

Street Officers' Guide to Liquor & Tobacco Enforcement in Colorado



Colorado Department of Revenue Liquor Enforcement Division

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COLORADO
Department of Revenue
Specialized Business Group—
Liquor & Tobacco

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Fellow Law Enforcement Officers,

The Colorado Liquor and Tobacco Enforcement Division developed this pamphlet as a guideline for law enforcement use. It contains useful information for easy reference when questions arise during the daily enforcement of the Colorado Liquor Code and Colorado Liquor Rules. Our goal is to assist you in administering and enforcing the Colorado alcohol beverage laws and regulations in a consistent and common sense manner.

When in doubt, remember that liquor licenses will be there tomorrow. There is time to get the advice you need before committing yourself.

Sources of advice are:

- Your District Attorney;
- Your City or County Attorney;
- Your Local Liquor Enforcement Officer; and
- Colorado Liquor Enforcement Division.

Colorado is a Dual Licensing State

**Local Licensing
Authority**
(City or County)

&

**State Licensing
Authority**
(Liquor Enforcement)

Both can:

- Issue or deny certain classes of licenses; and
- Suspend or revoke a license and/or accept a fine.

Refer to 44-3-305, and 44-3-601 C.R.S.,
Regulation 47-600, 1 CCR 203-2.

Duty and Authority of Law Enforcement Officers

- It is the duty of all officers to enforce all Liquor Laws and Regulations. 44-3-905(2) C.R.S.
- All peace officers are permitted to inspect liquor-licensed premises. Regulation 47-700, 1 CCR 203-2.
- It is the duty of the District Attorney to prosecute all violations. 44-3-905(2), C.R.S.

Classes of Licenses and Permits

44-3-401 to 44-3-428, and 44-4-104, C.R.S.

- Manufacturer's license*;
- Limited winery license*;
- Nonresident manufacturer's license*;
- Importer's license*;
- Malt liquor importer's license*;
- Wholesaler's liquor license*;
- Wholesaler's beer license*;
- Public transportation system license*;
- Retail liquor store license;
- Liquor-licensed drugstore license;
- Beer and wine license;
- Hotel and restaurant license;
- Tavern license;
- Brew pub license;
- Club license;
- Arts license;
- Racetrack license;
- Optional premises license;
- Retail gaming tavern license;
- Vintner's restaurant license;
- Distillery pub license;
- Lodging and entertainment license;
- Bed and breakfast permit;
- Wine festival permit;
- Art gallery permit;
- Manager's permit;
- Special Event permit;
- Wine packaging permit;
- Fermented Malt Beverage license; and
- Fermented Malt Beverage on/off; on and off premises license.

* State Licensing Authority

Sale Hours of Alcohol Beverages

44-3-901(6)(b), C.R.S.

1. Off-premises - Liquor Stores, Liquor-Licensed Drugstores, & On&Off Fermented Malt Beverage (FMB) Licenses

Authorized daily, from 8:00 a.m. to 12:00 midnight. Sales are not permitted on Christmas Day.

2. On and Off-premises - Brew Pub and Vintner's Restaurant

On-premises

On-premises consumption is authorized from 7:00 a.m. to 2:00 a.m., every day of the year.

Off-premises

Sales, service, and distribution of malt liquor manufactured by the brew pub, or vinous liquor (wine) manufactured by the vintner's restaurant for off-premises consumption, is authorized from 8:00 a.m. to 12:00 midnight.

Sales, service, and distribution of alcohol beverages that are not manufactured by the brew pub or the vintner's restaurant is not permitted. Sales are not permitted on Christmas day.

3. On-premises

From 7:00 a.m. to 2:00 a.m., every day of the year.

Prohibited Times for On-Premise Consumption

Regulation 47-910, 1 CCR 203-2.

No retail licensee shall permit the consumption of any alcohol beverages on the licensed premises at any time during such hours as the sale of such beverages is prohibited by law.

Age Requirements to Sell, Serve, and Distribute Alcohol Beverages

Regulation 47-913, 1 CCR 203-2.

Fermented malt beverage (FMB), retail liquor store and liquor-licensed drugstore licensees

- 18 years of age or more to sell or participate in the sale or service of FMB.
- 21 years of age to deliver fermented malt beverages.

On-Premises

- 18 years of age to sell, serve, or dispense any type of alcohol beverages under the direct supervision of a person who is at least 21 years of age.
- 21 years of age or more to handle and serve alcohol beverages in taverns and lodging that do not regularly serve meals.

Special Events Servers

At least 18 years of age, under the direct supervision of a person who is at least 21 years of age.

Wholesalers and Manufacturers

At least 18 years of age, as long as the employee or agent is under the direct supervision of a person who is at least 21 years of age, but shall not sell alcohol beverages or check ID of customers of the permitted sales room.

