Signage must be viewable from a public road.

State Issued Liquor License/Permit

See 44-3-301(4)(a), C.R.S.

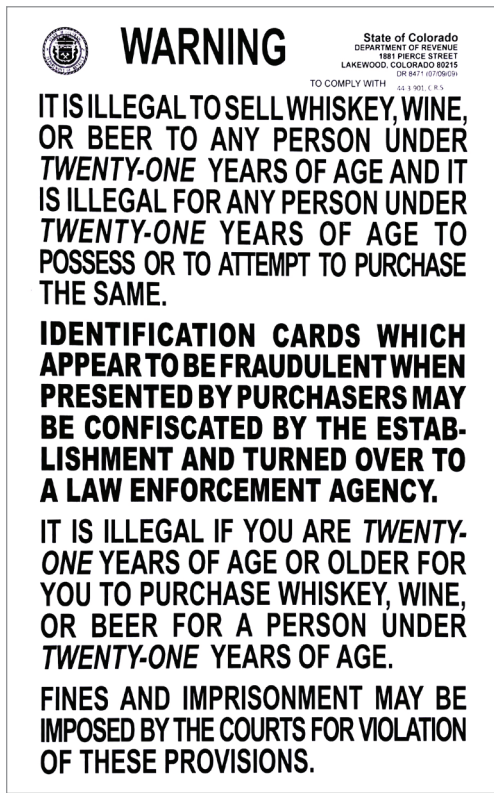
The license or permit must be conspicuously placed at all times on the licensed premises or optional premises, and all sheriffs and police officers shall see to it that every person selling alcohol beverages within their jurisdiction has procured a license to do so.

Minor Sign

See 44-3-901(6)(h), C.R.S.

The following printed card must:

- » Be displayed at all times in a prominent place; and
- » Have a minimum height of 14" and a width of 11" with each letter to be a minimum of .05" in height.



Modification of Licensed Premises

Regulation 47-302(A), 1 CCR 203-2.

Licensee shall make no physical change, alteration or modification of the licensed premises which materially or substantially alters the licensed premises or the usage of the licensed premises from the latest approved plans and specifications on file with the State and Local Licensing Authorities without application to, and approval of, the respective licensing authorities.

Sidewalk Service Area

Regulation 47-302(A)(4), 1 CCR 203-2

A temporary outside service area located on a sidewalk owned by a municipality may be approved by the State and Local Licensing Authorities upon the annual filing of a temporary modification of premises application, provided that:

- a. The proposed temporary outside service area located on a sidewalk is immediately adjacent to the licensed premises;
- b. The licensed premises, as temporarily modified, will comprise a definite contiguous area; and
- c. Plans and specifications identifying the temporary outside service area located on a sidewalk accompany the form and fee.

Gambling

44-3-901(6)(n), C.R.S. and Regulation 47-922, 1 CCR 203-2.

It is unlawful to authorize or permit any gambling, or the use of any gambling machine or device, except as provided by the “Bingo and Raffles Law”, part 6 of Article 21 of Title 24.

No person licensed to sell at retail shall authorize or permit on the licensed premises any gambling, or use of any gambling machine or device or use of any machine which may be used for gambling, except as specifically authorized for a racetrack or for limited gaming.

No licensee shall authorize or permit on the licensed premises the holding of any lottery. Nothing prohibits the conducting of games of chance authorized by the “Bingo and Raffles Law.”

Equipment Permitted

A licensee is permitted to conduct on its licensed premises, tournaments or competitions involving games of skill, including awarding of prizes to participants, in connection with the use or participation of device such as and including, but not limited to:

- Pool tables;
- Billiard tables;
- Pinball machines;
- Foosball machines;
- Basketball games;
- Air hockey games;
- Shuffleboard games;
- Dart games;
- Bowling games; and
- Golf games.

Gambling Triangle



If all three sides of the triangle are present you may have illegal gambling. Removing a side eliminates illegal gambling.

Always check with your DA before charging!

Administrative Action

- Filed with the Local or State Licensing Authorities;
- Preponderance of evidence; and
- May be filed in addition to criminal charges (It is not double jeopardy).

