

2016 Liquor Rules Working Group

LED Review Subgroup Recommendations

Red Line

09-21-16

Regulation 47-006. Fermented Malt Beverages - Identification and Labeling.

- 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 47-100. Definitions.

- A. "Licensed, Licensee, and Licensed Premises" mean persons or premises issued a license or permit under Articles 46, Articles 47 and Article 48 of Title 12.
- B. "Manufacturer" means a Colorado licensed brewery, winery, limited winery, distillery, vintner's restaurant, distillery pub or brewpub as defined by C.R.S. 12-46-104 and 12-47-103.
- C. "Nonresident Manufacturer" means a manufacturer of 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.
- D. "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 may include drink specials, product sampling and the giveaway of consumer goods.
- E. "Sponsored 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, brewpub, distillery pub, vintners restaurant, limited winery, non-resident manufacturer, wholesaler or importer of alcohol beverages.
- G. "RETAILER" OR AN ENTITY "LICENSED TO SELL AT RETAIL" MEANS THOSE PERSONS LICENSED TO SECTIONS 12-47-401(1)(H) – (T) AND (V – W), C.R.S., AND SECTION 12-46-104(1)(C), C.R.S. TO SELL ALCOHOL BEVERAGES TO THE END CONSUMER.
- ~~HG.~~ "Unreasonable or Undue 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 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 VINOUS AND SPIRITUOUS LIQUORS, LIMITED WINERIES, BREWPUBS, DISTILLERY PUBS, AND VINTNER'S RESTAURANTS.
- J. "SANDWICHES" AS USED IN ARTICLES 47 AND 48 OF TITLE 12, C.R.S. ARE DEFINED AS SINGLE SERVING ITEMS SUCH AS HAMBURGERS, HOT DOGS, FROZEN PIZZAS, BURRITOS, CHICKEN WINGS, ETC. "LIGHT SNACKS" AS USED IN ARTICLES 47 AND 48 OF TITLE 12, C.R.S. ARE DEFINED AS POPCORN, PRETZELS, NUTS, CHIPS, ETC.

~~Regulation 47-200. Declaratory Orders Concerning the Colorado Liquor, Beer or Special Event Codes.~~

- ~~A. Any person may petition the Liquor Enforcement Division of the Colorado Department of Revenue for a statement of position concerning the applicability to the petitioner of any provision of the Colorado Liquor, Beer, or Special Events Codes, or any regulation of the state licensing authority. The Division shall respond with a written statement of position within thirty days of receiving such petition.~~
- ~~B. Any person who has petitioned the Division for a statement of position and who is dissatisfied with the statement of position or who has not received a response within thirty days, may petition the state licensing authority for a declaratory order pursuant to C.R.S. 1973, 24 4 105(11). If a petitioner is dissatisfied with a statement of position, a petition for declaratory order must be filed within thirty days after issuance of the statement of position. Any petitioner who has not received a statement of position within thirty days may petition the state liquor licensing authority at any time thereafter. Such petition shall set forth the following:~~
- ~~1. The name and address of the petitioner; whether the petitioner is licensed pursuant to the Colorado Liquor, Beer, or Special Events Codes and if so, the type of license/permit and address of the licensed premises.~~
 - ~~2. The statute, rule or order to which the petition relates.~~
 - ~~3. A concise statement of all of the facts necessary to show the nature of the controversy or the uncertainty as to the applicability to the petitioner of the statute, rule or order to which the petition relates.~~
 - ~~4. A concise statement of the legal authorities if any, and such other reasons upon which petitioner relies.~~
 - ~~5. A concise statement of the declaratory order sought by the petitioner.~~
- ~~C. The state licensing authority will determine, in its discretion without prior notice to the petitioner, whether to entertain any petition. If the state licensing authority decides it will not entertain a petition, it shall promptly notify the petitioner in writing of its decision and the reasons for that decision. Any of the following grounds may be sufficient reason to refuse to entertain a petition:~~
- ~~1. The petitioner has failed to petition the Division for a statement of position, or if a statement of position has been issued, the petition for declaratory order was filed with the state licensing authority more than thirty days after issuance of the statement of position.~~
 - ~~2. A ruling on the petition will not terminate the controversy nor remove uncertainties concerning the applicability to petitioner of the statute, rule or order in question.~~
 - ~~3. The petition involves a subject, question or issue which is currently involved in a pending hearing before the state or any local licensing authority, or which is involved in an on going investigation conducted by the Division or which is involved in a written complaint previously filed with the state liquor licensing authority.~~
 - ~~4. The petition seeks a ruling on a moot or hypothetical question, having no applicability to the petitioner.~~
 - ~~5. Petitioner has some other adequate legal remedy, other than an action for declaratory relief pursuant to Colo. R.Civ. 57, which will terminate the controversy or remove any uncertainty concerning applicability of the statute, rule or order.~~

~~D. If the state licensing authority determines that it will entertain the petition for declaratory order, it shall promptly so notify the petitioner, and the following procedures shall apply:~~

~~1. The state licensing authority may expedite the hearing, where the interests of the petitioner will not be substantially prejudiced thereby, by ruling on the basis of the facts and legal authority presented in the petition, or by requesting the petitioner or the Liquor Enforcement Division to submit additional evidence and legal argument in writing.~~

~~2. In the event the state licensing authority determines that an evidentiary hearing or legal argument is necessary to a ruling on the petition, a hearing shall be conducted in conformance with C.R.S., 1973, 24-4-105.~~

~~3. In ruling on a petition, the state licensing authority may take administrative notice of general, technical or scientific facts within its knowledge, so long as the fact is specified in the record or is brought to the attention of the parties before final decision and every party is afforded an opportunity to controvert the fact so noticed.~~

~~4. Every declaratory order shall be promptly decided and issued in writing, specifying the basis in fact and law for the order.~~

~~5. The parties to any proceeding pursuant to this rule shall be the petitioner and the Liquor Enforcement Division. Any other interested person may seek leave of the state liquor licensing authority to intervene in the proceeding and such leave may be granted if the licensing authority determines that such intervention will make unnecessary a separate petition for declaratory order by the interested person.~~

~~6. The declaratory order shall constitute agency action subject to judicial review pursuant to C.R.S. 1973, 24-4-106.~~

~~E. A copy of any petition for a statement of position to the Liquor Enforcement Division and of any petition for a declaratory order to the state licensing authority shall be mailed, on the same day that the petition is filed with the Division or authority, to the individual county or municipality within which the petitioner's licensed premises, or premises proposed to be licensed, are located. Any petition filed with the Division or authority shall contain a certification that the mailing requirements of this paragraph have been met.~~

~~F. Files of all requests, statements of position, and declaratory orders will be maintained and relied upon by the Liquor Enforcement Division for a period of 10 years, unless the statement of position or declaratory order is superseded by a statutory or regulatory change, or amended or reversed by the State Licensing Authority. Except with respect to any material required by law to be kept confidential, such files shall be available for public inspection.~~

REGULATION 47-200. PETITIONS FOR STATEMENTS OF POSITION AND DECLARATORY ORDERS CONCERNING THE COLORADO LIQUOR, BEER OR SPECIAL EVENT CODES.