Acceptable Forms of Identification

Regulation 47-912, 1 CCR 203-2.

Licensees may refuse to sell alcohol beverages to any person unable to produce adequate identification of age, including any verified digital identification, that is valid and unexpired. Identification of age is adequate if it contains a picture and date of birth and is one of the following:

- a. Any type of driver's license, or identification card issued by any state within the United States, the District of Columbia, or any foreign country, including Canada or Mexico;
- b. A United States military identification card or any other identification card issued by the United States Government including, but not limited to, a permanent resident card, alien registration card, or consular card;
- c. A passport, or passport identification card;
- d. A valid consular identification card from any foreign country; or
- e. A biometric identity verification device, pursuant to 47-912(A)(2), 1 CCR 203-2.

Note: It is not unlawful for a retail licensee or employee of a retail licensee to sell malt, vinous, or spirituous liquors or fermented malt beverages (for consumption off-premises) to a consumer who is or reasonably appears to be over fifty years of age and who failed to present an acceptable form of identification. (44-3-901(11)(b), C.R.S.)

Food Service Requirements

Hotel and restaurant licenses

44-3-413(1)(a)-(c), C.R.S.

- Any licensee who is open for business and selling alcohol beverages by the drink shall serve meals between the hours of 8 a.m. and 8 p.m. and meals or light snacks and sandwiches (see included items below) after 8 p.m.
- Food sales must equal at least 25% of the gross income from sales of food and drink over any period of time of at least one year.

Beer and wine, taverns, retail gaming tavern, and lodging and entertainment licenses

44-3-411(1), 44-3-414(1), 44-3-416(1), and 44-3-428(1), C.R.S.

- Must have sandwiches and light snacks available for consumption on the premises during business hours but do not need to have meals available for consumption.

Light Snacks and Sandwiches

Regulation 47-100(J), 1 CCR 203-2.

“**Sandwiches**” are defined as single serving items such as hamburgers, hot dogs, frozen pizzas, burritos, chicken wings, or other items of a similar nature.

“**Light Snacks**” are defined as popcorn, pretzels, nuts, chips, or items of a similar nature.

Unlawful Acts - Enforcement

44-3-901, C.R.S.

Sale to minors and visibly intoxicated persons

Except as provided in section 18-13-122, C.R.S., it is unlawful for any person:

(a) To sell, serve, give away, dispose of, exchange, or deliver or permit the sale, serving, giving, or procuring of any alcohol beverage to a visibly intoxicated person, or to a known habitual drunkard.

(b)(I) To sell, serve, give away, dispose of, exchange, or deliver or permit the sale, serving, giving, or procuring of any alcohol beverage to or for any person under the age of twenty-one years.

Fraudulent proof of age

44-3-901(6)(a)(II)(A)-(B), C.R.S. and Reg. 47-912(B), 1 CCR 203-2.

If a licensee or a licensee's employee believes that a person is a minor and is providing a false proof of age to purchase an alcohol beverage of any kind, the licensee or employee has authority to confiscate the fraudulent proof of age document. The false ID must be turned over to the LED or local law enforcement authority within 72 hours.

If the minor presented a false ID, from the list of acceptable forms of identification (see page 9 of this document), and the licensee possessed an identification book issued within the past 3 years, which contained a sample of the specific kind of ID presented for compliance, or the licensee used and relied upon a biometric identity verification device that indicated the minor was 21 or older, that may be an affirmative defense to any administrative action brought against the licensee for alleged sale to a minor.

Inspection of the Licensed Premises

Regulation 47-700, 1 CCR 203-2.

For the purpose of inspection or investigation, 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.

Bar checks

Watch for:

- Presence of minors;
- Visibly intoxicated persons or known habitual drunkards;
- Conduct of Establishment (See Regulation 47-900, 1 CCR 203-2);
- After hours sales, service, distribution, and/or consumption of alcohol beverages;
- Gambling;
- Safety violations;
- Marijuana consumption; and
- Any other suspicious activities.

Testing for Intoxication of Bar Patrons

44-3-902, C.R.S.

No bar patron shall be required or solicited by law enforcement officers to submit to any mechanical test to determine blood or breath alcohol content while on licensed premises without a court order as described in 44-3-902(2), C.R.S., except to determine if there is a violation of section 42-4-1301 by a driver of a motor vehicle. No such test may be performed upon any licensed premises to obtain evidence of alleged intoxication, except pursuant to a court order or in case of a medical emergency, regardless of whether the alleged intoxication is a violation of any provision of article 3.

Removal of Alcohol from Licensed Premises

Regulation 47-918, 1 CCR 203-2.