Criminal Actions

- Filed with County or Municipal Court;
- Proof beyond a reasonable doubt;
- Usually requires immediate action;
- Can be filed along with administrative actions without double jeopardy; and
- Generally used for 44-3-901, C.R.S. violations.

Violations and Penalties

44-3-904, C.R.S.

Any person violating any of the provisions of this Article 3 or Article 4 or 5 of this Title 44 or any of the rules authorized and adopted pursuant to such articles is guilty of a class 2 petty offense and, upon conviction, thereof, shall be punished by a fine of not more than \$250 dollars for each offense.

- Liquor Code criminal penalties are found under 44-3-904, C.R.S.
- These penalties include provisions for fines and imprisonment.
- Providing alcohol to an underage person will cause the Department to immediately suspend the person's driver's license for 6 months. Vehicle and Traffic Code 42-2-127.6, C.R.S.
- For persons under 21, additional penalties can include driver's license suspension and/or public service. See 42-2-125 C.R.S.

Violations and Citation Examples

When charging a violation of regulations, the citation should include the following:

1. **Enabling statute number 44-3-904(1)(a), C.R.S.**
It allows for penalty for violation of any regulation(s).
2. **Liquor regulation number**
e.g. Regulation 47-900, followed by the Colorado Code of Regulations (CCR) number; 1 CCR 203-2 for all regulation violations.

Citation Examples

The following violations were found during a bar check:

- Sale of beer to an underage patron by Jane Waitress.
- Patrons drinking alcohol beverages after 2:00 a.m.

Summons #1

To the Server - 44-3-901(1)(b)(I), C.R.S., Jane Waitress sold an alcohol beverage to a person under 21 years of age.

Summons #2

To the Minor - 44-3-901(1)(d) C.R.S., Underage Patron, a person under 21 years of age, had in his possession an alcohol beverage in a public place.

Could also be charged under 18-13-122 C.R.S., or 44-3-901(1)(c), C.R.S. if fake ID was used.

Summons #3

To the Licensee if he/she was not the actual server

Charge 1: 44-3-901(1)(b)(I), C.R.S., John Licensee permitted the sale of an alcohol beverage to a person under 21 years of age.

Charge 2: 44-3-904(1)(a), C.R.S., in violation of Regulation 47-910, 1 CCR 203-2, John Licensee permitted the consumption of alcohol beverages on the licensed premises after permitted hours.

Evidence

- Take good notes including any statements made.
- Ensure all elements of the Statute(s) and/or Regulation(s) violated can be proven.
- Secure any and all evidence to be tested, to confirm it is an alcohol beverage.

Note

Testing of alcoholic beverage should be done prior to court or administrative hearing.

- Not necessary if evidence has labeling (e.g., bottle of beer). If charged under 18-13-122(3)(a) C.R.S. (MIP)

Evidence – Prima Facie

44-3-907(4), C.R.S.

If, during the trial of a person charged with a violation of this Article 3, the evidence presented discloses that fluids were poured out, or otherwise destroyed, manifestly for the purpose of preventing seizure, said fluids shall be held to be prima facie alcohol beverages and intended for unlawful use, sale, barter, exchange, or gift.

Inspection Procedures

44-3-701, C.R.S.

Each licensee shall keep a complete set of books of account, invoices, copies of orders, shipping instructions, bills of lading, weigh bills, correspondence, and all other records necessary to show fully the business transactions of such licensee, all of which shall be open at all times during business hours for the inspection and examination of the State Licensing Authority or its duly authorized representatives.

Interference with Officers

Regulation 47-926, 1 CCR 203-2

No licensee or person shall by force or threat of force, including any letter or other communication threatening such force, endeavor to intimidate, obstruct or impede inspectors of the Division, their supervisors or peace officers from exercising their duties under the provisions of this article. The term "threat of force" includes the threat of bodily harm to the officer or to a member of his/her family.