A. STATEMENTS OF POSITION. ANY PERSON MAY PETITION THE LIQUOR ENFORCEMENT DIVISION OF THE COLORADO DEPARTMENT OF REVENUE FOR A STATEMENT OF POSITION CONCERNING THE APPLICABILITY TO THE PETITIONER OF ANY PROVISION OF THE COLORADO LIQUOR, BEER, OR SPECIAL EVENTS CODES, OR ANY REGULATION OF THE STATE LICENSING AUTHORITY.

B. SERVICE OF PETITION FOR STATEMENT OF POSITION. A LETTER FOR PETITION FOR A STATEMENT OF POSITION SHALL BE SERVED ON THE LIQUOR ENFORCEMENT DIVISION BY MAILING OR EMAILING SUCH PETITION TO THE DIVISION WITH A COPY SENT ON THE SAME DATE TO THE LOCAL LICENSING AUTHORITY IN THE COUNTY OR MUNICIPALITY WHERE THE PETITIONER'S LICENSED

PREMISES OR PROPOSED LICENSED PREMISES ARE LOCATED (IF APPLICABLE). EACH PETITION FOR A STATEMENT OF POSITION SHALL CONTAIN A CERTIFICATION THAT THE SERVICE REQUIREMENTS OF THIS PARAGRAPH HAVE BEEN MET.

- C. TIME TO RESPOND. THE DIVISION SHALL RESPOND TO A PETITION FOR STATEMENT OF POSITION IN WRITING SETTING FORTH ITS POSITION AND THE REASONS THEREFORE WITHIN FORTY-FIVE (45) DAYS OF RECEIVING SUCH PETITION.
- D. DECLARATORY ORDERS. ANY PERSON WHO HAS PETITIONED THE DIVISION FOR A STATEMENT OF POSITION AND WHO IS DISSATISFIED WITH THE STATEMENT OF POSITION OR WHO HAS NOT RECEIVED A RESPONSE WITHIN FORTY-FIVE (45) DAYS, MAY PETITION THE STATE LICENSING AUTHORITY FOR A DECLARATORY ORDER PURSUANT TO SECTION 24-4-105(11), C.R.S. THE PARTIES TO ANY PETITION FOR A DECLARATORY ORDER PURSUANT TO THIS REGULATION SHALL BE THE PETITIONER AND THE LIQUOR ENFORCEMENT DIVISION.
- E. TIME TO PETITION FOR A DECLARATORY ORDER. IF A PETITIONER IS DISSATISFIED WITH A STATEMENT OF POSITION, A PETITION FOR DECLARATORY ORDER MUST BE FILED WITHIN FORTY-FIVE (45) DAYS AFTER ISSUANCE OF THE STATEMENT OF POSITION. ANY PETITIONER WHO HAS NOT RECEIVED A STATEMENT OF POSITION WITHIN FORTY-FIVE (45) DAYS MAY PETITION THE STATE LICENSING AUTHORITY AT ANY TIME THEREAFTER.
- F. REQUIREMENTS OF PETITION FOR DECLARATORY ORDER. EACH PETITION FOR A DECLARATORY ORDER SHALL SET FORTH THE FOLLOWING:
 - 1. THE NAME AND ADDRESS OF THE PETITIONER; WHETHER THE PETITIONER IS LICENSED PURSUANT TO THE COLORADO LIQUOR, BEER, OR SPECIAL EVENTS CODES AND IF SO, THE TYPE OF LICENSE/PERMIT AND ADDRESS OF THE LICENSED PREMISES.
 - 2. THE STATUTE, RULE, OR ORDER TO WHICH THE PETITION RELATES.
 - 3. A CONCISE STATEMENT OF ALL OF THE FACTS NECESSARY TO SHOW THE NATURE OF THE CONTROVERSY OR THE UNCERTAINTY AS TO THE APPLICABILITY TO THE PETITIONER OF THE STATUTE, RULE OR ORDER TO WHICH THE PETITION RELATES.
 - 4. A CONCISE STATEMENT OF THE LEGAL AUTHORITIES IF ANY, AND SUCH OTHER REASONS UPON WHICH PETITIONER RELIES.
 - 5. A CONCISE STATEMENT OF THE DECLARATORY ORDER SOUGHT BY THE PETITIONER.
- G. SERVICE: A PETITION FOR A DECLARATORY ORDER SHALL BE SERVED ON THE STATE LICENSING AUTHORITY BY MAILING SUCH PETITION TO THE STATE LICENSING AUTHORITY WITH A COPY OF THE PETITION SENT ON THE SAME DATE TO THE LIQUOR ENFORCEMENT DIVISION, THE LOCAL LICENSING AUTHORITY IN THE COUNTY OR MUNICIPALITY WHERE THE PETITIONER'S LICENSED PREMISES OR PROPOSED LICENSED PREMISES ARE LOCATED, AND TO THE REVENUE & UTILITIES SECTION OF THE COLORADO DEPARTMENT OF LAW. EACH PETITION FOR A DECLARATORY ORDER SHALL CONTAIN A CERTIFICATION THAT THE SERVICE REQUIREMENTS OF THIS PARAGRAPH HAVE BEEN MET.
- H. ACCEPTANCE: THE STATE LICENSING AUTHORITY WILL DETERMINE, IN ITS DISCRETION WITHOUT PRIOR NOTICE TO THE PETITIONER, WHETHER TO ENTERTAIN ANY PETITION. IF THE STATE LICENSING AUTHORITY DECIDES IT WILL NOT ENTERTAIN A PETITION, IT SHALL PROMPTLY NOTIFY THE PETITIONER IN WRITING OF ITS DECISION AND THE REASONS FOR THAT DECISION. ANY OF THE FOLLOWING GROUNDS MAY BE SUFFICIENT REASON TO REFUSE TO ENTERTAIN A PETITION:

1. THE PETITIONER HAS FAILED TO PETITION THE DIVISION FOR A STATEMENT OF POSITION, OR IF A STATEMENT OF POSITION HAS BEEN ISSUED, THE PETITION FOR DECLARATORY ORDER WAS FILED WITH THE STATE LICENSING AUTHORITY MORE THAN FORTY-FIVE (45) DAYS AFTER ISSUANCE OF THE STATEMENT OF POSITION.
2. A RULING ON THE PETITION WILL NOT TERMINATE THE CONTROVERSY NOR REMOVE UNCERTAINTIES CONCERNING THE APPLICABILITY TO PETITIONER OF THE STATUTE, RULE OR ORDER IN QUESTION.
3. THE PETITION INVOLVES A SUBJECT, QUESTION OR ISSUE WHICH IS CURRENTLY INVOLVED IN A PENDING HEARING BEFORE THE STATE OR ANY LOCAL LICENSING AUTHORITY, OR WHICH IS INVOLVED IN AN ON - GOING INVESTIGATION CONDUCTED BY THE DIVISION OR WHICH IS INVOLVED IN A WRITTEN COMPLAINT PREVIOUSLY FILED WITH THE STATE LIQUOR LICENSING AUTHORITY.
4. THE PETITION SEEKS A RULING ON A MOOT OR HYPOTHETICAL QUESTION, HAVING NO APPLICABILITY TO THE PETITIONER.
5. PETITIONER HAS SOME OTHER ADEQUATE LEGAL REMEDY, OTHER THAN AN ACTION FOR DECLARATORY RELIEF PURSUANT TO COLO.R.CIV.P. 57, WHICH WILL TERMINATE THE CONTROVERSY OR REMOVE ANY UNCERTAINTY CONCERNING APPLICABILITY OF THE STATUTE, RULE OR ORDER.

I. DETERMINATION: IF THE STATE LICENSING AUTHORITY DETERMINES THAT IT WILL ENTERTAIN THE PETITION FOR DECLARATORY ORDER, IT SHALL PROMPTLY SO NOTIFY ALL PARTIES INVOLVED, AND THE FOLLOWING PROCEDURES SHALL APPLY:

1. THE STATE LICENSING AUTHORITY MAY EXPEDITE THE HEARING, WHERE THE INTERESTS OF THE PETITIONER WILL NOT BE SUBSTANTIALLY PREJUDICED THEREBY, BY RULING ON THE BASIS OF THE FACTS AND LEGAL AUTHORITY PRESENTED IN THE PETITION, OR BY REQUESTING THE PETITIONER OR THE LIQUOR ENFORCEMENT DIVISION TO SUBMIT ADDITIONAL EVIDENCE AND LEGAL ARGUMENT IN WRITING. ANY SUCH REQUEST FOR ADDITIONAL INFORMATION SHALL BE COPIED ON ALL PARTIES.
2. IF THE STATE LICENSING AUTHORITY DETERMINES THAT AN EVIDENTIARY HEARING OR LEGAL ARGUMENT IS NECESSARY TO A RULING ON THE PETITION, THE STATE LICENSING AUTHORITY SHALL ISSUE A NOTICE TO SET TO ALL PARTIES AND ON THE DATE SO SET, A HEARING SHALL BE CONDUCTED IN CONFORMANCE WITH SECTION 24-4-105, C.R.S.
3. IN RULING ON A PETITION FOR DECLARATORY ORDER, THE STATE LICENSING AUTHORITY MAY TAKE ADMINISTRATIVE NOTICE OF GENERAL, TECHNICAL OR SCIENTIFIC FACTS WITHIN ITS KNOWLEDGE, SO LONG AS THE FACT IS SPECIFIED IN THE RECORD OR IS BROUGHT TO THE ATTENTION OF THE PARTIES BEFORE FINAL DECISION AND EVERY PARTY IS AFFORDED AN OPPORTUNITY TO CONTROVERT THE FACT SO NOTICED.
4. EVERY DECLARATORY ORDER SHALL BE PROMPTLY DECIDED AND ISSUED IN WRITING, SPECIFYING THE BASIS IN FACT AND LAW FOR THE ORDER.
5. ANY OTHER INTERESTED PERSON MAY SEEK LEAVE OF THE STATE LICENSING AUTHORITY TO INTERVENE IN THE PROCEEDING AND SUCH LEAVE MAY BE GRANTED IF THE LICENSING AUTHORITY DETERMINES THAT SUCH INTERVENTION WILL MAKE UNNECESSARY A SEPARATE PETITION FOR DECLARATORY ORDER BY THE INTERESTED PERSON.
6. A DECLARATORY ORDER SHALL CONSTITUTE AGENCY ACTION SUBJECT TO JUDICIAL REVIEW PURSUANT TO SECTION 24-4-106, C.R.S.

J. RECORD RETENTION AND RELIABILITY: FILES OF ALL REQUESTS, STATEMENTS OF POSITION, AND DECLARATORY

ORDERS WILL BE MAINTAINED AND RELIED UPON BY THE LIQUOR ENFORCEMENT DIVISION FOR A PERIOD OF FIVE (5) YEARS, UNLESS THE STATEMENT OF POSITION OR DECLARATORY ORDER IS SUPERSEDED BY A STATUTORY OR REGULATORY CHANGE, OR AMENDED OR REVERSED BY THE STATE LICENSING AUTHORITY. EXCEPT WITH RESPECT TO ANY MATERIAL REQUIRED BY LAW TO BE KEPT CONFIDENTIAL, SUCH FILES SHALL BE AVAILABLE FOR PUBLIC INSPECTION.

Regulation 47-302 Changing, Altering, or Modifying Licensed Premises.

- A. After issuance of a license, the licensee shall make no physical change, alteration or modification of the licensed premises that materially or substantially alters the licensed premises or the usage of the licensed premises from the plans and specifications submitted at the time of obtaining the original license without application to, and the approval of, the local and state licensing authorities.

