

DEPARTMENT OF REVENUE

Liquor and Tobacco Enforcement Division

COLORADO LIQUOR RULES

1 CCR 203-2

[Editor's Notes follow the rules at the end of this CCR Document.]

Regulation 47-950. Display of Alcohol Beverages Immediately Adjacent to Soft Drinks, Fruit Juices, ~~CEREAL, Bottled Water,~~ Candy, or Toys, CROSSOVER ALCOHOL PRODUCTS, AND NON-ALCOHOLIC ALTERNATIVE BEVERAGES.

Basis and Purpose. The statutory authority for this regulation includes but is not limited to subsections 44-3-108(1), 44-3-202(1)(b), 44-3-202(2)(a)(I)(A), 44-3-202(2)(A)(I)(H), and 44-3-202(2)(a)(I)(R), C.R.S. The purpose of this regulation is to prevent consumer confusion regarding whether a beverage contains alcohol and to help prevent sales of alcohol beverages to persons under 21 years of age, **AND TO ASSIST INDIVIDUALS RECOVERING FROM SUBSTANCE USE DISORDERS.**

A. DefinitionS AS USED IN THIS REGULATION.****

1. "Immediately adjacent" means directly touching or immediately bordering one another from above, below, or the side, for example, on a shelf directly above or below another shelf; or on a shelf, cooler shelf, or display (including permanent or temporary displays) that is adjacent to another shelf, cooler shelf, or display. "Immediately adjacent" does not include a separate aisle or shelving units or cooler shelving units on the opposite side of an aisle.
2. **"CROSSOVER ALCOHOL PRODUCT" IS A PRODUCT CONTAINING AN ALCOHOL BEVERAGE(S), WHETHER LIQUID OR FROZEN, THAT USES A TRADEMARK OR BRANDING OF A NON-ALCOHOL BEVERAGE ON ITS LABELING, MARKETING, OR PACKAGING.**
3. **"LOW OR NON-ALCOHOLIC ALTERNATIVE BEVERAGES" MEANS BEVERAGES WITH AN ALCOHOL CONTENT OF LESS THAN 0.5% ALCOHOL BY VOLUME THAT ARE MARKETING TO ADULTS AS ALCOHOL-BEVERAGE-LIKE SUBSTITUTIONS FOR BEER, WINE, AND SPIRITS, INCLUDING BUT NOT LIMITED TO PRODUCTS MARKETING AS NEAR BEER; LOW OR NON-ALCOHOLIC BEER, SELTZERS, OR WINE; OR NON-ALCOHOLIC COCKTAILS (SOMETIMES CALLED MOCKTAILS OR VIRGIN COCKTAILS) OR OTHER PRODUCTS THAT ARE MARKETING AS ALCOHOL SUBSTITUTES.**

- B. Alcohol Beverages Immediately Adjacent to Soft Drinks, Fruit Juices, ~~CEREAL BOTTLED WATER,~~ Candy, or Toys. Any ~~RETAIL LIQUOR STORE,~~ liquor licensed drug store, fermented malt beverage and wine retailer, or fermented malt beverage on/off premises licensee that locates, places, or displays (including permanent or temporary displays) alcohol beverages immediately adjacent to soft drinks, fruit juices, ~~CEREAL, BOTTLED WATER,~~ candy, or toys, shall:**

1. Place signage that is clearly visible to consumers on any such shelves, cooler shelves, or displays (including permanent or temporary displays) that contains alcohol beverages and is immediately adjacent to soft drinks, fruit juices, CEREAL, BOTTLED WATER, candy, or toys. This signage must:

- a. Be at least 8.5 x 5.5 inches or 4.2 x 11 inches, depending on the orientation of the sign;
- b. Use a font size of at least 40 points in black ink; and
- c. State: ~~"THESE PRODUCTS ARE ALCOHOL BEVERAGES AVAILABLE FOR SALE ONLY TO PERSONS WHO ARE 21 YEARS OF AGE AND OLDER."~~