Common Liquor Violations

Common Liquor Code Violations		Location
1	Failure to request/examine ID by licensee or employee	44-3-901(11) C.R.S.
2	Sale and/or service of malt, vinous, or spirituous liquor to a minor (under the age of 21)	44-3-901(1)(b)(I), C.R.S.
3	Sale and/or service of fermented malt beverage to a minor (under the age of 21) or during prohibited hours	44-3-901(6)(c), C.R.S.
4	Procuring liquor for a minor (under the age of 21)	44-3-901(1)(b)(II), C.R.S.
5	Possession of liquor in any public place when a person is under 21 years of age	44-3-901(1)(d), C.R.S.
6	Sales and/or service to a visibly intoxicated person or a known habitual drunkard	44-3-901(1)(a), C.R.S.
7	Retail sale to minor (under the age of 21) or known habitual drunkard	44-3-901(6)(a)(I), C.R.S.
8	Permit or failure to prevent use of a minor's identification for unlawful purchase of alcohol beverage	44-3-901(1)(l), C.R.S.
9	Minor's misrepresentation of age in any place where alcohol beverages are sold to obtain such beverages	44-3-901(1)(c), C.R.S.
10	Public consumption of alcohol beverage on unlicensed premises	44-3-901(1)(i)(I)(A), C.R.S.
11	After hours consumption of alcohol beverage on licensed premises	44-3-901(1)(i)(I)(D), C.R.S.
12	Consumption of a type of alcohol unauthorized on a licensed premises	44-3-901(1)(i)(I)(B), C.R.S.
13	Consumption of alcohol beverage on licensed premises, not purchased from premises	44-3-901(1)(i)(I)(C), C.R.S.
14	After hours sales, service or distribution of malt, vinous or spirituous liquor (between 2:00 a.m. and 7:00 a.m.)	44-3-901(6)(b)(I), C.R.S.

15	After hours sales, service or distribution of malt, vinous or spirituous liquor in sealed containers (between 12:00 midnight and 8:00 a.m., and on Christmas day)	44-3-901(6)(b)(II), C.R.S.
16	Unlicensed possession of beverages that is not licensed to sell or possess	Reg. 47-914, 1 CCR 203-2.
17	Sanitary conditions and contamination (bugs or any other material that enters a bottle after the seal is broken)	Reg. 47-902, 1 CCR 203-2.
18	After hours consumption of alcohol beverages	Reg. 47-910, 1 CCR 203-2.

Additional Violations

Common Liquor Rules Violations		Location
1	Possession of 1 oz. or less, or consumption of marijuana by a minor (under the age of 21)	Colorado Criminal Code 18-13-122(3)(b), C.R.S.
2	Possession of marijuana paraphernalia by a minor (under the age of 21)	Colorado Criminal Code 18-13-122(3)(c), C.R.S.
3	Refusal to permit law enforcement inspection	Colorado Criminal Code 18-8-106, C.R.S.
4	Unlawful possession and/or use of a driver's license (altered)	CO Vehicle and Traffic Driver's License 42-2-136(1)(a), C.R.S.
5	Possession and/or use of a fraudulent driver's license (fake)	CO Vehicle and Traffic Driver's License 42-2-136(2), C.R.S.
6	Unlawful possession and/or use of another's driver's license	CO Vehicle and Traffic Driver's License 42-2-136(3), C.R.S.
7	Allowed another person to use one's driver's license	CO Vehicle and Traffic Driver's License 42-2-136(5), C.R.S.
8	Unlawful display, possession and/or use of an ID card	CO Vehicle and Traffic Driver's License 42-2-309(1)(a), C.R.S.
9	Unlawful use of another's ID card	CO Vehicle and Traffic Driver's License 42-2-309(1)(c), C.R.S.
10	Resisting arrest (M-2) (See charging manual for language)	Colorado Criminal Code 18-13-103(1)(a) or (b), C.R.S.
11	Provide false identifying information to a law enforcement representative	Colorado Criminal Code 18-8-111(1)(a)(IV), C.R.S.
12	Obstructing government operations	Colorado Criminal Code 18-8-102(1), C.R.S.
13	Furnishing cigarettes, tobacco products, or nicotine products to minors (under the age of 18)	Colorado Criminal Code 18-13-121(1), C.R.S.
14	Failed to request and examine ID card for sale of cigarettes, tobacco products, or nicotine products	Colorado Criminal Code 18-13-121(1)(b), C.R.S.