- (A) 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.
- (B) Licensees who may permit (see exceptions below) a customer to remove a partially consumed bottle of vinous liquor shall reseal the bottle with a cork or other commercially manufactured stopper.

Exceptions

44-3-423, C.R.S.

- Manufacturer's licensees
- Limited winery licensees
- Beer and wine licensees
- Hotel and restaurant licensees
- Tavern licensees
- Brew Pub licensees
- Vintner's restaurant licensees
- Club licensees
- Distillery Pub licensees
- Lodging and Entertainment facility licensees

That has meals or sandwiches and light snacks available for consumption on the licensed premises and so long as the originally sealed container did not contain more than 750 ml of vinous liquor.

Notes

- It does not have to be the original seal.
- Suggest that the customer place the container in an area where it is not readily accessible to the driver or a passenger while in their seated position (e.g. the trunk of the vehicle), consistent with the open container law (42-4-1305, C.R.S.).

New Laws Re: Takeout and Delivery of Alcohol Beverages

44-3-911, C.R.S. (Effective 7/22/21-7/1/25)

Between the hours of 7 a.m. and 12 midnight, a licensee may sell and deliver an alcohol beverage to a customer for consumption off the licensed premises; and

- If an alcohol beverage is part of a takeout order for consumption off the licensed premises:
 - A customer may remove the alcohol beverage from the licensed premises if the beverage is in a sealed container that complies with the rules of the state licensing authority; and
 - The licensee may allow a customer to remove the alcohol beverage from the licensed premises.

A licensee may sell or deliver alcohol beverages under this section “by the drink”, if the licensee has any applicable permits issued under this section (unless the governor has declared a disaster emergency). Sale or delivery is limited to customers 21 or older; in a sealed container; and amounts are limited to no more than: 1500 mL (approx. 50.8 fl. oz.) of vinous liquors; 144 fl. oz. of malt liquors, fermented malt beverages, and hard cider; and one liter (approx. 33.8 fl. oz.) of spirituous liquors. The delivery person is subject to certain requirements. Please review the statute for further details.

*Manufactures with sales rooms are permitted take out but may not deliver alcohol beverages.

Conduct of Establishment

Regulation 47-900(A)-(C), 1 CCR 203-2.

Orderliness, loitering, serving of intoxicated persons

Each person licensed under Article 3, Article 4, and Article 5 of Title 44, and any employee or agent of such licensee shall:

- Conduct the licensed premises in a decent, orderly and respectable manner;
- Not serve a known habitual drunkard or any person who displays any visible signs of intoxication;
- Not permit a known habitual drunkard or any person who displays any visible signs of intoxication to remain on the licensed premises without an acceptable purpose;
- Not knowingly permit any activity or acts of disorderly conduct as defined by and provided for in Section 18-9-106, C.R.S.; and
- Not permit rowdiness, undue noise, or other disturbances or activity offensive to the senses of the average citizen, or to the residents of the neighborhood in which the licensed establishment is located.

Attire and conduct of employees, and patrons

Employment or use of any person in the sale or service of alcohol beverages must not expose to view any portion of the female breast below the top of the areola or any portions of the pubic hair, anus, cleft of the buttocks, vulva, or genitals, nor wear any device or costume that exposes or simulates such anatomy.

Entertainment – Employees and Patrons

It is unlawful to engage in or permit any person to perform acts or acts that simulate:

- Sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts prohibited by law;
- The touching, caressing, or fondling of the breasts, buttocks, anus, or genitals; and/or
- The displaying of pubic hair, anus, vulva, or genitals.

Signage and Trade Name

Regulation 47-306, 1 CCR 203-2

- Licensee must submit written notice to local and state licensing authorities at least 10 days before the use of a new business or trade name.
- Exterior signage is not required, but if used, must accurately reflect the business or trade name on file with the Division.
- Signage must be viewable from a public road.


State-Issued Liquor License

See 44-3-301(4)(a), C.R.S.

The license shall specify date of issuance, the period which is covered, the name of the licensee, the premises or optional premises licensed, and the alcohol beverages that may be sold. The license shall be conspicuously placed at all times on the licensed premises or optional premises, and all sheriffs and police officers shall see to it that every person selling alcohol beverages within their jurisdiction has procured a license to do so.

Minor Sign

See 44-3-901(6)(h), C.R.S.



WARNING

State of Colorado
DEPARTMENT OF REVENUE
1881 PIERCE STREET
LAKEWOOD, COLORADO 80215
(303) 841-7070 (TDD/VO)

TO COMPLY WITH 44-3-901, C.R.S.