For purposes of this regulation, physical changes, alterations or modifications of the licensed premises, or in the usage of the premises requiring prior approval, shall include, but not be limited to, the following:

1. Any increase or decrease in the total size or capacity of the licensed premises.
2. The sealing off, creation of or relocation of a common entryway, doorway, passage or other such means of public ingress and/or egress, when such common entryway, doorway or passage alters or changes the sale or distribution of alcohol beverages within the licensed premises.
3. Any substantial or material enlargement of a bar, or relocation of a bar, or addition of a separate bar. However, the temporary addition of bars or service areas to accommodate seasonal operations shall not require prior approval unless the additional service areas are accompanied by an enlargement of the licensed premises.
4. Any material change in the interior of the premises that would affect the basic character of the premises or the physical structure that existed in the plan on file with the latest ~~prior~~ application. However, the following types of modifications will not require prior approval, even if a local building permit is required: painting and redecorating of premises; the installation or replacement of electric fixtures or equipment, plumbing, refrigeration, air conditioning or heating fixtures and equipment; the lowering of ceilings; the installation and replacement of floor coverings; the replacement of furniture and equipment; and any non structural remodeling ~~of a fermented malt beverage licensee's premises where the remodel does not expand OR REDUCE the existing area designed for the display or sale of fermented malt~~ ALCOHOL beverage products.
5. The destruction or demolition, and subsequent reconstruction, of a building that contained THE RETAILER'S licensed premises shall require the filing of new building plans with the local licensing authority, OR IN THE CASE OF MANUFACTURERS AND WHOLESALERS, WITH THE STATE LICENSING AUTHORITY. However, reconstruction shall not require an application to modify the premises unless the proposed plan for the newly-constructed premises materially or substantially alters the licensed premises or the usage of the licensed premises from the plans and specifications submitted at the time of obtaining the original license.
6. Nothing herein shall prohibit a licensee, who is otherwise not eligible for an optional premises permit or optional premises license, from modifying its licensed premises to include in the licensed premises a public thoroughfare, if the following conditions are met:
 - a. The licensee has been granted an easement for the public thoroughfare for the purpose of transporting alcohol beverages.
 - b. The public thoroughfare is authorized solely for pedestrian and non-motorized traffic.
 - c. The inclusion of the public thoroughfare is solely for the purpose of transporting alcohol beverages between licensed areas, and no sale or consumption will occur on or within the public thoroughfare.
 - d. Any other conditions as established by the local licensing authority.

- B. In making its decision with respect to any proposed changes, alterations or modifications, the licensing authority must consider whether the premises, as changed, altered or modified, will meet all of the pertinent requirements of the Colorado Liquor or Beer Codes and related regulations. Factors to be taken into account by the licensing authority shall include, but not be limited to, the following:
1. The reasonable requirements of the neighborhood and the desires of the adult inhabitants.
 2. The possession, by the licensee, of the changed premises by ownership, lease, rental or other arrangement.
 3. Compliance with the applicable zoning laws of the municipality, city and county or county.
 4. Compliance with the distance prohibition in regard to any public or parochial school or the principal campus of any college, university, or seminary.
 5. The legislative declaration that the Colorado Liquor and Beer Codes are an exercise of the police powers of the state for the protection of the economic and social welfare and the health, peace, and morals of the people of this state.
- C. If permission to change, alter or modify the licensed premises is denied, the licensing authority shall give notice in writing and shall state grounds upon which the application was denied. The licensee shall be entitled to a hearing on the denial if a request in writing is made to the licensing authority within fifteen days after the date of notice.
- D. This regulation shall be applicable to the holder of a manufacturer's license as specifically defined in Section 12-47-402, C.R.S., or a limited winery defined in section 12-47-403, C.R.S, only if the physical change, alteration, or modification involves any increase or decrease in the total size of the licensed premises or sales room locations. Neither the state or local licensing authority shall impose any additional fees for the processing or review of an application for a modification of premises for the holder of a manufacturer's license.

Regulation 47-306. Change of Trade Name.

- A. No licensee shall change the name or trade name of the licensed premises without submitting written notice to the local and state licensing authorities, not less than ten days prior to the change of name.
- B. EXTERIOR SIGNAGE OR ADVERTISING THE BUSINESS (TRADE) NAME IS NOT REQUIRED, BUT IF USED, MUST ACCURATELY REFLECT THE CURRENT TRADE NAME ON FILE WITH THE LIQUOR ENFORCEMENT DIVISION.

Regulation 47-310. Application - General Provisions.

- A. All applications for state licenses for the manufacture or sale of alcohol beverages shall be made upon forms prescribed by the Department of Revenue, Liquor Enforcement Division. No application will be considered which is not complete in every material detail, or which is not accompanied by a remittance in full for the whole amount of the annual state license fee, and eighty five percent of the local license fee. Each application for a new retail license shall contain a report ~~of~~ FROM the local licensing authority of the town, city, county, or city and county, in which the applicant proposes to conduct its business, which report shall show the opinion of the local licensing authority concerning the reasonable requirements of the neighborhood and the desires of the adult inhabitants with respect to the issuance of the license applied for and the character of a new applicant.
- B. If the applicant for a license is a partnership, except as between a husband and wife, it shall submit with the application a certificate of co-partnership.
- C. Upon request of any licensing authority, each applicant for license shall provide suitable additional evidence of its citizenship, residence, ~~and~~ good character and reputation, and ~~also~~ of the reasonable requirements of the neighborhood and the desires of the adult inhabitants. Applicants and licensees shall also submit upon request of any licensing authority all required information concerning financial and management associations and interests of other persons in the business, and the deed, lease, contract, or other document governing the terms and conditions of occupancy of the premises licensed or proposed to be licensed.
- D. All information submitted to any licensing authority, by application for license or otherwise, shall be given fully, faithfully, truthfully and fairly. WILLFUL OR DELIBERATE MISREPRESENTATION MAY RESULT IN A DENIAL OR REVOCATION OF A LICENSE.
- E. When a licensing authority is required to make a determination as to the character, record and reputation of existing licensees or applicants for new licenses, including transfers of ownership of existing licenses, the authority may consider the following factors, which may include but not be limited to the following:
 - 1. Subject to 24-5-101, C.R.S., the applicant or licensee has knowingly submitted false applications, made willful misrepresentations and/or knowingly committed fraudulent acts;
 - 2. The applicant or licensee has a criminal history of crimes of moral turpitude. By way of example, crimes of moral turpitude shall include but not be limited to, FRAUD, FORGERY, murder, burglary, robbery, arson, kidnapping, sexual assault, illegal drugs or narcotics convictions;
 - 3. The applicant or licensee has had previous alcohol beverage licenses denied or revoked as a result of violations of law, resulting in a finding of bad moral character by any licensing authority;
 - 4. The applicant or licensee has been found to be currently delinquent in the payment of any state or local taxes, and record of such tax delinquency has been filed in a court having jurisdiction, or has been made a public record by some other lawful means;
 - 5. The applicant or licensee has an established pattern of multiple statutory violations which resulted in the revocation or denial of any other professional license.;
 - 6. ~~leading to a~~ finding of A PERSON WHO IS NOT OF GOOD ~~bad~~ moral character by any licensing authority.
- F. Pursuant to 24-5-101, C.R.S., when making a determination as to the character, record or reputation of a licensee or applicant as required by title 12, articles 46, 47 and 48, the licensing authority shall also consider

evidence of rehabilitation. Such evidence may include, but not be limited to, evidence of no criminal history record information, educational achievements, financial solvency, community standing, lack of additional arrests or convictions, or the lack of parole or probation violations since the date of last conviction.