Tobacco Law Enforcement

Definitions

Colorado Criminal Code 18-13-121, C.R.S.

“Cigarette, tobacco products, or nicotine products” means any product that contains nicotine or tobacco or is derived from tobacco and is intended to be ingested, or inhaled by, or applied to the skin of an individual, and includes devices that can be used to deliver tobacco or nicotine, including electronic cigarette, cigar, cigarillo, or pipe.

Furnishing or Selling to Minors

Colorado Tobacco Code 44-7-102 and 44-7-103(1), and 18-13-121, C.R.S.

It is prohibited to:

- Give, sell, distribute, dispense, or offer for sale a cigarette, tobacco product, or nicotine product to minors (under 18 years of age);
- Sell or offer to sell individual cigarettes or any pack or container containing less than 20 cigarettes; and,
- Sell or offer to sell roll-your-own tobacco in packages containing less than 0.60 oz. of tobacco.

Furnishing or selling cigarettes, tobacco products, or nicotine products to a minor is a class 2 petty offense.

Purchase or attempt to purchase any cigarettes, tobacco products, or nicotine products by a minor is a class 2 petty offense.

Vending Machines

Colorado Tobacco Code 44-7-103 C.R.S.

- Sales of tobacco products or nicotine products in coin operated or vending machines is regulated.
- Cigarettes may be sold at retail through coin operated or vending machines only in:
 - (a) Factories, businesses, offices, or other places not open to the general public;
 - (b) Places to which minors are not permitted access; or
 - (c) Establishments where the vending machine dispenses cigarettes through the operation of a device that enables an adult employee of the establishment to prevent the dispensing of cigarettes to minors.
- A warning sign must be displayed in a prominent place in the building and on any vending or coin-operated machine at all times, must have a minimum height of 3" and a width of 6", and must read as follows:



Penalties for Retailers

Colorado Tobacco Code 44-7-106 C.R.S.

Penalties for sale to minors (under 18 years of age).

- 1st Violation within 24 months: Written warning;
- 2nd Violation within 24 months: \$250 fine;
- 3rd Violation within 24 months: \$500 fine;
- 4th Violation within 24 months: \$1,000 fine; and
- 5th Violation or more within 24 months: Fine between \$1,000 and \$15,000.

Penalties for vending machine violations:

- 1st Violation within 24 months: \$25 fine, or written warning for omitting to display the required warning sign;
- 2nd Violation within 24 months: \$50 fine;
- 3rd Violation within 24 months: \$100 fine;
- 4th Violation within 24 months: \$250 fine; and
- 5th Violation or more within 24 months: Fine between \$250 and \$1000.

Note

Violations are “forgiven” after 24 months.

The Division has the power to enforce all state statutes and has the authority to penalize retailers who sell to minors as well as minors who purchase or attempt to purchase cigarettes, tobacco products, or nicotine products.

*Report any documented violations to the Division office in your area.

**An investigator will need a copy of your report and can then issue an administrative violation to the retailer.

Colorado Clean Indoor Air Act

Public Health and Environment Code 25-14-201 to 25-14-209, C.R.S.

The purpose of this Act is to preserve and improve the health, comfort, and environment of the people of this state by protecting their right to breathe clean, smoke-free air, and protect the public from involuntary exposure to emissions from secondhand smoke and electronic smoking devices (ESD) in most indoor areas.

Definitions

“Common use areas” includes lobbies, reception areas, hallways, elevators, restrooms and any other common use area, in public and private buildings.

“Entryways” is the outside of the front or main doorway of any building, whether it is a public or private property, within a radius of at least 25 feet.

“Electronic smoking device” or **“ESD”** means any product other than a product that contains or delivers nicotine or any other substance intended for human consumption and that can be used by a person to enable the inhalation of vapor or aerosol from the product. Includes but is not limited to e-cigarettes, e-cigar, e-pipe, and vape pen.