IT IS ILLEGAL TO SELL WHISKEY, WINE, OR BEER TO ANY PERSON UNDER TWENTY-ONE YEARS OF AGE AND IT IS ILLEGAL FOR ANY PERSON UNDER TWENTY-ONE YEARS OF AGE TO POSSESS OR TO ATTEMPT TO PURCHASE THE SAME.

IDENTIFICATION CARDS WHICH APPEAR TO BE FRAUDULENT WHEN PRESENTED BY PURCHASERS MAY BE CONFISCATED BY THE ESTABLISHMENT AND TURNED OVER TO A LAW ENFORCEMENT AGENCY.

IT IS ILLEGAL IF YOU ARE TWENTY-ONE YEARS OF AGE OR OLDER FOR YOU TO PURCHASE WHISKEY, WINE, OR BEER FOR A PERSON UNDER TWENTY-ONE YEARS OF AGE.

FINES AND IMPRISONMENT MAY BE IMPOSED BY THE COURTS FOR VIOLATION OF THESE PROVISIONS.

This printed card must be displayed at all times in a prominent place, with a minimum height of 14" and a width of 11" with each letter to be a minimum of .05" in height.

Modification of Licensed Premises

Regulation 47-302(A), 1 CCR 203-2.

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 latest approved plans and specifications on file with the state and local licensing authorities without application to, and approval of, the respective licensing authorities.

Sidewalk Service Areas

Regulation 47-302(A)(4), 1 CCR 203-2

A temporary outside service area located on a sidewalk owned by a municipality, and that the licensee possesses in accordance with subsection (B)(2) of this regulation, may be approved by the state and local licensing authorities upon the annual filing of a temporary modification of premises application, provided that:

- a. The proposed temporary outside service area located on a sidewalk is immediately adjacent to the licensed premises;
- b. The licensed premises, as temporarily modified, will comprise a definite contiguous area; and
- c. Plans and specifications identifying the temporary outside service area located on a sidewalk accompany the form and fee.

Gambling

44-3-901(6)(n), C.R.S. and Regulation 47-922, 1 CCR 203-2.

It is unlawful to authorize or permit any gambling, or the use of any gambling machine or device, except as provided by the “Bingo and Raffles Law”, part 6 of article 21 of title 24.

No person licensed to sell at retail shall authorize or permit on the licensed premises any gambling, or use of any gambling machine or device or use of any machine which may be used for gambling, except as specifically authorized for a racetrack or for limited gaming.

No licensee shall authorize or permit on the licensed premises the holding of any lottery. Nothing prohibits the conducting of games of chance authorized by the “Bingo and Raffles Law.”

Equipment Permitted

A licensee is permitted to conduct on its licensed premises, tournaments or competitions involving games of skill, including awarding of prizes to participants, in connection with the use or participation of device such as and including, but not limited to:

- Pool tables
- Billiard tables
- Pinball machines
- Foosball machines
- Basketball games
- Air hockey games
- Shuffleboard games
- Dart games
- Bowling games
- Golf games

Gambling Triangle



If all three sides of the triangle are present you may have illegal gambling. Removing a side eliminates illegal gambling.

Always check with your DA before charging!

Administrative Action

- Filed with the Local or State Licensing Authorities;
- Preponderance of evidence; and
- May be filed in addition to criminal charges (It is not double jeopardy).

Criminal Actions

- Filed with County or Municipal Court;
- Proof beyond a reasonable doubt;
- Usually requires immediate action;
- Can be filed along with administrative actions without double jeopardy; and
- Generally used for 44-3-901 violations.

Violations and Penalties

44-3-904, C.R.S.

Any person violating any of the provisions of this article 3 or article 4 or 5 of this title 44 or any of the rules authorized and adopted pursuant to such articles is guilty of a class 2 petty offense and, upon conviction, thereof, shall be punished by a fine of not more than \$250 dollars for each offense.

Exception as provided in subsections (2), (3), and (4) of this section, any person violating any of the provisions of article 3 or article 4 or 5 of this title 44 or any rules authorized and adopted pursuant to such articles commits a civil infraction.

- Liquor code criminal penalties are found under 44-3-904, C.R.S.
- These penalties include provisions for fines or imprisonment.

A person violating the provisions of section 44-3-901(b), C.R.S. (sell, serve, give away, dispose of, exchange, or deliver or permit the sale, serving, giving, or procuring of any alcohol beverage to or for any person under the age of twenty-one years) commits a class 2 misdemeanor.

Violations and Citation Examples

When charging a violation of regulations, the citation should include the following:

1. **Enabling statute number 44-3-904(1)(a), C.R.S.**
This statute (entitled “Violations - penalties”) includes regulatory violations.
2. **Liquor regulation number**
e.g. Regulation 47-900, followed by the Colorado Code of Regulations (CCR) number (1 CCR 203-2 for all regulation violations).

