



DEPARTMENT OF REVENUE

Liquor and Tobacco Enforcement Division

COLORADO LIQUOR RULES

1 CCR 203-2

Regulation 47-310. Application - General Provisions.

Basis and Purpose. The statutory authority for this regulation includes, but is not limited to, subsections 44-3-103, 44-3-202(1)(a), 44-3-202(1)(b), 44-3-202(2)(a)(I)(A), 44-3-202(2)(a)(I)(R), **44-3-303(1)(b)**, 44-3-304(1), 44-3-307, and 24-5-101 C.R.S. The purpose of this regulation is to establish requirements for a license application, and provide factors the licensing authority must consider when evaluating an application for approval or rejection.

- A. All applications for state licenses for the manufacture or sale of alcohol beverages shall be made upon forms prescribed by the Division. No application will be considered which is not complete in every material detail, or which is not accompanied by a remittance in full for the whole amount of the annual state license fee, and eighty five percent of the local license fee. Each application for a new retail license shall contain a report from the local licensing authority of the town, city, county, or city and county, in which the applicant proposes to conduct its business, which report shall show the opinion of the local licensing authority concerning the reasonable requirements of the neighborhood and the desires of the adult inhabitants with respect to the issuance of the license applied for and the character of a new applicant.
- B. If the applicant for a license is a partnership, except as between **a husband and wife-spouses or partners in a civil union**, it shall submit with the application a certificate of co-partnership.
- C. Upon request of any licensing authority, each applicant **and licensee for license** shall provide suitable additional evidence of its good character and reputation, and **also, if an applicant for a new license, the applicant shall provide ~~of evidence of the~~** reasonable requirements of the neighborhood and the desires of the adult inhabitants. Applicants and licensees shall also submit upon request of any licensing authority all required information concerning financial and management associations and interests of other persons in the business, and the deed, lease, contract, or other document governing the terms and conditions of occupancy of the premises licensed or proposed to be licensed.
- D. All information submitted to any licensing authority, by application for license or otherwise, shall be given fully, faithfully, truthfully and fairly. Willful or deliberate misrepresentation may result in a denial or revocation of a license.
- E. When a licensing authority is required to make a determination as to the character, record and reputation of existing licensees or applicants for new licenses, including transfers of ownership of existing licenses, the authority may consider the following factors, which may include but are not to be limited to the following:
 - 1. Subject to 24-5-101, C.R.S., the applicant or licensee has knowingly submitted false applications, made willful misrepresentations and/or knowingly committed fraudulent acts;
 - 2. The applicant or licensee has a criminal history of crimes of moral turpitude. By way of

example, crimes of moral turpitude shall include but not be limited to, fraud, forgery, murder, burglary, robbery, arson, kidnapping, sexual assault, illegal drugs or narcotics convictions;

3. The applicant or licensee has had previous alcohol beverage licenses denied or revoked as a result of violations of law, resulting in a finding of bad moral character by any licensing authority;
 4. The applicant or licensee has been found to be currently delinquent in the payment of any state or local taxes related to a business;
 5. The applicant or licensee has an established pattern of multiple statutory violations which resulted in the revocation or denial of any other professional license; and
 6. The finding of a person who is not of good moral character by any licensing authority.
- F. When making a determination as to the character or good moral character of a licensee or applicant as required by title 44, articles 3, 4 and 5, the licensing authority shall also consider the factors set forth in section 24-5-101, C.R.S.
- G. When a licensing authority is required to make a determination as to the character or good moral character of a licensee or applicant for license, in addition to the items listed in section 24-5-101(2)(b), C.R.S., the authority may not consider the following:
1. The applicant or licensee had a civil or criminal judgment, discipline, or other sanction threatened or imposed under the laws of another state regarding consumption, possession, cultivation, or processing of marijuana that is lawful and consistent with the professional conduct and standards of care within the State of Colorado.
- H. When considering whether the applicant for a special event permit is of good moral character and record, the state or local licensing authority shall determine, at a minimum, whether the applicant failed to conduct past special events in compliance with applicable liquor laws. Officers of the organization or of a political candidate making an application shall not be required to submit individual history applications and fingerprint cards unless the state or local licensing authority determines that such information is necessary to establish the good moral character of the applicant.
- I. A municipality or other governmental entity that applies for a license, or to renew a license, shall submit with the application the name, address, and individual history record of at least one member of its governing body, or at least one person hired or appointed by its governing body, to serve as an officer or director; except that, pursuant to section 44-3-107(1), C.R.S., a person who has an interest in a liquor license may not be listed as an officer or director on a license owned, or to be owned, by a municipality or other governmental entity if that person individually manages or receives any direct financial benefit from the operation of such license. If the governing body of a municipality or other governmental entity hires or appoints more than one officer or director, the name, address and individual history record of each such officer or director shall be submitted with the application.