- G. When considering whether the applicant for a special event permit is of good moral character and record, the state or local licensing authority shall determine, at a minimum, whether the applicant failed to conduct past special events in compliance with applicable liquor laws. Officers of the organization or of a political candidate making application shall not be required to submit individual history applications and fingerprint cards unless the state or local licensing authority determines that such information is necessary to establish the good moral character of the applicant.

REGULATION 47-311. PUBLIC SYSTEM TRANSPORTATION LICENSE

IN ADDITION TO ANY PUBLIC SYSTEM TRANSPORTATION LICENSES ISSUED FOR A PERMANENT LICENSED PREMISES, A COMMERCIAL AIRLINE SHALL APPLY FOR AND RECEIVE A PUBLIC SYSTEM TRANSPORTATION LICENSE FOR AN AIRPLANE IF ANY OF THE FOLLOWING CONDITIONS ARE MET:

- A. ALCOHOL BEVERAGES ARE SOLD OR SERVED WHILE THE AIRPLANE IS STATIONARY ANYWHERE IN THE STATE OF COLORADO; OR
- B. ALCOHOL BEVERAGES ARE PURCHASED FROM A COLORADO WHOLESALER; OR
- C. ALCOHOL BEVERAGES ARE STORED ON THE AIRPLANE FOR MORE THAN TWENTY-FOUR (24) HOURS WHILE IN THE STATE OF COLORADO.

Regulation 47-316. Advertising Practices

A. Consumer Advertising Specialties

1. "Consumer advertising specialties" shall mean those items designed to advertise or promote a specific alcohol beverage brand or supplier, that have a utilitarian function to the consumer in addition to product promotion and that are intended and designed to be carried away by the consumer. Consumer advertising specialties shall include: t-shirts, caps, visors, bottle or can openers, cork screws, printed recipes, pencils, pens, pins, buttons, matches, computer flash and jump drives (not to exceed 8 GB), computer mouse pads, shopping bags, key chains, paper or plastic cups and plates, and similar items of negligible value, as approved by the Liquor Enforcement Division. For purposes of this regulation, glassware and plates do not qualify as consumer advertising specialties.
2. Suppliers may provide consumer advertising specialties free of charge to a licensed retailer, so long as they contain an advertising message that promotes the supplier or their products, and do not contain any information, markings, or logos that are specific to a retailer.
3. Consumer advertising specialties that contain any information, markings, or logos specific to a licensed retailer may not be provided free of charge, but must be purchased by a retailer at a minimum of the supplier's cost.
4. ~~Suppliers~~ LICENSEES must have available for inspection those customary business records that verify these transactions, in accordance with 12-47-701, C.R.S., and for the time frame specified in Regulation 47-700.

B-E – No changes

REGULATION 47-317. MARKET RESEARCH

MARKET RESEARCH ALCOHOL BEVERAGE CONSUMER TASTE TESTS ON AN UNLICENSED LIQUOR PREMISES ARE AUTHORIZED SUBJECT TO THE FOLLOWING GUIDELINES:

- A. THE RESEARCH COMPANY MAY CONTACT PEOPLE AND CONDUCT TASTE TESTS AT SHOPPING MALLS OR OTHER PUBLIC MEETING PLACES, BUT THE TASTE TESTS MUST TAKE PLACE IN A NON-PUBLIC AREA.
- B. ALL PARTICIPANTS MUST BE 21 YEARS OF AGE OR OLDER AND NOT EXHIBIT VISIBLE SIGNS OF INTOXICATION.
- C. THERE SHALL BE NO CHARGE OR FEE TO PARTICIPATE IN THE TASTE TEST.
- D. THE PRODUCT TASTED MUST COME THROUGH THE 3-TIER SYSTEM TO A COLORADO WHOLESALER AND THE EXCISE TAX ON THE PRODUCT HAS BEEN PAID.
- E. THE PRODUCT MUST BE PURCHASED FROM A LIQUOR LICENSEE AUTHORIZED TO SELL ALCOHOL BEVERAGES FOR OFF-PREMISES CONSUMPTION.
- F. THE RESEARCH COMPANY MUST NOTIFY THE DIVISION IN WRITING OF THE DATE, TIME AND LOCATION OF THE TASTING PRIOR TO THE TASTE TESTS.
- G. TASTE TESTS WILL BE LIMITED TO TWO DAYS PER WEEK BETWEEN THE HOURS OF 2:00 PM AND 8:00 PM AT EACH LOCATION AND TO A MAXIMUM OF 100 PARTICIPANTS.

Regulation 47-318. Owner-Manager.

- A. Each license under the Colorado Liquor or Beer Codes must be held by the owner of the establishment, which is licensed. "Owner" means the person or persons whose proprietary interest is such that they bear risk of loss other than as an insurer, and have opportunity to gain profit from operation or sale of the establishment.

In determining who is the "owner", elements considered beside risk of loss and opportunity for profit will include: Possession, who controls the licensee, who guarantees its debts, who is beneficiary under its insurance policies, who acknowledges liability for federal, state or local taxes.

- | B. Owners may hire managers, and managers may be compensated on the basis of profits made, gross or net. IN SUCH CASES, THE FINANCIAL INTERESTS OF THE MANAGER(S) MUST BE REPORTED ON THE FORMS PRESCRIBED BY THE LIQUOR ENFORCEMENT DIVISION. THE MANAGER MAY BE REQUIRED TO COMPLETE AN INDIVIDUAL HISTORY REPORT AND BE SUBJECT TO A BACKGROUND CHECK. A license may not be held in the name of the manager.
- C. A spouse of a licensee may hold a license in their own right if they are the owner of the licensed establishment, regardless of whether they file separate or joint income tax returns.
- D. A partnership interest, limited or general, a joint venture interest, or ownership of a share or shares in a corporation which is licensed, constitutes ownership.

Regulation 47-322. Unfair Trade Practices and Competition

Definitions: For purposes of this regulation:

~~"Supplier" means a Colorado licensed wholesaler, manufacturer, limited winery, importer, non resident manufacturer, brewpub, distillery pub, or vintner's restaurant.~~

~~"Retailer" means those persons licensed pursuant to sections 12-47-401(h) (t) and (v), and 12-46-104(c), C.R.S. to sell alcohol beverages to the end consumer.~~

~~"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 vinous and spirituous liquors, limited wineries, brewpubs, distillery pubs, and vintner's restaurants.~~

Suppliers and their agents or employees may not attempt to control a retail licensee's product purchase selection by engaging in unfair trade practices or competition.