Citation Examples

The following violations were found during a bar check:

- Sale of beer to an underage patron by Jane Waitress.
- Patrons drinking alcohol beverages after 2:00 a.m.

Summons #1

To the Server - 44-3-901(1)(b)(I), C.R.S., Jane Waitress sold (or served, or gave away, etc.) an alcohol beverage to a person under 21 years of age.

Summons #2

To the Minor - 44-3-901(1)(d) C.R.S., Underage Patron, a person under 21 years of age, had in his possession an alcohol beverage in a public place.

Could also be charged under 18-13-122 C.R.S., or 44-3-901(1)(c), C.R.S. if fake ID was used.

Summons #3

To the Licensee if he/she was not the actual server -

Charge 1: 44-3-901(1)(b)(I), C.R.S., John Licensee permitted the sale of an alcohol beverage to a person under 21 years of age.

Charge 2: 44-3-904(1)(a), C.R.S., in violation of Regulation 47-910, 1 CCR 203-2, John Licensee permitted the consumption of alcohol beverage on the licensed premises after permitted hours.

Evidence

- Take good notes including any statements made.
- Ensure all elements of the statute(s) and/or regulation(s) violated can be proven.
- Secure any and all evidence to be tested, to confirm it is an alcohol beverage.
- Ensure body cameras are activated and take photographs for evidentiary purposes.

Note

Testing of alcoholic beverage should be done prior to court or administrative hearing.

- Not necessary if evidence has labeling (e.g., bottle of beer). If charged under 18-13-122(3)(a) C.R.S. (MIP)

Evidence – Prima Facie

44-3-907(4), C.R.S.

If, during the trial of a person charged with a violation of this article 3, the evidence presented discloses that fluids were poured out, or otherwise destroyed, manifestly for the purpose of preventing seizure, said fluids shall be held to be prima facie alcohol beverages and intended for unlawful use, sale, barter, exchange, or gift.

Common Liquor Violations

Common Liquor Code Violations		Location
1	Failure to request/examine ID by licensee or employee	44-3-901(11) C.R.S.
2	Sale and/or service of malt, vinous, or spirituous liquor to a minor (under the age of 21)	44-3-901(1)(b)(I), C.R.S.
3	Sale and/or service of fermented malt beverage to a minor (under the age of 21) or during prohibited hours	44-3-901(6)(c), C.R.S.
4	Procuring liquor for a minor (under the age of 21)	44-3-901(1)(b)(II), C.R.S.
5	Possession of liquor in any public place when a person is under 21 years of age	44-3-901(1)(d), C.R.S.
6	Sales and/or service to a visibly intoxicated person or a known habitual drunkard	44-3-901(1)(a), C.R.S.
7	Retail sale to minor (under the age of 21) or known habitual drunkard	44-3-901(6)(a)(I), C.R.S.
8	Permit or failure to prevent use of a minor's identification for unlawful purchase of alcohol beverage	44-3-901(1)(I), C.R.S.
9	Minor's misrepresentation of age in any place where alcohol beverages are sold to obtain such beverages	44-3-901(1)(c), C.R.S.
10	Public consumption of alcohol beverage on unlicensed premises	44-3-901(1)(i)(I)(A), C.R.S.
11	After hours consumption of alcohol beverage on licensed premises	44-3-901(1)(i)(I)(D), C.R.S.
12	Consumption of a type of alcohol unauthorized on a licensed premises	44-3-901(1)(i)(I)(B), C.R.S.
13	Consumption of alcohol beverage on licensed premises, not purchased from premises	44-3-901(1)(i)(I)(C), C.R.S.
14	After hours sales, service or distribution of malt, vinous or spirituous liquor (between 2:00 a.m. and 7:00 a.m.)	44-3-901(6)(b)(I), C.R.S.

15	After hours sales, service or distribution of malt, vinous or spirituous liquor in sealed containers (between 12:00 midnight and 8:00 a.m., and on Christmas day)	44-3-901(6)(b)(II), C.R.S.
16	Unlicensed possession of beverages that is not licensed to sell or possess	Reg. 47-914, 1 CCR 203-2.
17	Sanitary conditions and contamination (bugs or any other material that enters a bottle after the seal is broken)	Reg. 47-902, 1 CCR 203-2.
18	After hours consumption of alcohol beverages	Reg. 47-910, 1 CCR 203-2.

