

DEPARTMENT OF REVENUE

Division of Liquor Enforcement

1 CCR 203-2

Liquor Code

REGULATION 47-315. LODGING AND ENTERTAINMENT LICENSE.

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

- A. IN ADDITION TO OTHER STATUTORY REQUIREMENTS, A LODGING AND ENTERTAINMENT LICENSE MAY BE ISSUED TO A QUALIFYING LODGING AND ENTERTAINMENT FACILITY. A "LODGING AND ENTERTAINMENT FACILITY" IS AN ESTABLISHMENT THAT IS EITHER:
1. A "LODGING FACILITY," THE PRIMARY BUSINESS OF WHICH IS TO PROVIDE THE PUBLIC WITH SLEEPING ROOMS AND MEETING FACILITIES; OR
 2. AN "ENTERTAINMENT FACILITY," THE PRIMARY PURPOSE OF WHICH IS TO PROVIDE THE PUBLIC WITH SPORTS OR ENTERTAINMENT ACTIVITIES WITHIN ITS LICENSED PREMISES.
- B. TO QUALIFY AS AN ENTERTAINMENT FACILITY, THE APPLICANT OR LODGING AND ENTERTAINMENT LICENSEE MUST DEMONSTRATE THAT ITS PRIMARY BUSINESS IS TO PROVIDE QUALIFYING SPORTS OR ENTERTAINMENT ACTIVITIES WITHIN ITS LICENSED PREMISES.
1. TO QUALIFY AS A SPORTS ACTIVITY, THE ACTIVITY MUST PROVIDE THE PUBLIC WITH AN OPPORTUNITY TO PARTICIPATE IN, OR TO BE AN AUDIENCE FOR OTHERS WHO PARTICIPATE IN, AN ACTIVITY SUCH AS A GAME, RECREATION, TEAM OR INDIVIDUAL SPORT, OR AN ACTIVITY OF A SIMILAR NATURE. EXAMPLES OF QUALIFYING SPORTS ACTIVITIES INCLUDE, BUT ARE NOT LIMITED TO, THE FOLLOWING:
 - A. ARCADE GAMES;
 - B. BILLIARDS;
 - C. BOWLING;
 - D. GOLF; OR
 - E. LASER TAG.
 2. TO QUALIFY AS AN ENTERTAINMENT ACTIVITY, THE ACTIVITY MUST PROVIDE THE PUBLIC WITH AN OPPORTUNITY TO PARTICIPATE IN OR OBSERVE OTHERS WHO PARTICIPATE IN AN ACTIVITY THAT IS PRIMARILY ARTISTIC, CULTURAL, EDUCATIONAL, OR ENTERTAINING, OR AN ACTIVITY OF A SIMILAR NATURE. EXAMPLES OF QUALIFYING ENTERTAINMENT ACTIVITIES INCLUDE, BUT ARE NOT LIMITED TO, THE FOLLOWING:
 - A. ARTISTIC EXHIBITIONS, FILMS, OR PERFORMANCES;

- B. ARTS AND CRAFTS CLASSES;
 - C. COOKING CLASSES;
 - D. AMUSEMENT RIDES; OR
 - E. SPA EXPERIENCES.
 - I. FOR PURPOSES OF THIS REGULATION, TO QUALIFY AS A "SPA EXPERIENCE" THE FACILITY MUST OFFER AT LEAST THREE (3) OF THE FOLLOWING TREATMENTS AND EXPERIENCES:
 - A. FACIALS;
 - B. MASSAGE THERAPY;
 - C. SKIN TREATMENT;
 - D. WRAPS; OR
 - E. BODY WAXING.
3. THE FOLLOWING ACTIVITIES SHALL NOT QUALIFY AS ENTERTAINMENT ACTIVITIES FOR PURPOSES OF AN ENTERTAINMENT FACILITY:
- A. ANY ACTIVITY NOT DESCRIBED IN SUBPARAGRAPHS (B)(1) OR (B)(2) OF THIS REGULATION; AND
 - B. SHOPPING FOR OR RECEIVING GOODS OR PERSONAL SERVICES, INCLUDING BUT NOT LIMITED TO HAIR CARE, NAIL CARE, MANICURE, OR PEDICURE SERVICES.
- C. AN ACTIVITY THAT WOULD OTHERWISE QUALIFY UNDER SUBPARAGRAPHS (B)(1) AND (B)(2) OF THIS REGULATION, SHALL NOT QUALIFY IF THE ACTIVITY INVOLVES THE USE OF A DEADLY WEAPON AS DEFINED BY SUBSECTION 18-1-901(3)(E), C.R.S., OR CREATES A SUBSTANTIAL HEALTH AND SAFETY RISK TO ANY PERSON.
- D. DETERMINING THE PRIMARY BUSINESS OF A LODGING AND ENTERTAINMENT FACILITY.
- 1. TO SATISFY THE REQUIREMENT THAT THE PRIMARY BUSINESS OF A LODGING FACILITY IS TO PROVIDE THE PUBLIC WITH SLEEPING ROOMS AND MEETING FACILITIES, AND THAT SERVING AND SELLING ALCOHOL BEVERAGES IS INCIDENTAL THERETO, THE LODGING FACILITY'S ANNUAL GROSS REVENUES FROM THE SALE OF SLEEPING ROOMS AND MEETING FACILITIES MUST EXCEED FIFTY (50) PERCENT OF THE LODGING FACILITY'S TOTAL ANNUAL GROSS SALES REVENUES.
 - 2. TO SATISFY THE REQUIREMENT THAT THE PRIMARY BUSINESS OF AN ENTERTAINMENT FACILITY IS TO PROVIDE THE PUBLIC WITH SPORTS OR ENTERTAINMENT ACTIVITIES, AND THAT SERVING AND SELLING ALCOHOL BEVERAGES IS INCIDENTAL THERETO, THE ENTERTAINMENT FACILITY'S ANNUAL GROSS REVENUES FROM THE SALE OF SPORTS OR ENTERTAINMENT ACTIVITIES MUST EXCEED FIFTY (50) PERCENT OF THE ENTERTAINMENT FACILITY'S TOTAL ANNUAL GROSS SALES REVENUES.