Regulation 47-314. Limited Liability Company.

Basis and Purpose. The statutory authority for this regulation includes, but is not limited to, subsections 44-3-103, 44-3-202(1)(b), 44-3-202(2)(a)(I)(A), 44-3-202(2)(a)(I)(J), 44-3-202(2)(a)(I)(R), and 44-3-307(1), C.R.S. The purpose of this regulation is to establish reporting and disclosure requirements for the identification of a limited liability company's managers, and applicable members and their relevant financial interests in order to promote transparency and avoid violations of statutorily prohibited overlapping financial interests.

- A. A Limited Liability Company may conduct any business that a partnership with limited partners may lawfully conduct and may not conduct any business that is prohibited by law to such

partnership. Such limited liability company shall be in full conformity with 7-80-101, C.R.S.

- B. Each Limited Liability Company licensed pursuant to ~~this~~ Article 3 or Article 4, of Title 44, shall report changes of any of its managers, or members having a 10% or more interest in the license, except that any transfer of a controlling interest shall be reported regardless of its size, within 30 days from the date of the change, and shall submit said information to the respective local or state licensing authorities on forms approved by the Division.

Regulation 47-316. Advertising Practices

Basis and Purpose. The statutory authority for this regulation includes, but is not limited to, subsections 44-3-103, 44-3-202(1)(b), 44-3-202(2)(a)(I)(A), 44-3-202(2)(a)(I)(G), 44-3-202(2)(a)(I)(O), 44-3-202(2)(a)(I)(R), ~~and~~ and 44-3-308, C.R.S. The purpose of this regulation is to establish certain permitted and prohibited advertising practices between suppliers and retailers.

A. Consumer Advertising Specialties

1. "Consumer advertising specialties" shall mean those items primarily designed to advertise or promote a specific alcohol beverage brand or supplier, that are intended and designed to be carried away by the consumer, and that have negligible value. Consumer advertising specialties are considered to be of negligible value if the suppliers' cost to purchase the consumer advertising specialties is less than ten (10) dollars per item. Apparel items are considered to be of negligible value if the suppliers' cost to purchase a single apparel item is less than twenty-five (25) dollars per item. For purposes of this regulation, glassware, plates, and barware such as jiggers, bar tins, and utensils do not qualify as consumer advertising specialties.
2. Suppliers may provide consumer advertising specialties of negligible value free of charge to a licensed retailer, so long as the consumer advertising specialties contain an advertising message that promotes the supplier or their products, and do not contain any information, markings, or logos that are specific to a retailer.
3. Consumer advertising specialties that contain any information, markings, or logos specific to a licensed retailer may not be provided free of charge, but must be purchased by a retailer at a minimum of the supplier's cost.
4. Licensees must have available for inspection those customary business records that verify these transactions, in accordance with section 44-3-701, C.R.S., and for the time frame specified in Regulation 47-700.