Nothing in this regulation shall apply to non-profit, charitable, or other qualifying organizations, when such organization conducts licensed events pursuant to the requirements contained in article 48 of title 12 and related regulations, and such organization does not otherwise hold a retail license pursuant to article 46 or 47 of title 12. However, nothing herein shall authorize any financial assistance for the purpose of altering or influencing an organization's product selection for said events.

Retailers may not accept any prohibited financial assistance as described herein, and suppliers are prohibited from directly or indirectly engaging in the following unfair practices:

A. Sales of alcohol beverages.

1. No vinous or spirituous liquor may be sold by a vinous or spirituous liquor manufacturer or wholesaler to a retail licensee below the laid-in cost of said vinous and spirituous liquor products.
2. No malt liquors or fermented malt beverages may be sold by a malt liquor/beverage manufacturer or wholesaler to a retail licensee below the laid-in cost of said malt liquor/beverage products.
3. Product cost per case will be determined utilizing a "Last In/First Out" basis unless a supplier has adequate records to verify that the actual cost of said products was less than the most recent shipment received.
4. A wholesaler's laid-in cost is defined as the actual proportionate invoice price and freight charge to that wholesaler or distributor, plus applicable state and federal taxes of any given product. An in-state manufacturer's laid-in cost is defined as the actual costs of the manufacturer, plus applicable state and federal taxes.
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:
 - a. Product lines that will be discontinued by a supplier for a minimum of at least one year may be sold below cost at market value.
 - b. A wholesaler's aged inventory of vinous and spirituous liquors for which the current market value has fallen substantially below the wholesaler's original purchase cost, after a period of twelve (12) months, and for which a recovery of the original cost through an increase in market value is unlikely. For aged

- inventories sold to retailers below their cost due to market-below-cost conditions, wholesaler's shall maintain the following records for a minimum of three years:
- i. Original purchase invoice.
 - ii. Aged inventory schedule verifying slow sales and drop in market value.
 - iii. Other factors that had an effect on a decrease in market value (e.g. over- production, poor media critique).
- c. Products for use, but not for resale by the drink, by a non-profit organization or similar group, AS DEFINED IN SECTION 12-48-102, 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, distillery pub, or vintner's restaurant, or invoiced at a minimum of LAID IN cost to the retailer.
6. Suppliers authorized to sell alcohol beverages to licensed retailers pursuant to articles 46 or 47 of title 12, may offer product discounts to licensed retailers that meet the requirements of paragraph A, and the following additional conditions:
- a. "Product Discount" shall mean a price reduction negotiated between supplier and retailer before the sale and delivery of alcohol beverage products, and where a description of the products subject to discount, and the dollar amount of the discount, is finalized and recorded in the supplier's sales records.
 - b. Discount programs are not subject to time limitations, and any discount program that will affect more than a single sales transaction and sales invoice are permitted, provided that no invoice, by itself, reflects a zero cost or below-cost sale.
 - c. Product discounts that are conditioned upon a retailer's commitment to prominently display the supplier's products are prohibited.
7. Any rebate, whereby a monetary value is returned by a supplier to a retailer, in cash, account credit, or free goods, as a reward or compensation for meeting a pre-specified purchase goal, is prohibited.
8. Suppliers authorized to sell alcohol beverages to licensed retailers pursuant to articles 46 or 47 of title 12, may offer account credits to licensed retailers under the following conditions:
- a. Any account credit offered on previously issued sales invoices must be in direct relation to previous product purchases, lawful returns pursuant to this regulation or other legitimate commercial transactions as authorized under articles 46 or 47 of title 12, C.R.S. and related regulations.
 - b. Credits that cannot be connected with authorized business transactions, as described herein, will be considered unlawful financial assistance, and are therefore prohibited.
 - c. Both the seller and retail licensee shall maintain copies of sales invoices and evidence of payment related to the transactions described in this section, in accordance with 12-47-701, C.R.S., and for the time frame specified in Regulation 47-700.

B-D – no changes

E. Alcohol Beverage Samples for Retailers

1. Wholesalers, or those licensed to sell at wholesale pursuant to article 46 and 47 of title 12, may furnish or give a limited amount of alcohol beverage samples to retailers licensed solely for on-premises under the following conditions:
 - a. The retailer's class of liquor license permits the sale of the type of beverage offered as a sample.
 - b. The providing of samples is not conditioned upon future purchases of alcohol beverages, or as compensation for any previous alcohol beverage purchase.
 - c. The retailer has not purchased the product SKU of the alcohol beverage offered as a sample within the previous six (6) months.
 - d. The wholesaler provides not more than 3.0 liters per brand of spirituous liquor, not more than 3.0 liters per brand of vinous liquor, and not more than one six- pack, or 72-ounce equivalent, per brand of malt liquor or fermented malt beverage so packaged. If a particular brand is not available in a size meeting the quantity limitations stated herein, a wholesaler may furnish the next available larger size.
 - e. Only the retailer and its employees are authorized to taste or test those alcohol beverages given as samples, as provided herein. Nothing shall authorize a retailer to sell any samples provided or to use such the same for consumer tastings.
2. Wholesalers, or those licensed to sell at wholesale pursuant to article 46 and 47 of title 12, may furnish or give a limited amount of alcohol beverage samples to retailers licensed solely for off-premises under the following conditions:
 - a. The retailer's class of liquor license permits the sale of the type of beverage offered as a sample.
 - b. The providing of samples is not conditioned upon future purchases of alcohol beverages, or as compensation for any previous alcohol beverage purchase.
 - c. The wholesaler provides not more than 3.0 liters per brand of spirituous liquor, not more than 3.0 liters per brand of vinous liquor, and not more than one six- pack per brand of malt liquor or fermented malt beverage so packaged. If a particular brand is not available in a size meeting the quantity limitations stated herein, a wholesaler may furnish the next available larger size.
 - d. The wholesaler is present at the time of consumption and maintains sole possession of the container after sampling. Samples, in the quantities described herein, may be left in the retailer's possession if the container seal is left intact, BUT MUST BE REMOVED FROM THE LICENSED PREMISES AT THE END OF THE DAY.

F-K – No changes

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 those 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 a 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.

Regulation 47-328. Entertainment eDistricts.