Additional Violations

Common Liquor Rules Violations		Location
1	Possession of 1 oz. or less, or consumption of marijuana by a minor (under the age of 21)	Colorado Criminal Code 18-13-122(3)(b), C.R.S.
2	Possession of marijuana paraphernalia by a minor (under the age of 21)	Colorado Criminal Code 18-13-122(3)(c), C.R.S.
3	Refusal to permit law enforcement inspection	Colorado Criminal Code 18-8-106, C.R.S.
4	Unlawful possession and/or use of a driver's license (altered)	CO Vehicle and Traffic Driver's License 42-2-136(1)(a), C.R.S.
5	Possession and/or use of a fraudulent driver's license (fake)	CO Vehicle and Traffic Driver's License 42-2-136(2), C.R.S.
6	Unlawful possession and/or use of another's driver's license	CO Vehicle and Traffic Driver's License 42-2-136(3), C.R.S.
7	Allowed another person to use one's driver's license	CO Vehicle and Traffic Driver's License 42-2-136(5), C.R.S.
8	Unlawful display, possession and/or use of an ID card	CO Vehicle and Traffic Driver's License 42-2-309(1)(a), C.R.S.
9	Unlawful use of another's ID card	CO Vehicle and Traffic Driver's License 42-2-309(1)(c), C.R.S.
10	Resisting arrest (M-2) (See charging manual for language)	Colorado Criminal Code 18-8-103(1)(a) or (b), C.R.S.
11	Provide false identifying information to a law enforcement representative	Colorado Criminal Code 18-8-111.5, C.R.S.
12	Obstructing government operations	Colorado Criminal Code 18-8-102(1), C.R.S.
13	Furnishing cigarettes, tobacco products, or nicotine products to minors under the age of 21	Colorado Criminal Code 18-13-121(1)(a), C.R.S.
14	Failed to request and examine ID card for sale of cigarettes, tobacco products, or nicotine products	Colorado Criminal Code 18-13-121(1)(b), C.R.S.

Tobacco Law Enforcement

Definitions

Colorado Criminal Code 18-13-121(5), C.R.S.

(a) As used in this section, “cigarette, tobacco product, or nicotine product” means:

- (I)** A product that contains nicotine or tobacco or is derived from tobacco and is intended to be ingested or inhaled by or applied to the skin of an individual; or
- (II)** Any device that can be used to deliver tobacco or nicotine to the person inhaling from the device, including an electronic cigarette, cigar, cigarillo, or pipe.



(b) Notwithstanding any provision of paragraph (a) of this subsection **(5)** to the contrary, “cigarette, tobacco product, or nicotine product” does not mean a product that the food and drug administration of the United States department of health and human services has approved as a tobacco use cessation product.

Tobacco Licensing

- After July 1, 2021: Retailers need a retail license to sell tobacco/ nicotine products
- Good for one year
- Not transferable
- Licensee must notify the Division on or before the date they cease sales, or a transfer takes effect
- Must be posted on site

Tobacco License - What To Look For: Furnishing or Selling to Minors

THIS LICENSE MUST BE POSTED IN PUBLIC VIEW

STATE OF COLORADO DEPARTMENT OF REVENUE <small>Liquor and Tobacco Enforcement Division 1707 Cole Blvd, Suite 300 Lakewood, Colorado 80401</small>	
<div>ABC, LLC dba XYZ Bistro 1881 Pierce St. Suite 200 Lakewood, CO 80401</div>	
TOBACCO/NICOTINE LICENSE	
<small>Tobacco License Number</small> TOB-0000000	<small>LICENSE EXPIRES AT MIDNIGHT</small> December 12, 2012
<small>License Type</small> TOBACCO RETAILER (OFF PREMISES)	
<p><small>This license is issued subject to the laws of the State of Colorado and especially under the provision of Title 44, Articles 7, C.R.S., as amended. This license is nontransferable and shall be conspicuously posted in the place above described. This license is only valid through the expiration date shown above. Questions concerning this license should be addressed to the Department of Revenue, Liquor and Tobacco Enforcement Division, 1707 Cole Blvd, Suite 300 Lakewood, CO 80401.</small></p> <p><small>In testimony whereof, I have hereunto set my hand. 7/9/2021</small></p> <div><div> Michelle Stone-Principato, Division Director</div><div> Mark Ferrandino, Executive Director/CEO</div></div>	

Colorado Tobacco Code 44-7-103(1) and 44-7-103(4.5), and 18-13-121, C.R.S. It is prohibited to:

- Sell to minors (under 21 years of age);
- Sell or offer to sell individual cigarettes or any pack or container containing less than 20 cigarettes; and,
- Sell or offer to sell roll-your-own tobacco in packages containing less than 0.60 oz. of tobacco.

Furnishing or selling cigarettes, tobacco products, or nicotine product to a minor is a civil infraction. (See 18-13-121(c), C.R.S.)

A retailer shall not permit a person under eighteen years of age to sell or participate in the sale of cigarettes, tobacco products, or nicotine products. This section does not prohibit an employee of a retailer who is eighteen years of age or older but under twenty-one years of age from handling or otherwise having any contact with cigarettes, tobacco products, or nicotine products that are offered for sale at the retailer's business

Vending Machines

Colorado Tobacco Code 44-7-103(2) & (3), C.R.S.