B. Point-of-Sale Advertising

1. "Point-of-sale advertising" shall mean alcohol beverage brand-specific or supplier-specific promotional materials, within a retailer's licensed premises. Such items may also include a retailer's name and address.
2. Suppliers may provide the following point-of-sale advertising materials of negligible value to licensed retailers free of charge for use within retail premises: display decorations of negligible value, table tents, table tent holders, sports schedules and brackets, case cards, serving trays, condiment trays, bar utensil caddies, stir rods, strainers, presses, check and credit card holders, shakers, pitchers, table mats, bar mats, alcohol beverage lists or menus, menu cards, menu holders, calendars, napkins, napkin holders, coasters, stir sticks, and similar items of negligible value, as approved by the Division.
3. A supplier may advertise, within retail premises, alcohol beverage products, consumer mail-in rebate offers, consumer giveaways, sweepstakes, contests, and cross promotions with non-alcohol beverage products. Suppliers may also provide contest and sweepstakes information and consumer entry forms.

4. Supplier Rebates for Consumers and Supplier Coupons

Supplier rebates and coupons, as contemplated in this regulation, are a permitted method of alcohol beverage product promotion if they are intended to reach the consumer through permitted advertising practices, and to provide the consumer with a direct financial benefit through the redemption process. Rebates and coupons may not be used as a means of financial assistance to licensed retailers or as a means to influence or control a retailer's product selection.

- a. A supplier's "consumer rebate" provides a consumer with cash back after the consumer has purchased a supplier's product and has provided proof of product purchase upon redemption.
 - i. A supplier may provide consumer rebate certificates to consumers through point-of-sale advertising (such as tear pads, shelf talkers, case cards, or other point-of-sales materials), package inserts, or other printed or electronic media.
 - ii. A supplier's consumer rebate certificate may not be redeemed through a licensed retailer.
- b. A supplier's "instant redeemable coupon" provides a consumer with a discount off of the retailer's selling price of an alcohol beverage product, at the time it is redeemed through a licensed retailer.
 - i. Licensed retailers may redeem suppliers' instant redeemable coupons only after they have been made available to consumers through general print or electronic media directed at the consumer; package inserts; or, a supplier's representative or agent, who is not the retailer or their agent, who is providing coupons to consumers at the retail premises for the purpose of product promotion.
 - ii. Licensed retailers are prohibited from accepting and redeeming any supplier-issued instant redeemable coupons unless redemption included presentation of the coupon by a consumer with the purchase of the product advertised therein, or in accordance with other applicable redemption rules specified by the supplier or their marketing agents.
 - iii. Suppliers are prohibited from providing their instant redeemable coupons directly to licensed retailers, except when said coupons are packaged with, or attached to, each individual product package before such products are delivered to a licensed retailer.
 - iv. Suppliers may never reimburse licensed retailers for suppliers' instant redeemable coupons. Redemption must be through a third party that is independent from the supplier and the retailer.
 - v. Retailers must have available for inspection, applicable business and banking records that verify these transactions, in accordance with 44-3-701, C.R.S., and for the time frame specified in Regulation 47-700. Verification may include the retailer's reconciliation of coupons redeemed to related products sold to consumers.

5. Supplier Sponsored Consumer Contests and Related Displays

A supplier may advertise, within retail premises, alcohol beverage products, via consumer mail-in rebate offers, consumer give-a-ways, sweepstakes, contests, and cross promotions with non-alcohol beverage products. Suppliers may also provide contest and sweepstakes information and consumer entry forms. Further, suppliers may provide items to be given away in a consumer give-a-way, sweepstake, or contest, to a retailer

with the purpose of the item being displayed in the retail licensed premises during the contest period, subject to the regulations below, to be given away in a consumer give-away, sweepstake or contest.

For consumer give-a-ways, sweepstake or contests, (collectively "Consumer Contest") the following regulations shall apply:

- a. No item provided as part of a Consumer Contest may be awarded to, received by or otherwise kept by the licensee or any of the licensee's employees or an employee's immediate or extended family members.
- b. No item provided as part of a Consumer Contest may be awarded to, received by or otherwise kept by a supplier licensee that is providing alcohol beverage products to the retail licensee or any of the supplier licensee's employees or any supplier licensee's employee's immediate or extended family members.
- c. Any item(s) to be given away in a Consumer Contest must be awarded and given to the winning consumer within the time afforded by this regulation. Otherwise the item(s) must be returned to the supplier who will be responsible for awarding the item(s) to the winner.
- d. If the actual item(s) that is(are) part of the Consumer Contest are delivered to the retail license premises with the intention of displaying the item during the contest period, the item(s) shall be delivered together with an invoice made out to the retail licensee for not less than the actual cost of the item(s). The retail licensee shall be responsible for and required to pay the invoice cost for the item unless the retail licensee can establish to the satisfaction of the Division that the item(s) was(were) in fact presented to the winning consumer in accordance with the rules of the Consumer Contest. Both the retail licensee and the supplier of the item shall each maintain in their respective records proof establishing that the item(s) was(were) delivered to the winning consumer. Such records shall include but not be limited to a signed acknowledgement of receipt of the item(s) by the winning consumer which acknowledgment shall include a valid form of identification proving the identity of the consumer, the consumer's name, address, phone number, e-mail address (if available) and the date on which the item was presented to the consumer. In addition, the records shall include the name and position of the person or persons presenting the item to the consumer sufficient so that the Division can verify that the item was presented to the Consumer Contest winner.
- e. The Consumer Contest, including the drawing period, shall not last longer than 60 days.
- f. In the event that the supplier does not have the signed acknowledgement of receipt from the consumer within 30 days of the end of the Consumer Contest, it is the responsibility of both the retail licensee and the supplier, that payment in full of the invoice by the retail licensee is made to the supplier for the item(s). Absent payment within 24 hours of the expiration of the 30 day period, no supplier representing the brand advertised in the Consumer Contest shall be permitted to sell or otherwise provide any product to the retail licensee until the invoice is paid in full.
- g. Entrance into the Consumer Contest is not contingent on any purchases.
- h. The actual item(s) that is (are) part of the Consumer Contest may be on display in the licensed premises only during the period of the Consumer Contest. At the end of the contest period, the item(s) may be stored at the retailer location for no more than 30 days following the end of the Consumer Contest period.
- i. The item(s) must be properly identified in signage as a prize that is part of the

Consumer Contest, e.g. "Win this Umbrella."

- j. Signage shall display the starting date and ending date of the Consumer Contest, the name of the company providing the item(s), and all other relevant terms and conditions of the Consumer Contest.

C. Media Advertising

- 1. Except as provided in Regulations 47-322(B) and 47-322(C), and subsection (C)(3) of this regulation, no supplier shall directly or indirectly furnish or pay for any advertising for or with respect to any one or more retail licensee by means of the internet, device applications (apps), radio or television broadcast, magazines, newspapers, pamphlets, or similar media, or by means of any sign not located on or in the licensed premises of the retailer which is advertised.
 - 2. Except as provided in Regulations 47-322(B) and 47-322(C), suppliers that purchase internet, device applications (apps), radio or television advertising packages from third party advertising agencies:
 - a. May not authorize the advertising agency to apply any value attributable to the supplier's advertising package toward the advertising or promotion of any licensed retailer or their location.
 - b. May not authorize the advertising agency to combine supplier-purchased advertising packages with those purchased by licensed retailers, for the purpose and benefit of cooperative advertising.
 - 3. A supplier may directly or indirectly advertise for or with respect to any one (1) or more retailers that sell the supplier's alcohol beverages, via the supplier's internet websites (including forums such as a supplier's Facebook page, blog or device applications (apps)) and electronic advertising messages delivered directly to consumers' private electronic devices.
 - 4. Closed-circuit television advertising networks, or similar advertising networks, that deliver advertising messages to consumers are permitted in retail licensed premises with the following conditions:
 - a. A supplier may not provide a licensed retailer with any electronic equipment necessary to deliver network advertising.
 - b. A licensed retailer may not receive revenues, directly or indirectly, from licensed suppliers who advertise on the network. Revenue from non-alcohol beverage suppliers who advertise on the same network, which can be clearly distinguished by the network advertiser from supplier revenues, are permitted provided that the retailer can document that the source of the revenue is not a licensed supplier.
 - c. The advertising network and all related advertising receipts and distributions must be controlled by third party entities who are not licensed pursuant to article 3 or 4 of title 44, and who are wholly independent, in both form and substance, of any licensed supplier or retailer.
- D. Nothing in this regulation shall apply to non-profit, charitable, or other qualifying organizations, when such organization conducts licensed events pursuant to the requirements contained in article 5 of title 44, and related regulations, and such organization does not otherwise hold a retail license pursuant to articles 3 or 4 of title 44. However, nothing herein shall authorize any financial assistance for the purpose of altering or influencing an organization's product selection for said events.
- E. Except as otherwise provided for in this regulation, no supplier shall directly or indirectly pay to

