

# Colorado Liquor & Tobacco Enforcement Division

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<https://sbg.colorado.gov/liquor>



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

# State Licensing Authority

**Mark Ferrandino, Executive Director, Department of Revenue (DOR)**

**Michael Phibbs, Senior Director of Specialized Business Group, DOR**

**Michelle Stone-Principato, Division Director, Liquor Enforcement Division**

**Rebecca Santiago-Delfino and Brittany Palomino, Office Managers, Licensing**

**Rusty Elliott and Jon Allen, Agents in Charge, Enforcement**



# Department of Revenue

## Liquor and Tobacco Enforcement Division

### Vision

To promote safe communities in the State of Colorado through innovation, engagement, and education.

### Mission

To promote public safety, support economic growth, and the responsible sale and consumption of liquor and tobacco products, through the fair administration of liquor and tobacco/nicotine laws.





# Values

## R: Respect

We communicate, listen, and act with high regard for others, sharing information in a constructive manner, and treating others with dignity and grace.

## I: Integrity

We do the right thing, acting with honesty, transparency and strong ethical principles.

## S: Service

We are dedicated to helping the residents and visitors of our state and our fellow employees to thrive.

## A: Accountability

We are responsible stewards of public resources, follow through on our individual and shared commitments, and move past setbacks to achieve growth.

## T: Teamwork

We work collaboratively with one another towards a common goal, breaking down silos, and building mutual trust.



Service



Teamwork



Accountability



Integrity



Respect

# FERMENTED MALT BEVERAGE AND WINE RETAILER

*Proposition 125*



**COLORADO**  
Department of Revenue  
Specialized Business Group—  
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# Proposition 125

On November 8, 2022 the People voted to amend the Liquor and Beer Codes to allow current fermented malt beverage off-premises retailers to carry wine products as of March 1, 2023.



# Rulemaking

Because Proposition 125 was a statutory change, the Division does not have authority to alter or modify law.

However, we strive for stakeholder engagement and aim to help businesses thrive through annual rulemaking sessions that allow us to enact regulations that further clarify or compliment the laws adopted by the General Assembly.



# Vinous Alcohol

Alcohol is classified based off a number of factors, including how the alcohol itself is processed.

- Wine is a vinous alcohol product - as are sake and hard ciders.
- Spirituous (hard) alcohol is NOT a vinous product and FMB off-premises retailers are not permitted to carry spirituous alcohol pursuant to this legislative change.





# Conversion of License

On March 1, 2023, all **fermented malt beverage off-premises retailers** will automatically have their license converted to a “fermented malt beverage and wine retailer” license.

Fermented malt beverage off-premises licenses will be removed as an available license category.

We will automatically issue the updated license to the licensee via email or mailing address, and the local licensing authority will be provided with a copy of the new license as well.

The license number, issuance date, and expiration date will **not** change.

**NOTE - This does not apply to FMB ON/OFF or FMB ON.**



# Modification of Premises

If the licensed premises remains the same, other than adding vinous products, no modifications are required.

If the premises is going to be physically changed, or materially or substantially altered, a modification of premises application and associated fee must be provided to local licensing authorities and the State for approval or denial.

Please see Regulation 47-302 (1 CCR 203-2).

Temporary displays do not materially or substantially alter the premises and do not need prior approval.

Displays should **not** be placed near **candy, soda isles or entries/exits** in order to prevent youth access.



# Tastings

Fermented Malt Beverage and Wine Retailers may now conduct tastings of products they can legally carry.

Tastings are regulated through the local licensing authorities in the jurisdiction in which the premises is located.

Please consult your local licensing authorities regarding their permit standard and authorization for tasting activities.

Reference materials from the state licensing authority regarding tastings can be found at 44-3-301(10)(a) C.R.S, 47-313 & 47-605, 1-CCR-203-2.



# Tastings Overview

What is a tasting?

Who can participate?

What training is required of a licensee/employees?

<https://sbg.colorado.gov/liquor-responsible-vendor-trainers>

Hours

Sample sizes

Public Safety Concerns



# Delivery

May deliver malt and vinous products in sealed containers to persons 21 years of age or older.

Requires a valid delivery permit.

Requires adherence to all requirements as set forth in 44-4-107(6), C.R.S.

**Third party delivery** is NOT allowed. The licensee shall use its own vehicles and employees to delivery alcohol products once a delivery permit is obtained.

If using a **Third party ordering service**, you must make sure that the service charges you a flat rate (per month, per transaction, per item, etc.) and **does not** take a percentage of the gross sale.



# Distance Considerations

If you **change locations**, distance restrictions will apply.

Within 1,500 feet of a retail liquor store;

Within 3,000 feet of a retail liquor store within the jurisdiction of a population of 10,000 or fewer; OR

Within 1,500 feet of a retail liquor store, for the premises located in the municipality within the population of 10,000 or fewer that is contiguous to the City and County of Denver.

For **NEW** license applications, a fermented malt beverage and wine retailer license will not be issued if the proposed location is within **500 ft.** of an existing retail liquor store.