Within fifteen (15) days of the creation of an entertainment district pursuant to SECTION 12-47-301(11), C.R.S., A local licensing authority shall notify the state licensing authority of the entertainment district, and provide (1) a map of the entertainment district and any common consumption areas, (2) a list of licensed premises attached to any common consumption area, and (3) the hours of operation for any common consumption area and attached licensed premises. Changes to an existing entertainment district shall be reported to the state licensing authority by the local licensing authority within fifteen (15) days of such changes.

Regulation 47-400. Licensed Breweries, DISTILLERIES AND WINERIES.

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, must also obtain a wholesale license, pursuant to 12-47-406, C.R.S.

ALL MANUFACTURERS WHO ARE LICENSED PURSUANT TO SECTION 12-47-402, C.R.S, WHO SELL THEIR PRODUCT TO LICENSED RETAILERS MUST ALSO OBTAIN A WHOLESALE LICENSE PURSUANT TO SECTION 12-47-406, C.R.S.

Regulation 47-408. Purchases by Retailers.

- A. Every person or entity licensed under the Colorado Liquor or Beer Codes to sell at retail shall purchase all alcohol beverage stock, for the operation of its business, from a person or entity licensed to sell at wholesale pursuant to article 46 or 47 of title 12, C.R.S., except that:
 - 1. A retailer licensed for on-premises consumption only may purchase not more than two thousand dollars' worth of such alcohol beverages during a calendar year from a retail liquor store or a liquor-licensed drugstore.
 - 2. A retailer that is in lawful possession of alcohol beverage inventory at the time it receives approval from local and state licensing authorities to change the location of its licensed premises.
 - 3. A retailer that is in lawful possession of alcohol beverage inventory at the time it receives approval from local and state licensing authorities to change its class of license, as long as such license authorizes the sale of that inventory.
 - 4. A retailer that is in lawful possession of alcohol beverage inventory at the time it receives approval for an application for late license renewal from local and state licensing authorities, or upon final approval of an application for new license when a licensee was unable to renew a license due to the lapse of the lawful renewal period.
- B. All alcohol beverages possessed or maintained on the retail-licensed premises shall be only such alcohol beverages acquired as set forth in this regulation, or as may have come into possession upon the issuance of a license or temporary permit pursuant to section 12-47-303, C.R.S.
- C. Nothing herein shall authorize a retailer to purchase alcohol beverage stock for its licensed operations from any public or private auction.
- D. Records maintained by the licensee in compliance with SECTION 12-47-701, C.R.S. AND REGULATION 47-700, 1 C.C.R. 203-2 shall include all records of purchases of alcohol beverages.
- E. PURCHASES OF MALT LIQUOR AND FERMENTED MALT BEVERAGES BY RETAILERS MUST BE FROM THE WHOLESALER DESIGNATED WITHIN THE TERRITORY RIGHTS PURSUANT TO SECTION 12-47-406(5), INCLUDING A RETAILER'S PURCHASE AT THE LICENSED WHOLESALER'S LICENSED LOCATION(S).

Regulation 47-414. Purchases by Wholesalers.

- A. Each person or entity licensed under articles 46 and article 47 of title 12, C.R.S., to sell at wholesale shall purchase all alcohol beverage stock for the operation of its business from Colorado licensed suppliers, unless otherwise provided in these articles or related regulations.
- B. A person licensed to sell at wholesale, pursuant to articles 46 or 47 of title 12, C.R.S., may purchase sealed alcohol beverage stock from a licensed retailer within ~~five (5)~~THIRTY (30) days after the expiration, or the surrender to, and cancellation by, the state or local licensing authority, of the retailer's alcohol beverage license. Any alcohol beverages purchased from a retailer pursuant to this regulation must be alcohol beverages that the wholesaler is authorized to sell and normally carries as part of its alcohol beverage stock.

Regulation 47-602. Temporary-Summary Suspension.

- ~~A. Where a licensing authority has reasonable grounds to believe and finds that a licensee has been guilty of a deliberate and willful violation of any applicable law or regulation or that the public health, safety or welfare imperatively requires emergency action and incorporates such findings in its order, it may temporarily or summarily suspend the license pending proceedings for suspension or revocation which shall be promptly instituted and determined.~~
- ~~B. The temporary suspension of a license without notice pending any prosecution, investigation, or public hearing shall be for a period not to exceed fifteen days.~~
- A. SUMMARY SUSPENSION WITHOUT NOTICE. IN ACCORDANCE WITH SECTION 12-47-601(2), C.R.S., THE ISSUING LICENSING AUTHORITY MAY SUMMARILY SUSPEND A LICENSE WITHOUT NOTICE TO THE LICENSEE PENDING ANY PROSECUTION, INVESTIGATION, OR PUBLIC HEARING. ANY SUCH SUMMARY SUSPENSION WITHOUT NOTICE TO THE LICENSEE SHALL BE FOR A TEMPORARY PERIOD OF NOT MORE THAN FIFTEEN (15) DAYS.
- B. SUMMARY SUSPENSION UPON INVESTIGATION AND ORDER. IN ACCORDANCE WITH SECTION 24-4-104(4)(A), C.R.S., WHERE A LICENSING AUTHORITY HAS REASONABLE GROUNDS TO BELIEVE AND FINDS UPON A FULL INVESTIGATION THAT A LICENSEE HAS BEEN GUILTY OF A DELIBERATE AND WILLFUL VIOLATION OF ANY APPLICABLE LAW OR REGULATION OR THAT THE PUBLIC HEALTH, SAFETY OR WELFARE REQUIRES EMERGENCY ACTION AND THE LICENSING AUTHORITY INCORPORATES SUCH FINDINGS IN ITS ORDER, THE LICENSING AUTHORITY MAY SUMMARILY SUSPEND THE LICENSE PENDING PROCEEDINGS FOR SUSPENSION OR REVOCATION. PROCEEDINGS FOR SUSPENSION OR REVOCATION SHALL BE PROMPTLY INSTITUTED AND DETERMINED BY THE ISSUING LICENSING AUTHORITY. "FULL INVESTIGATION" MEANS A REASONABLE ASCERTAINMENT OF THE UNDERLYING FACTS ON WHICH THE ACTION IS BASED. A SUMMARY SUSPENSION IN SUCH CIRCUMSTANCES MAY BE FOR A PERIOD LONGER THAN FIFTEEN (15) DAYS AND MAY CONTINUE UNTIL THE PROCEEDINGS RELATED TO SUCH SUSPENSION ARE CONCLUDED, BUT IN NO EVENT SHALL SUCH PROCEEDINGS BE UNDULY DELAYED BY THE ISSUING LICENSING AUTHORITY.
- C. RIGHT TO REQUEST AN IMMEDIATE HEARING. ANY LICENSEE AGAINST WHOM AN EMERGENCY ORDER IS ISSUED IN ACCORDANCE WITH PARAGRAPH B OF THIS REGULATION SHALL BE ENTITLED TO AN IMMEDIATE HEARING UPON REQUEST TO THE ISSUING LICENSING AUTHORITY.