~~"CONTAINS ALCOHOL 21+
YOU MUST BE 21 TO PURCHASE ALCOHOL"~~

- d. ~~FOR LIQUOR LICENSEES THAT ARE REQUIRED TO POST THIS SIGN AND HAVE BEEN IN OPERATION PRIOR TO JANUARY 1, 2025, MUST POST THIS SIGN BY JUNE 1, 2025. A LIQUOR LICENSEE THAT IS REQUIRED TO POST THIS SIGN AND HAS NOT BEEN IN OPERATION PRIOR TO JANUARY 1, 2025, MUST POST THIS SIGN IMMEDIATELY.~~

2. Signage may contain only retailer store branding or logos, but may not contain branding or logos of any alcohol beverage brand, manufacturer, or wholesaler.

C. DISPLAY OF CROSSOVER ALCOHOL PRODUCTS.

1. ~~LIQUOR-LICENSED DRUG STORES, FERMENTED MALT BEVERAGE AND WINE RETAILERS, OR FERMENTED MALT BEVERAGE ON/OFF PREMISES LICENSEES SHALL NOT DISPLAY A CROSSOVER ALCOHOL PRODUCT IMMEDIATELY ADJACENT TO A NON-ALCOHOL BEVERAGE, WHETHER LIQUID OR FROZEN, FROM WHICH THE RIGHT TO USE THE TRADEMARK OR BRAND HAS BEEN OBTAINED (E.G., DISPLAYING THE "HARD" (ALCOHOLIC) VERSION OF AN ICED TEA NEXT TO THE NONALCOHOLIC ICE TEA BEVERAGE OF THE SAME BRAND).~~

D. DISPLAY OF NON-ALCOHOLIC ALTERNATIVE BEVERAGES

1. ~~LIQUOR-LICENSED DRUG STORES, FERMENTED MALT BEVERAGE AND WINE RETAILERS, OR FERMENTED MALT BEVERAGE ON/OFF PREMISES LICENSEES MAY DISPLAY NON-ALCOHOLIC ALTERNATIVE BEVERAGES IMMEDIATELY ADJACENT TO AN ALCOHOL BEVERAGE.~~

REGULATION 47-951. TEMPORARY ALCOHOL DISPLAYS.

BASIS AND PURPOSE. THE STATUTORY AUTHORITY FOR THIS REGULATION INCLUDES BUT IS NOT LIMITED TO SUBSECTIONS 44-3-108(1), 44-3-202(1)(B), 44-3-202(2)(A)(I)(A), 44-3-202(2)(A)(I)(H), 44-3-202(2)(A)(I)(K), 44-3-202(2)(A)(I)(P), AND 44-3-202(2)(A)(I)(R), C.R.S. THE PURPOSE OF THIS REGULATION IS TO, ASSIST INDIVIDUALS RECOVERING FROM SUBSTANCE USE DISORDERS BY LIMITING THE AMOUNT OF TEMPORARY DISPLAYS IN GROCERY STORES.

A. APPLICABILITY.

1. THIS RULE SHALL ONLY APPLY TO LIQUOR-LICENSED DRUG STORES, FERMENTED MALT BEVERAGE AND WINE RETAILERS, OR FERMENTED MALT BEVERAGE ON/OFF PREMISES LICENSEES WITH A LICENSED PREMISES THAT EXCEEDS 10,000 SQUARE FEET WHICH IS ACCESSIBLE TO CUSTOMERS.

B. DEFINITIONS AS USED IN THIS REGULATION.

1. A "TEMPORARY ALCOHOL DISPLAY" IS DEFINED AS A DISPLAY OF ALCOHOL BEVERAGES THAT IS IN A SINGLE LOCATION IN THE LICENSED PREMISES FOR LESS THAN THIRTY (30) DAYS. A TEMPORARY ALCOHOL DISPLAY MAY CONTAIN MORE THAN ONE BRAND OR TYPE OF ALCOHOL BEVERAGE.
2. A "PERMANENT ALCOHOL DISPLAY" IS DEFINED AS ARE THE SHELVES, AISLE(S), COOLER(S) OR DISPLAY(S) WHERE ALCOHOL BEVERAGES ARE LOCATED WITHIN A SINGLE DISTINCT AREA OF THE LICENSED PREMISES THAT IS CONSISTENT WITH THE DIAGRAM SUBMITTED WITH THE APPLICATION OR MODIFICATION OF A LICENSED PREMISES.