The **exception** to the 500 ft. rule for new applicants is that if the applicant can prove to both licensing authorities that they owned or leased a FMB off-premises store previously, and as of **July 1, 2019**, have applied for or received a liquor license in one of two ways:

- A building permit has been issued and is active and not expired before the completion of the licensing process; OR
- A certificate of occupancy has been issued for the structure before the completion of the licensing process.



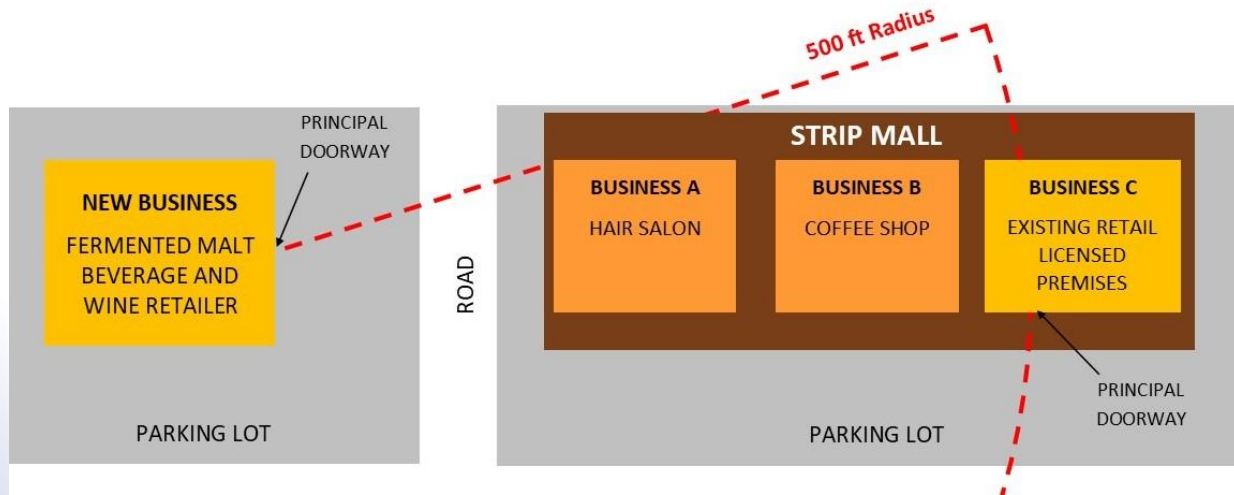
# Distance Considerations

The distance measurements shall be determined by a radius measurement that begins at the principal doorway of the premises for which the application is made and ends at the principal doorway of the other retail licensed premises.

If the premises has multiple doorways, the applicant or current licensee will designate their principal doorway with the local and state licensing authority.



# Distance Considerations



The distance measurements shall be determined by a **radius measurement** that begins at the principal doorway of the premises for which the application is made and ends at the principal doorway of the other retail licensed premises. If the premises has multiple doorways, the applicant or current licensee will designate their principal doorway with the local and state licensing authority.





# Distance Considerations

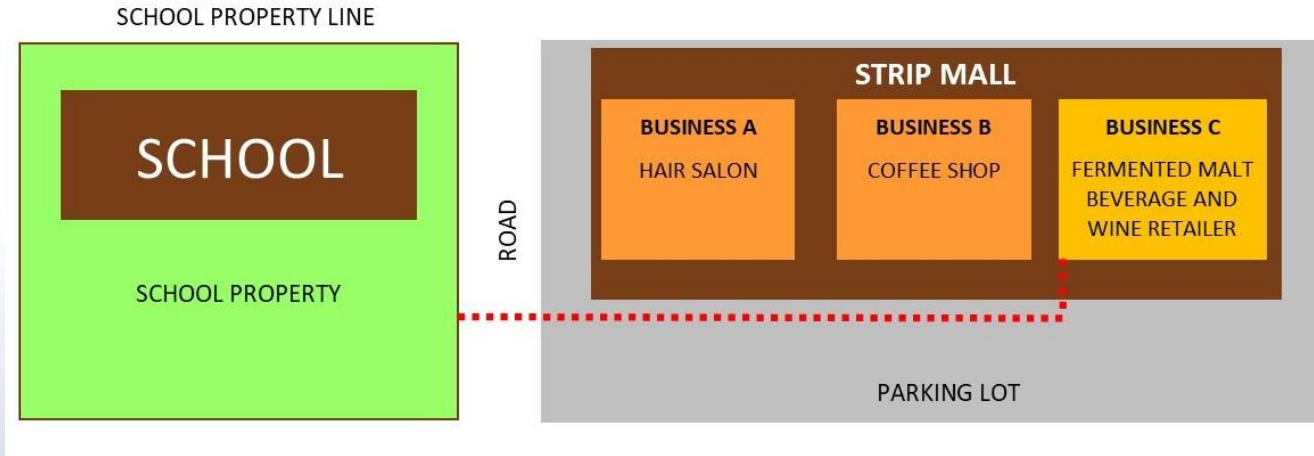
On or after March 1, 2023, no fermented malt beverage and wine retail license shall be issued if the proposed location is within **500 ft.** of any public or parochial school or principal campus of any college, university, or seminary.