any retailer, and no retailer shall accept, any value or consideration in connection with or for the right or privilege of posting or maintaining any advertising message, on or in, or relating to a retailer's licensed premises.

Regulation 47-318. Owner-Manager.

Basis and Purpose. The statutory authority for this regulation includes, but is not limited to, subsections 44-3-103, 44-3-202(1)(b), 44-3-202(2)(a)(I)(A), 44-3-202(2)(a)(I)(B), 44-3-202(2)(a)(I)(J), and 44-3-202(2)(a)(I)(R), C.R.S. The purpose of this regulation is to define the difference between a licensee/owner and a manager, and to clarify the allowable method of payment to the manager.

- A. Each license under the Liquor Code or the Beer and Wine Code must be held by the owner of the establishment. "Owner" means the person or persons whose proprietary interest is such that they bear risk of loss other than as an insurer, and have opportunity to gain profit from operation or sale of the establishment.

In determining who is the "owner", elements considered other than risk of loss and opportunity for profit will include, but are not limited to: who has the right of possession of the licensed premises, who controls the licensee, who guarantees its debts, who is beneficiary under its insurance policies, who acknowledges liability for federal, state or local taxes.

- B. Owners may hire managers, and managers may be compensated on the basis of profits made, gross or net. In such cases, (except through an I.R.S. qualified retirement ~~account~~ ~~ae-ount~~), the financial interests of the manager(s) must be reported on the forms prescribed by the Division. The manager may be required to complete an individual history report and be subject to a background check. A license may not be held in the name of the manager.
- C. A spouse ~~or partner in a civil union~~ of a licensee may hold a license in their own right if they are the owner of the licensed establishment, regardless of whether they file separate or joint income tax returns.
- D. A partnership interest, limited or general, a joint venture interest, or ownership of a share or shares in a corporation which is licensed, constitutes ownership.

Regulation 47-422. Arts License.

Basis and Purpose. The statutory authority for this regulation includes, but is not limited to, subsections 44-3-202(1)(b), 44-3-202(2)(a)(I)(A), 44-3-202(2)(a)(I)(R), and 44-3-419, C.R.S. The purpose of this regulation is to define "production and performances of an artistic or cultural nature" required to qualify for an arts license.

- A. For the purposes of determining eligibility for an arts license pursuant to section 44-3-419, C.R.S., "productions and performances of an artistic or cultural nature" include
1. All forms of theatrical and other performing arts including visual performances;
 2. An exhibition or presentation of art or objects of cultural or artistic significance, such as those commonly held in art or history museums or galleries; an
 3. An education seminar on an artistic or cultural subject.
- B. For the purposes of determining eligibility for an arts license pursuant to section 44-3-419, C.R.S., a "patron" is a person who attends or observes the production or performance of an artistic or cultural nature for the purpose of supporting the nonprofit arts organization.
- C. The arts license must only be used to sell alcohol for consumption only to patrons present at the licensed premises for the productions and performances of the artistic or cultural nature.

- D. Alcohol beverages may be served pursuant to an arts license to adult patrons of a private function held on the arts licensed premises if the private function includes attendance at the productions and/or performances detailed in subparagraph (A) above.
- E. An arts license may place limited advertising of the availability of alcohol beverages for sale on the licensed premises while an artistic or cultural production or performance is taking place, and may include the limited advertising in e-mail, print, radio, television, and social media marketing about the production or performance, but the availability of alcohol beverages must not be the primary focus of the advertisement.