C. TEMPORARY ALCOHOL DISPLAYS.

1. ~~LIQUOR-LICENSED DRUG STORES, FERMENTED MALT BEVERAGE AND WINE RETAILERS, OR FERMENTED MALT BEVERAGE ON/OFF PREMISES LICENSEES ARE LIMITED TO TWO TEMPORARY ALCOHOL DISPLAYS OF ALCOHOL BEVERAGE PER MONTH ON THE SALES FLOOR. LIQUOR-LICENSED DRUG STORES, FERMENTED MALT BEVERAGE AND WINE RETAILERS, OR FERMENTED MALT BEVERAGE ON/OFF PREMISES LICENSEES WHICH:~~
 - a. HAVE A PORTION OF THE LICENSED PREMISES ACCESSIBLE TO CUSTOMERS OF 20,000 SQUARE FEET OR LESS MAY HAVE UP TO TWO TEMPORARY ALCOHOL DISPLAYS PER CALENDAR MONTH;
 - b. HAVE A PORTION OF THE LICENSED PREMISES ACCESSIBLE TO CUSTOMERS OF BETWEEN 20,001 SQUARE FEET AND 30,000 SQUARE FEET MAY HAVE UP TO THREE TEMPORARY ALCOHOL DISPLAYS PER MONTH;
 - c. HAVE A PORTION OF THE LICENSED PREMISES ACCESSIBLE TO CUSTOMERS OF BETWEEN 30,001 SQUARE FEET AND 40,000 SQUARE FEET MAY HAVE UP TO FOUR TEMPORARY ALCOHOL DISPLAYS PER MONTH;
 - d. HAVE A PORTION OF THE LICENSED PREMISES ACCESSIBLE TO CUSTOMERS OF 40,001 SQUARE FEET AND ABOVE MAY HAVE UP TO FIVE TEMPORARY ALCOHOL DISPLAYS PER MONTH.
2. ~~ALCOHOL BEVERAGES THAT ARE SOLD IN CONTAINERS CONTAINING LESS THAN 750 MILLILITERS OF TOTAL FLUID ARE NOT PERMITTED TO BE DISPLAYED OUTSIDE OF THE PERMANENT ALCOHOL DISPLAY EXCEPT THAT TWELVE-OUNCE CANS WHICH ARE SOLD IN UNITS OF TWELVE, TWENTY-FOUR, OR THIRTY CANS MAY BE DISPLAYED IN A TEMPORARY DISPLAY.~~

D. PERMITTED ACTS.

1. A DISPLAY OF ALCOHOL BEVERAGES SHALL ~~SHOULD~~ NOT BE CONSIDERED TO BE A TEMPORARY ALCOHOL DISPLAY IF THE DISPLAY IS LOCATED WITHIN THE PERMANENT ALCOHOL DISPLAY.
2. A PHOTOGRAPH OR ADVERTISEMENT THAT IS PLACED IN A SECTION OF THE LICENSED PREMISES AWAY FROM THE PERMANENT ALCOHOL DISPLAY WITH INSTRUCTIONS ON WHERE TO FIND THAT PRODUCT ON THE LICENSED PREMISES SHALL NOT BE CONSIDERED A TEMPORARY ALCOHOL DISPLAY.
3. ALCOHOL BEVERAGES MAY BE PLACED ON THE SALES FLOOR WITHIN THE PERMANENT ALCOHOL DISPLAY, INCLUDING ON THE END CAPS OF THE AISLES IN THE PERMANENT ALCOHOL DISPLAY, AND WILL NOT BE CONSIDERED TO BE A TEMPORARY ALCOHOL DISPLAY SO LONG AS THE ALCOHOL BEVERAGE PLACEMENT DOES NOT IMPEDE THE GENERAL FLOW OF TRAFFIC WITHIN THE AISLE.