The exceptions to this include:

- Licensed premises located or to be located on land owned by a municipality;
- An existing licensed premises on land owned by the state; or
- The premises was actively doing business before the principal campus was constructed.



# Distance Considerations



The distance measurements are to be computed by direct measurement from the nearest property line of the land used for school purposes to the nearest portion of the building in which fermented malt beverages and wine are to be sold, using a route of direct pedestrian traffic.



# Distance Considerations

For **NEW** license applications, a retail liquor store license shall not be issued if the proposed location is within **500 ft.** of an existing Fermented Malt Beverage and Wine retailer.



# Age of Employees

Persons **under eighteen (18) years of age** - may be employed by a Fermented Malt Beverage and Wine Retailer and may handle or otherwise act with respect to fermented malt beverages and wine in the same manner as with other items sold at retail; *EXCEPT* that:

Persons under 18 years of age **may not** sell or dispense alcoholic beverages, check ID, or make deliveries beyond the customary parking area of the retail outlet.

Deliveries must be made by employees who are twenty-one (21) years of age or older.



# Self Check Out

Per 44-4-107 (4)(b) - Shall not allow consumers to purchase fermented malt beverages or wine at a self-checkout or other mechanism...without the assistance by an employee of the Fermented Malt Beverage and Wine Retailer.



# Bona Fide Loyalty or Rewards Program

Price of product cannot be sold below retailer's cost listed on the invoice, per 44-4-107(4)(a)(II) of the Colorado Revised Statute.

- the exception is discontinued or closed-out product.
- Per regulation 47-321 these discontinued or closed out products cannot be sold by the retailer for a period of 2 years once this designation has been made, which is calculated on the invoice date.



# Multiple Fermented Malt Beverage and Wine Retail Licenses

- May operate under a single or corporate entity.
- Shall not commingle purchases of alcohol beverages or credit extension from a wholesaler.
- Each premises is separate and distinct.
- A wholesaler shall not base price of alcohol beverages on the total volume of alcohol beverages product for multiple licensed premises.



# Permitted source of Alcohol Beverages

Except as provided in section 44-3-107 (2), to have in possession or upon the licensed premises any alcohol beverage, the sale of which is not permitted by said license; (f) To buy any alcohol beverages from any person not licensed to sell at wholesale.





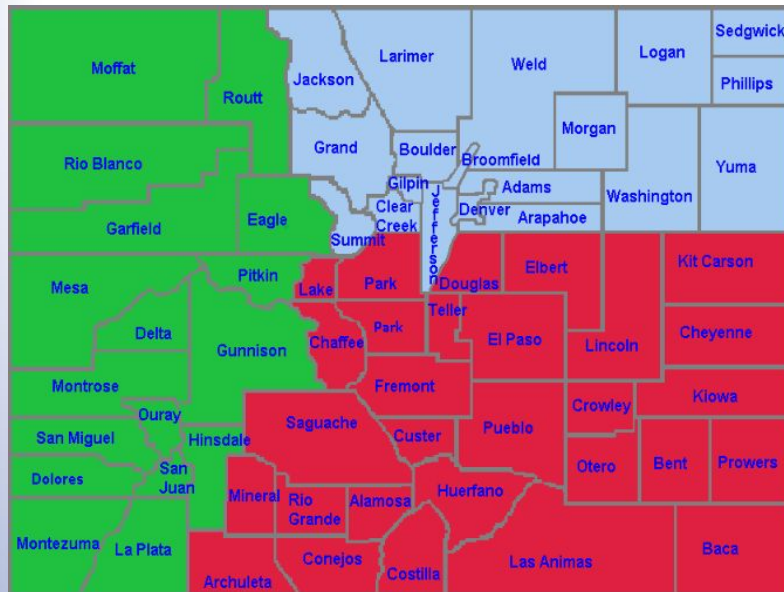
# Hours of Service


As an off-premises license type (not licensed for consumption on the licensed premises) - Fermented Malt Beverage and Wine retailers may serve customers between the hours of 8:00 a.m. and midnight.

No alcohol sales are allowed on Christmas Day, per Colorado Revised Statute 44-3-901(6)(b)(II)




# Field Offices



 **Colorado Springs Field Office**  
2447 N. Union Blvd  
Colorado Springs, CO 80909  
719-594-8702

 **Grand Junction Field Office**  
632 Market Street Suite G  
Grand Junction, CO 81506  
970-248-7133

 **Lakewood Field Office**  
1707 Cole Blvd., Suite 300  
Lakewood, CO 80401  
303-205-2300

**To Report Underage Drinking Hotline**  
**1-877-662-4643**



# Questions?



# LED Contact Information

Website: <https://sbg.colorado.gov/liquor>

Email: [dor\\_led@state.co.us](mailto:dor_led@state.co.us)

Phone: (303) 205-2300

## Physical Address

Department of Revenue – Liquor  
Enforcement Division  
1707 Cole Boulevard, Suite 300  
Lakewood, CO 80401

## Mailing Address

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