Regulation 47-434. ~~Manufacturer Winery and Limited Winery~~ Licensed Premises That Include Noncontiguous Locations.

Basis and Purpose. The statutory authority for the regulation includes, but is not limited to, subsections 44-3-202(1)(b), 44-3-202(2)(a)(I)(R), 44-3-301(2)(c), 44-3-301(11)(d), 44-3-402(2)(a), and 44-3-403(2)(e)(I)(A), C.R.S. The purpose of this regulation is to clarify and establish requirements for a ~~manufacturer winery~~ to obtain approval for and maintain a licensed premises that include noncontiguous locations.

- A. If approved by the state licensing authority, the licensed premises of a ~~manufacturer winery~~ licensed pursuant to sections 44-3-402 or 44-3-403, C.R.S., may include, in addition to the primary licensed premises, up to two noncontiguous locations within a radius of ten miles of the primary original licensed premises. Any approved noncontiguous locations must also be used for manufacturing purposes.
- B. The state licensing authority may approve a ~~manufacturer's winery's~~ licensed premises that includes the primary licensed premises and up to two noncontiguous locations through the ~~manufacturer's winery's~~ initial application for a license pursuant to sections 44-3-402 or 44-3-403, C.R.S., or through a modification of the premises pursuant to Regulation 47-302.
 - 1. The Alcohol and Tobacco Tax and Trade Bureau of the United States Department of the Treasury must have approved the description and diagram of the proposed or modified premises.
 - 2. In order to obtain approval for a licensed premises that includes a noncontiguous location, an applicant or licensee must submit proof from the municipality in which the proposed premises is located of compliance with all applicable zoning, building, fire, and other requirements for occupancy and operation.
- C. A ~~manufacturer winery~~ licensed pursuant to sections 44-3-402 or 44-3-403, C.R.S., may be part of an entertainment district or common consumption area. However, if the ~~manufacturer's winery's~~ licensed premises includes multiple noncontiguous locations, any noncontiguous location included in the licensed premises that falls outside of the approved boundaries of the entertainment district or common consumption area shall not be included in the certified promotional association or entertainment district.
- D. A ~~manufacturer winery~~ licensed pursuant to sections 44-3-402 or 44-3-403, C.R.S., with a licensed premises that includes multiple noncontiguous locations may operate one or more sales rooms to the extent permitted by sections 44-3-402(2)(a) or 44-3-403(2)(e)(1)(A), C.R.S., and Regulation 47- 428.
- E. A manufacturer licensed to sell malt liquors that wants to obtain a salesroom on a noncontiguous location must obtain a wholesaler's beer license pursuant to 44-3-407, C.R.S.

Regulation 47-900. Conduct of Establishment.

Basis and Purpose. The statutory authority for this regulation includes but is not limited to subsections 44-3-202(1)(b), 44-3-202(2)(a)(I)(L), 44-3-202(2)(a)(I)(M), 44-3-202(2)(a)(I)(P), ~~and~~ 44-3-202(2)(a)(I)(R), and 44-3-901(6)(q), C.R.S. In accordance with the legislative declaration of section 44-3-102, C.R.S., the Liquor Code is deemed an exercise of the police powers of the State of Colorado for the protection of the economic and social welfare and the health, peace, and morals of the people of the State of Colorado. Regulation of the manufacture, distribution, and sale of alcohol beverages is regulated by the Liquor Code as a matter of statewide concern. The purpose of this regulation is to exercise proper regulation and control over the sale of alcohol beverages, promoting the social welfare, the health, peace and morals of the people of the State, and to establish uniform standards of decency, orderliness, and service within the licensed industry. Additionally, Sections 14 and 16 of Article XVIII of the Constitution of Colorado do not permit open and public consumption of marijuana and the State Licensing Authority deems liquor licensed premises to be public places.

A. 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, and shall not serve a known habitual drunkard or any person who displays any visible signs of intoxication, nor shall they 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, nor shall the licensee, their employee or agent knowingly permit any activity or acts of disorderly conduct as defined by and provided for in 18-9-106, C.R.S., nor shall a licensee 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.

