



Mailing Address:  
Colorado Department of Revenue,  
Attention Liquor Enforcement Division  
P.O. Box 17087  
Lakewood, CO 80217-0087

Physical Address:  
1707 Cole Boulevard, Suite 300  
Lakewood, CO 80401  
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## **BULLETIN 21-03**

### **REFERENCE: On-Premises Takeout and Delivery, and Communal Outdoor Dining Areas**

**DATE: June 28, 2021**

Dear Liquor Stakeholders,

On June 22nd, 2021, Governor Jared Polis signed House Bill 21-1027 into law, to take effect immediately upon signature. This bulletin is designed to provide clarity around the Division's interpretation of practice and process for on-premises takeout and delivery, as well as the operation of Communal Outdoor Dining Areas (CODAs).

#### **LICENSE TYPES ELIGIBLE FOR TAKEOUT AND/OR DELIVERY**

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

- FMB On-Premises, and FMB On/Off Premises establishments licensed under 44-4-104, C.R.S.

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:

- Sales Room establishments licensed under 44-3-402, C.R.S.; \*
- Sales Room establishments licensed under 44-3-407, C.R.S.; \*
- 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.; and
- Lodging and entertainment establishments licensed under 44-3-428, C.R.S.

\*Please note that these Sales Room establishments may only deliver alcohol beverages through **January 1, 2022**.



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It is also important to know that the takeout/delivery services detailed above may only be performed between the hours of **7:00 a.m. and Midnight**.

### **CUSTOMARY PARKING AREAS, AND DESIGNATED “PICK-UP” LOCATIONS**

Pursuant to Regulation 47-1101, and anticipated rulemaking adjustments to that regulation, licensees are required to collect and maintain the name, and certain identification parameters of the person to whom alcohol beverages are delivered. Licensees are required to check identification when providing take-out orders to customers in order to ensure that underage service does not occur, but do not need to collect and maintain that data.

The following situations are **not** considered “delivery” by the Division, as they are much more closely aligned with “Takeout” models and, therefore, while identification will still need to be checked, the information will not need to be logged:

- Curbside pick up in a designated area outside of the licensed premises not to exceed 150 feet from the licensed premises; and
- Service of to-go alcohol beverages within the customary parking area outside of the licensed premises not to exceed 150 feet from the licensed establishment.

### **CONTAINERS**

To-go containers (whether utilized for takeout or delivery) must be in compliance with Regulation 47-1101 and contain the appropriate warnings, as outlined in that rule. At this time, the Division’s priority is ensuring that all of the required information detailed in the aforementioned regulation is clearly displayed on the to-go containers. It does not matter whether the information and/or warning label is adhesive and affixed to the container or is physically printed on the container, provided the information is clearly visible. Alcohol beverages that are not manufacturer sealed must still be tamper-evident.

### **COMMUNAL OUTDOOR DINING AREAS**

House Bill 21-1027 also codified the ability for certain licensees to participate in Communal Outdoor Dining Areas. The Division is still in the stakeholder engagement and review phase of rulemaking this year, and anticipates that additional guidance will be forthcoming regarding best practices for licensees participating in these areas. For now, the parameters of Regulation 47-1103 should be followed. Please keep an eye out for updates to that regulation and additional guidance from LED as it becomes available in the near future.



**COLORADO**  
Department of Revenue  
Specialized Business Group—  
Liquor & Tobacco

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## **TAKEOUT AND DELIVERY PERMIT APPLICATION AND FEE**

We are excited to announce that the on-premises takeout/delivery permit application is now available on our website and may also be accessed by following this link:

[https://docs.google.com/forms/d/e/1FAIpQLSfA55O1YdHAottGU615MEyVUqstK5TdiLoVfxR\\_eLcNtiJlq/viewform](https://docs.google.com/forms/d/e/1FAIpQLSfA55O1YdHAottGU615MEyVUqstK5TdiLoVfxR_eLcNtiJlq/viewform)

The Division is diligently working to extend every possible relief measure to businesses as they begin the long process of pandemic recovery. As part of our ongoing relief efforts, we will not be instituting a fee for the required takeout and delivery permit at this time. At some point in the future, we will need to implement the fee to sustain the ongoing direct and indirect costs of administering the takeout/delivery program, and we appreciate your understanding and support when that time comes. Please be on the lookout for additional guidance regarding the takeout and delivery permit process and application that will be issued soon.

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 forewarning as possible before any such amendment or withdrawal.

Please reach out to: [dor\\_led@state.co.us](mailto:dor_led@state.co.us) with any questions you may have regarding this bulletin.

**Colorado Liquor Enforcement Division**