



COLORADO

Department of Revenue

Specialized Business Group—
Liquor & Tobacco

Physical Address:
1707 Cole Boulevard, Suite 300
Lakewood, CO 80401

Mailing Address:
P.O. Box 17087
Denver, Colorado 80217-087

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BULLETIN 25-04

REFERENCE: On-Premises Takeout and Delivery

This bulletin is designed to provide clarity on the licenses that are eligible for on-premises takeout and delivery of alcohol for consumption off the premises, and other applicable requirements and limitations.

Please be aware that the information contained in this Industry Bulletin does not represent legal advice or replace a licensee's responsibility to read, understand, and maintain compliance with all relevant rules and statutes, which shall control over this Industry Bulletin.

LICENSE TYPES ELIGIBLE FOR TAKEOUT AND/OR DELIVERY

The following license types may provide **takeout** services **only**:

- FMB On-Premises establishments licensed under 44-4-104(1)(c)(I)(a), C.R.S.
- FMB On/Off Premises establishments licensed under 44-4-104(1)(c)(III), C.R.S.
- Manufacturers licensed under 44-3-402, C.R.S., that operate a Sales Room;
- Wholesaler's Beer licensees licensed under 44-3-407(1)(b), C.R.S., that operate a Sales Room;

The following license types may provide **delivery** services **only**:

- Bed and Breakfast establishments licensed under 44-3-412, C.R.S.;
- Optional Premises establishments licensed under 44-3-415, C.R.S.;
- Retail Gaming Tavern establishments licensed under 44-3-416, C.R.S.;
- Arts establishments licensed under 44-3-419, C.R.S.;
- Racetrack establishments licensed under 44-3-420, C.R.S.; and
- Public Transportation licensees licensed under 44-3-421, C.R.S.

The following license types may provide **both takeout and delivery** services:

- Beer and Wine establishments licensed under 44-3-411, C.R.S.;
- Hotel and Restaurant establishments licensed under 44-3-413, C.R.S.;
- Tavern establishments licensed under 44-3-414, C.R.S.;
- Brew Pub establishments licensed under 44-3-417, C.R.S.;
- Club establishments licensed under 44-3-418, C.R.S.;
- Vintner's Restaurant establishments licensed under 44-3-422, C.R.S.;
- Distillery Pub establishments licensed under 44-3-426, C.R.S.;
- Lodging Facility establishments licensed under 44-3-432, C.R.S.*
- Entertainment Facility establishments licensed under 44-3-428, C.R.S.

*Delivery is prohibited to sleeping rooms at Lodging Facility establishments under 44-3-432(1), C.R.S.

Takeout/delivery services may only be performed between the hours of **7:00 a.m. and Midnight**.

Delivery of orders that include alcohol beverages shall not be made to any public place, including public parks, streets, alleys, roads, or highways.

Licensees must prohibit the sale or delivery of alcohol beverages to anyone under twenty-one (21) years of age or to a visibly intoxicated person.

TAKEOUT AND DELIVERY AMOUNT LIMITATIONS

The following limits apply unless a disaster emergency under part 7 of article 33.5 of title 24, C.R.S., is declared by the governor:

1. 1,500 milliliters, or approximately 50.8 fluid ounces, of vinous liquors;
2. 144 fluid ounces, or approximately 4,259 milliliters, of malt liquor, fermented malt beverages, and hard cider
3. One liter, or approximately 33.8 fluid ounces, of spirituous liquors.

CONTAINERS

Sealed containers (whether utilized for takeout or delivery) must be in compliance with Regulation 47-1101, including but not limited to the container requirements in Regulation 47-1101(D)(9) to (10).. Any alcohol beverage, which may include cocktails or mixed drinks, shall be in a sealed container and contain the statement:

“WARNING: DO NOT OPEN OR REMOVE SEAL WHILE IN TRANSIT. Purchasers are subject to state and local laws and regulations prohibiting drinking or possessing open containers of alcoholic beverages in motor vehicles, including section 42-4-1305, C.R.S.”

The Division’s priority is to ensure that all required information detailed in the aforementioned warning is clearly displayed on the sealed containers, though the licensee may determine how the required warning is attached or affixed to, or printed on, the sealed container.

DELIVERY LOGS AND RECORDS

The licensee’s employee who delivers the alcohol beverage shall note and log at the time of delivery the name and identification number of the person receiving the delivery of the alcohol beverages. Under no circumstances shall a person under twenty-one (21) years of age be permitted to receive a delivery of alcohol beverages.

Licensees who deliver alcohol beverages shall maintain all records relating to delivery, including delivery orders, receipt logs and journals, as part of their records required pursuant to section 44-3-701, C.R.S. These records shall be maintained by the licensee for sixty (60) days. Failure to maintain accurate or complete records is a violation of Regulation 47-1101(D)(7).

EMPLOYEES - DELIVERY

Use of third-party delivery services is prohibited. Delivery must be made by an employee of the licensee who is at least twenty-one (21) years of age, and who has completed a seller server training program established under section 44-3-1001, C.R.S., and maintained recertification under the requirements of Regulation 47-605.

TAKEOUT AND DELIVERY PERMIT APPLICATION AND FEE

The on-premises takeout/delivery permit application is available on our website and may also be accessed by following this link:

https://docs.google.com/forms/d/e/1FAIpQLSfA55O1YdHAottGU615MEyVUqstK5TdiLoVfxR_eLtC NtiJlg/viewform

As always, the Liquor Enforcement Division appreciates your diligence and support as we work together to keep Colorado communities safe and businesses thriving.

The Division reserves the right to amend or withdraw industry bulletins at any time, but will try to give as much notice as possible before any such amendment or withdrawal.

If you have any further questions regarding this bulletin, please contact: dor_led@state.co.us.

Colorado Liquor Enforcement Division