(2) A retailer shall not sell or offer to sell any cigarettes, tobacco products, or nicotine products by use of a vending machine or other coin-operated machine; except that cigarettes may be sold at retail through vending machines only in an age-restricted area of a licensed gaming establishment, as defined in section 44-30-103 (18).

(3) Any person who sells or offers to sell cigarettes, tobacco products, or nicotine products shall display a warning sign as specified in this subsection

(3) The warning sign must be displayed in a prominent place in the building and on any vending or coin-operated machine at all times, must have a minimum height of three inches and a width of six inches, and must read as follows:



COLORADO
Department of Revenue
Specialized Business Group—
Liquor & Tobacco

WARNING

It is illegal to sell cigarettes, tobacco products, or nicotine products to any person under twenty-one years of age.
State law requires that, to purchase cigarettes, tobacco products, or nicotine products at this retail location, a person must present a valid government-issued photographic identification at the time of purchase if the person appears to be under fifty years of age.

Must be posted in a prominent place per C.R.S. 44-7-103(3)

Colorado Liquor Enforcement 1707 Cole Blvd., Suite 300, Lakewood, CO 80401 Phone: 303-205-2300

DR 8472 (11/01/21)

Penalties for Retailers

Colorado Tobacco Code 44-7-106 C.R.S.

Underage Sale Violations

If the retailer receives a violation within a 24 month period of an original violation, the penalties are as follows:

- 1st Violation within 24 months = \$250 to \$500 fine
- 2nd Violation within 24 months = \$500 to \$750 fine + sale prohibition for at least 7 days
- 3rd Violation within 24 months = \$750 to \$1,000 fine + sale prohibition for at least 30 days
- 4th Violation or more within 24 months = \$1,000 and \$15,000 + sale prohibition for up to 3 years

Vending Machine/Warning Sign/Sale By Person Under 18 Violations

- 1st Violation within 24 months for vending machine or sale by person under the age of 18 = \$25 fine, or written warning for omitting to display the required warning sign;
- 2nd Violation within 24 months = \$50 fine
- 3rd Violation within 24 months = \$100 fine
- 4th Violation within 24 months = \$250 fine
- 5th Violation or more within 24 months = \$250 to \$1000 fine

Sales of Loose Cigarettes or Less Than .60 oz. of Rolling Tobacco Violations

- 1st Violation within 24 months = written warning
- 2nd Violation within 24 months = \$250.00 fine
- 3rd Violation within 24 months = \$500.00 fine
- 4th Violation within 24 months = \$1,000.00 fine
- 5th or Subsequent Violation within 24 months = \$1,000.00 to \$15,000.00 fine

Unlicensed Sales

- 1st Violation within 24 months = \$1,000.00 fine
- 2nd Violation within 24 months = \$2,000.00 fine
- 3rd or Subsequent Violation within 24 months = A fine of \$3,000.00 plus an order issued by the Division prohibiting the retailer from selling cigarettes, tobacco products, or nicotine products and rendering the retailer ineligible to apply for a state license for three years.

Unlawful Advertising of Electronic Smoking Device (ESD) Product

A retailer shall not advertise an ESD product in a manner that is visible from outside the retail location.

- 1st Violation within 24 months = \$1,000.00 fine
- 2nd Violation within 24 months = \$2,000.00 fine
- 3rd or Subsequent Violation within 24 months = \$3,000.00 fine

Delivery and Shipment Violations

- 1st Violation within 24 months = \$1,000.00 fine
- 2nd Violation within 24 months = \$2,000.00 fine
- 3rd or Subsequent within 24 months = \$3,000.00 fine

Note

Violations are “forgiven” after 24 months.

Each sale or offer to sell is punishable as a distinct violation.

The Division has the power to enforce all state statutes and has the authority to penalize retailers who sell to minors as well as minors who purchase or attempt to purchase cigarettes, tobacco products, or nicotine products.

*Report any documented violations to the Division office in your area.

**An investigator will need a copy of your report and can then issue an administrative violation to the retailer.

Colorado Clean Indoor Air Act

Public Health and Environment Code 25-14-201 to 25-14-209, C.R.S.

The purpose of this Act is to preserve and improve the health, comfort, and environment of the people of this state by protecting their right to breathe clean, smoke-free air, and protect the public from involuntary exposure to emissions from secondhand smoke and electronic smoking devices (ESD) in most indoor areas.

Definitions

“Common use areas” includes lobbies, reception areas, hallways, elevators, restrooms and any other common use area, in public and private buildings.