B. Attire and conduct of employees and patrons.

No person licensed under Article 3, Article 4, and Article 5 of Title 44, nor any employee or agent of such person licensed under these Articles shall engage in or permit the following:

1. Employment or use of any person in the sale or service of alcohol beverages in or upon the licensed premises while such person is unclothed or in such attire, costume or clothing as to expose to view any portion of the female breast below the top of the areola or of any portion of the pubic hair, anus, cleft of the buttocks, vulva or genitals.
2. Employment or use of the services of any hostess or other person to mingle with the patrons while such hostess or other person is unclothed or in such attire, costume or clothing as described in paragraph number (1) above.
3. Any person on the licensed premises touching, caressing or fondling the breasts, buttocks, anus, or genitals of any other person.
4. Any employee or person on the licensed premises wearing or using any device or covering of any kind, which exposes or simulates the breasts, genitals, anus, pubic hair or any other portion thereof.

C. Entertainment.

Live entertainment is permitted on any licensed premises, except that:

1. No person licensed under Article 3, Article 4, and Article 5 of Title 44, nor any employee or agent of such person licensed under these Articles shall engage in or permit any person to perform acts of or acts which simulate:
 - a. Sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law.

- b. The touching, caressing or fondling of the breasts, buttocks, anus or genitals.
 - c. The displaying of pubic hair, anus, vulva or genitals.
- 2. No licensee nor any employee or agent of such licensee shall engage in or permit any person to use artificial devices or inanimate objects to depict any of the prohibited activities described above.
 - 3. No licensee nor any employee or agent of such licensee shall engage in or permit any person to remain in or upon the licensed premises who exposes to public view any portion of their genitals or anus.
 - 4. No licensee nor any employee or agent of such licensee shall wear or use any device or covering of any kind that exposes or simulates the breasts, genitals, anus, pubic hair or other portion thereof.
- D. Visual displays.

No person licensed under Article 3, Article 4, and Article 5 of Title 44, nor any employee or agent of such person licensed under these Articles, shall engage in or permit on the licensed premises the showing of film, still pictures, electronic reproduction, or other visual reproductions depicting:

- 1. Acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law.
 - 2. Any person being touched, caressed or fondled on the breasts, buttocks, anus or genitals.
 - 3. Scenes wherein a person displays the vulva or the anus or the genitals.
 - 4. Scenes wherein artificial devices or inanimate objects are employed to depict, or drawings are employed to portray, any of the prohibited activities described above.
- E. Marijuana consumption.

No person or entity licensed under Article 3, 4, or 5 of Title 44, C.R.S. shall permit the consumption of marijuana and/or marijuana products as defined in sections 14 and 16 of Article XVIII of the Constitution of Colorado on any licensed premises.

- F. Local ordinances.

This regulation shall not be deemed to authorize or permit any conduct, behavior or attire on licensed premises which is otherwise prohibited by any city or county ordinances.

- G. **Controlled substances**

- 1. It is unlawful for a licensee to knowingly permit the illegal sale or the illegal negotiations for the sale of a controlled substance, as defined in section 18-18-102(5), C.R.S., on a liquor licensed premises, except that this rule does not prohibit a pharmacy licensed by the state board of pharmacy to sell lawfully prescribed controlled substances at a liquor-licensed drugstore.

Regulation 47-926. Interference with Officers.

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)(E), and 44-3-202(2)(a)(I)(R), C.R.S. The purpose of this regulation is to prohibit the use or threat of force against a licensing authority employee or peace officer exercising their duties under the article.

No licensee or person shall by force or threat of force, including any letter or other communication threatening such force, endeavor to intimidate, obstruct or impede inspectors of the Division, their supervisors or peace officers from exercising their duties under the provisions of this article. The term "threat of force" includes the threat of bodily harm to the officer or to a member of his/her family.

Regulation 47-940. Powdered Alcohol – Packaging and Labeling.