“Indoor areas” means any enclosed area or portion thereof. The opening of windows or doors, or the temporary removal of wall panels, does not convert an indoor area into an outdoor area.

“Smoking” means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, pipe, or any other tobacco or plant products intended for inhalation, including marijuana, whether natural or synthetic, in any manner or in any form. It also includes ESDs.

Exemptions

- Private homes, residences and private automobiles unless such private home, residence, or automobile is being used for child care, day care, or for the public transportation of children or as a part of health care transportation;
- Limousines under private hire;
- Retail tobacco businesses, where the sale of other products is incidental;

- “Cigar-tobacco bar” means a bar that generates at least 5% or more of its total annual gross income or \$50,000 in annual sales from the on-site sale of tobacco products and the rental of on-site humidors, not including any sales from vending machines;
- The outdoor area of any business, excluding entryways as defined previously; and,
- Private, non-residential building on a farm or ranch that has an annual gross income of less than \$500,000.

Updates to the Colorado Clean Indoor Air Act

As of July 1, 2019:

- Vaping and e-cigarettes cannot be used indoors in public places.
- Distance restrictions for smoking by the entrance of a public building goes from 15 ft. to 25 ft.
- Exemptions for smoking in designated areas of airports are taken away.
- Hotels and Restaurants can no longer designate up to 25% of their rooms to allow smoking.

As of October 1, 2019:

- Signage requirements for tobacco businesses and vape shops changes. Signage must be displayed in a conspicuous place and at least 4" by 6" in size stating: "Smoking allowed. Children under eighteen years of age may not enter."

Penalties for Violations

A violation of this law by any individual, including the owner, manager or employee of any premises, is a Class 2 Petty Offense.

- 1st Violation within a calendar year: \$200 fine;
- 2nd Violation within a calendar year: \$300 fine;
- 3rd Violation within a calendar: \$500 fine; and
- Each day of a continuing violation constitutes a separate offense.

Possession of Cigarettes or Tobacco Products by Minors

Public Health and Environment Code 25-14-301, C.R.S.

Possession of cigarettes or tobacco products by minors, including electronic vapor products, is prohibited but is not a criminal offense under state law.

- “Possession” means a person has, holds, owns, or has custody of any amount of cigarette or tobacco products
- Possession of a cigarette or tobacco products by a person who is under 18 years of age is prohibited.
- A person who is under 18 years of age can act at the direction of an employee of a governmental agency authorized to enforce or ensure compliance with laws related to the prohibition of sales to minors.
- Nothing in this section shall be construed to prohibit any statutory or home rule municipality from enacting an ordinance that prohibits the possession of cigarettes or tobacco products by a person who is under 18 years of age or imposes requirements more stringent than provided in this section.

Colorado LED – Offices Information

Mailing Address

Colorado Department of Revenue
Attention Liquor Enforcement Division
P.O. Box 17087
Denver, CO 80217-0087

DOR LED Enforcement Questions

Email address: dor_led@state.co.us

Licensing

Email address: dor_liqlicensing@state.co.us

Brand labeling registration – Technical inquiries/questions

Email address: support@productregistrationonline.com

Lakewood Office

1697 Cole Boulevard, Suite 200
Lakewood, CO 80401

Phone: (303) 205-2300

FAX: (303) 866-2428

Colorado Springs Office

2447 N Union Boulevard,
Colorado Springs, CO 80909

Phone: (719) 594-8702

FAX: (719) 594-8719

Grand Junction Office

632 Market Street, Suite G3
Grand Junction, CO 81506

Phone: (970) 248-7133

FAX: (970) 248-7124

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Colorado Department of Revenue
Liquor Enforcement Division

1697 Cole Boulevard, Suite 200
Lakewood, Colorado 80401
Phone: (303) 205-2300

Email: dor_led@state.co.us
Website: www.colorado.gov/revenue/liquor



COLORADO

Department of Revenue

Enforcement Division – Liquor & Tobacco