Regulation 47-700. Inspection of the Licensed Premises.

- A. 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, for the purpose of inspection or investigation. For examination of any inventory or books and records required to be kept by licensees, access shall only be required during business hours. Where any part of the licensed premises consists of a locked area, upon demand to the licensee, such area shall be made available for inspection without delay; and upon request by authorized representatives of the licensing authority or peace officers, such licensee shall open said area for inspection.

- B. Each licensee shall retain all books and records necessary to show fully the business transactions of such licensee for a period of the current tax year and the three prior tax years. "BOOKS" AND "RECORDS" INCLUDE DOCUMENTS PROVIDED IN A READABLE ELECTRONIC/DIGITAL FORMAT, FACSIMILE OR PAPER.

Regulation 47-900. Conduct of Establishment.

A-D – No changes

E. MARIJUANA CONSUMPTION.

NO PERSON OR ENTITY LICENSED UNDER ARTICLE 46, 47, OR 48 OF TITLE 12, C.R.S. SHALL PERMIT THE CONSUMPTION OF MARIJUANA AND/OR MARIJUANA PRODUCTS AS DEFINED IN SECTIONS 14 AND 16 OF ARTICLE XVIII OF THE CONSTITUTION OF COLORADO ON ANY LICENSED PREMISES.

~~E~~ F. Local ordinances.

This regulation shall not be deemed to authorize or permit any conduct, behavior or attire on licensed premises which is otherwise prohibited by any city or county ordinances.

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

- A. No licensee, for the sale of alcohol beverages for consumption on the premises where sold, shall maintain thereon any container of alcohol beverage which contains any such substance other than that contained at the time such container was received by or delivered to the licensee. NOTHING HEREIN SHALL PROHIBIT A LICENSEE FROM USING EMPTIED LIQUOR BOTTLES WITH LABELS REMOVED FROM FILLING THEM WITH NON-ALCOHOL ITEMS (E.G. MARBLES, SAND, SALT, PEPPER) FOR THE PURPOSE OF DECORATIONS OR DISPLAY.
- B. No licensee, for the sale of alcohol beverages for consumption on the premises where sold, shall substitute one brand, type, or alcohol content of alcohol beverages for that which has been specifically requested by a customer, unless the customer expressly consents to the substitution.
- C. Except manufacturers or malt liquor manufacturers with an onsite wholesale sales room, no licensee shall refill or permit the refilling of any alcohol beverage container with alcohol beverage or reuse any such container by adding distilled spirits or any substance, including water, to the original contents or any portion of such original contents. There shall be no prohibition against the use of carafes, pitchers or similar serving containers.
- D. If sampling, analysis or other means shall establish that any such licensee has upon the licensed premises any bottle or other container which contains alcohol beverage of a different brand, type, or alcohol content than that which appears on the label thereof, such licensee shall be deemed to have violated this regulation.
- 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").
- G. The manufacturer or importer of alcohol beverage products that have obtained a TTB "Certificate of Exemption" are required upon request to certify that their product's label will comply with TTB labeling criteria as found in the "Federal Alcohol Administration Act" 27 CFR Subchapter A - Liquor Part 4, Subpart D; Part 5, Subpart D; and Part 7, Subpart C.

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, and copies of the material may be examined at any state publication depository library.

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

- A. Other than those licensees described in Section 12-47-421(2)(A), 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; 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 12-47-901(9)(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 12-47-901(9)(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 permit a patron to remove a partially consumed bottle of vinous liquor 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 42-4-1305, C.R.S.
- D. WHOLESALERS MAY REMOVE SEALED AND UNSEALED CONTAINERS OF ALCOHOL BEVERAGES FROM LIQUOR LICENSED PREMISES THAT HAD BEEN INTRODUCED DURING THE RETAILER SAMPLING.

Regulation 47-1020. Alcohol Beverage Donations.

- A. For purposes of this regulation, "wholesaler" means an entity licensed to sell alcohol beverages at wholesale to special event permit holders, including wholesalers of malt liquor and fermented malt beverages, wholesalers of vinous and spirituous liquors, limited wineries, brewpubs, distillery pubs and vintner's restaurants.
- B. A wholesaler may donate alcohol beverages to a special event permittee at no cost if such beverages are used for hospitality or fund raising purposes BUT NOT FOR SALE BY THE DRINK. The wholesaler shall provide an invoice documenting the donation of such products to the permittee and shall ensure that all applicable state excise taxes are paid pursuant to section 12-47-503, C.R.S.
- C. Nothing herein shall prohibit a retailer licensed for off-premises consumption to make a donation of alcohol beverage to a special event permit holder, as long as such donation is taken from the retailer's existing inventory.
- D. Wholesalers and retailers licensed for off-premises consumption may make a donation of alcohol beverages to organizations that would otherwise qualify for a special events permit but are exempted under section 12-48-108, C.R.S. The wholesaler shall provide an invoice documenting the donation of such products to the organization and shall ensure that all applicable state excise taxes are paid pursuant to section 12-47-503, C.R.S. However, nothing herein shall authorize a wholesale licensee to deliver such alcohol beverages to premises that are not licensed pursuant to articles 46 or 47 of title 12, C.R.S.
- E. When an event, for which the alcohol donations are solicited, is held at a retail location licensed for on-premises consumption pursuant to article 46 or 47 of title 12, the wholesaler shall invoice the retailer at no cost for alcohol beverage products intended for the event, if the retail licensee consents to such an arrangement. Any such donated product which is unused must be returned by the retailer to the wholesaler as soon as practicable after the event. If the unused product is not returned, then the wholesaler must charge the retailer at least the minimum of cost for those products. THE RETAIL VALUE OF ANY DONATION FROM A RETAILER LICENSED FOR OFF-PREMISES CONSUMPTION TO A NON-PROFIT EVENT HELD AT A RETAIL LOCATION LICENSED FOR ON-PREMISES CONSUMPTION WILL COUNT AGAINST THE ON-PREMISES LICENSEE'S STATUTORY DOLLAR LIMIT OF ALCOHOL PURCHASED FROM AN OFF-PREMISES RETAILER.