Basis and Purpose. The statutory authority for this regulation is found at subsections 44-3-202(1)(b), 44-3-202(2)(a)(I)(A), 44-3-202(2)(a)(I)(N), and 44-3-401(2), C.R.S. The purpose of this regulation is to establish packaging and labeling standards for powdered alcohol products.

Any manufactured package of powdered alcohol as defined in section 44-3-103(37), C.R.S. or section 44-3-103(54), C.R.S. shall have the following words:

THIS PRODUCT CONTAINS ALCOHOL

in a bold-face font at least ¼ inch in height, which is a part of the permanent manufactured packaging of the powdered alcohol product.

Each package that contains powdered alcohol shall be child resistant. For the purpose of this regulation, "child resistant" means packaging that is:

- A. Designed or constructed to be significantly difficult for children under five (5) years of age to open and not too difficult for normal adults to use properly.
- B. Resealable.

Regulation 47-942. Powdered Alcohol Regulation.

Basis and Purpose. The statutory authority for this regulation is found at subsections 44-3-202(1)(b), 44-3-202(2)(a)(I)(A), and 44-3-401(2), C.R.S. On March 10, 2015, the Federal Alcohol and Tobacco Tax and Trade Bureau (TTB) allowed the use of powdered alcohol as a distilled spirit. The purpose of this regulation is to establish rules and guidance regarding the manufacture, purchase, sale, possession, and use of powdered alcohol and clarifying that because powdered alcohol is defined as a spirituous liquor all regulations that apply to spirituous liquor apply to powdered alcohol.

- A. Pursuant to section 44-3-103(54), C.R.S., powdered alcohol is defined as a spirituous liquor; therefore all regulations pertaining to spirituous liquor apply to powdered alcohol.
- B. Powdered alcohol as defined in section 44-3-103(37), C.R.S. which is not manufactured and intended for use as an alcohol beverage shall not be subject to regulations set forth in 1 C.C.R. 203-2. Uses may include (but are not limited to) industrial, research hospitals, educational institutions, and pharmaceutical or biotechnology companies conducting bona fide research.
- C. Powdered alcohol sold or dispensed at a business licensed for on-premises consumption must be reconstituted as instructed on the label prior to being served.
- D. For the purpose of the Colorado Liquor Rules, 1 C.C.R. 203-2, the liquid volume of powdered alcohol shall be the amount of liquid as directed on the manufactured packaging for each powdered alcohol product.

Regulation 47-1104. Lodging Facility License.

Basis and Purpose. The statutory authority for this regulation includes, but is not limited to, subsections 44-3-103(29), 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), 44-3-202(2)(a)(I)(R), 44-3-432, and 44-3-911(6)(a), C.R.S. The purpose of this regulation is to describe how to determine the primary business of a lodging facility.

- A. In addition to other statutory requirements, a lodging facility license may be issued to a qualifying lodging facility. "Lodging facility" means:
 - 1. An establishment the primary business of which is to provide the public with sleeping rooms and meeting facilities; and
 - 2. That sells and serves alcohol beverages at retail for consumption on the licensed premises which includes meeting rooms and public spaces, and has sandwiches and light snacks available for consumption on the licensed premises.
- B. Determining the primary business of a lodging 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, 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.
- C. Licensed Premises
 - 1. A Lodging Facility's licensed premises does not include the facility's sleeping rooms.
- D. Takeout and delivery
 - 1. Pursuant to 44-3-911(6)(a)(I) C.R.S. and 44-3-911(6)(a)(II) C.R.S, a Lodging Facility Licensee may be issued a takeout and delivery permit.
 - a. Customers may purchase alcohol beverages for takeout and may remove a sealed, unopened containers for consumption off the licensed premises in compliance with Regulation 47-1101.
 - b. A Lodging Facility licensee may not deliver alcohol beverages to its sleeping rooms.
 - c. The lodging facility licensee may not permit the storage of its alcohol beverages in sleeping rooms in a location including but not limited to a mini bar or mini fridge whereby the customer would have access to alcohol beverages before purchase. All purchases must take place on the licensed premises.