“Entryways” is the outside of the front or main doorway of any building, whether it is a public or private property, within a radius of at least 25 feet.

“Electronic smoking device” or **“ESD”** means any product (other than a humidifier or similar device that emits only water vapor; or an inhaler, nebulizer, or vaporizer approved by the FDA for delivery of medication) that contains or delivers nicotine or any other substance intended for human consumption and that can be used by a person to enable the inhalation of vapor or aerosol from the product. Includes but is not limited to e-cigarettes, e-cigar, e-pipe, e-hookah, and vape pen.

“Indoor areas” means any enclosed area or portion thereof. The opening of windows or doors, or the temporary removal of wall panels, does not convert an indoor area into an outdoor area.

“Smoking” means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, pipe, or any other tobacco or plant product intended for inhalation, including marijuana, whether natural or synthetic, in any manner or in any form. It also includes ESDs.

Exemptions

- Private homes, residences and private automobiles unless such private home, residence, or automobile is being used for child care, day care, or for the public transportation of children or as a part of health care transportation;
- Limousines under private hire;
- Retail tobacco businesses, where the sale of other products is incidental (only persons 21+ may enter, and must display signage stating that smoking or only vaping is allowed);
- **“Cigar-tobacco bar”** means a bar that generates at least 5% or more of its total annual gross income or \$50,000 in annual sales from the on-site sale of tobacco products and the rental of on-site humidors, not including any sales from vending machines;
- The outdoor area of any business, excluding entryways as defined previously;
- Private, non-residential building on a farm or ranch that has an annual gross income of less than \$500,000.
- A duly-authorized marijuana hospitality business or retail marijuana hospitality and sales business (only marijuana, not tobacco).

Penalties for violations

A violation of this law by any individual, including the owner, manager or employee of any premises, is a class 2 petty offense.

- 1st Violation within a calendar year = \$200 fine
- 2nd Violation within a calendar year = \$300 fine
- 3rd Violation within a calendar = \$500 fine; and
- Each day of a continuing violation is a separate offense.

Possession of Cigarettes or Tobacco Products by Minors

Public Health and Environment Code 25-14-301, C.R.S.

(1) This section shall be known and may be cited as the “Teen Tobacco Use Prevention Act”.

(2)(a) The sale of a cigarette or tobacco product to a person who is under twenty-one years of age is prohibited.

(3) As used in this section, unless the context otherwise requires:

(a) “Cigarette” shall have the same meaning as set forth in section 39-28-202 (4), C.R.S.

(b) Repealed

(c) “Tobacco product” has the same meaning as “cigarette, tobacco product, or nicotine product”, as defined in section 18-13-121 (5).

(4)

(a) Nothing in this section prohibits a statutory or home rule municipality, county, or city and county from enacting an ordinance or resolution that prohibits the sale of cigarettes, tobacco products, or nicotine products to a person under twenty-one years of age or imposes requirements more stringent than provided in this section.

(b) A statutory or home rule municipality, county, or city and county shall not enact an ordinance or resolution that establishes a minimum age to purchase cigarettes, tobacco products, or nicotine products that is under twenty-one years of age.

(5) A violation of paragraph (a) of subsection (2) of this section is a noncriminal offense.

Possession of cigarettes or tobacco products by minors, including electronic vapor products, is prohibited but is not a criminal offense under state law.

- A person who is under 21 years of age can act at the direction of an employee of a governmental agency authorized to enforce or ensure compliance with laws related to the prohibition of sales to minors.

Colorado LED – Offices Information

Mailing Address

Colorado Department of Revenue
Attention Liquor Enforcement Division
P.O. Box 17087
Denver, CO 80217-0087

For licensing questions: Licensing: dor_liqlicensing@state.co.us

For enforcement questions: Enforcement: dor_led@state.co.us

Lakewood Office

1707 Cole Boulevard, Suite 300
Lakewood, CO 80401

Phone: (303) 205-2300

FAX: (303) 866-2428

Colorado Springs Office

2447 N Union Boulevard,
Colorado Springs, CO 80909

Phone: (719) 594-8702

FAX: (719) 594-8719

Grand Junction Office

632 Market Street, Suite G3
Grand Junction, CO 81506

Phone: (970) 248-7133

FAX: (970) 248-7124

NOTES

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This image shows a full page of blank, lined paper. It features approximately 20 evenly spaced horizontal grey lines across its entire width, providing a guide for writing. The paper itself is a clean, off-white color. There are no margins, text, or other markings present on the page.

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Colorado Department of Revenue
Liquor Enforcement Division

1707 Cole Boulevard, Suite 300
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Email: dor_led@state.co.us

Website: SBG.Colorado.gov/Liquor/Tobacco-Enforcement-Division



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