

Regulation 47-605. Responsible Alcohol Beverage Vendor and Permitted Tastings by Retail Liquor Stores and Liquor-Licensed Drugstores

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), and 44-3-1002(2), C.R.S. The purpose of this regulation is to establish curricula required to be considered a responsible alcohol beverage vendor.

To be considered a responsible alcohol beverage vendor at any licensed premises, or to serve beverage alcohol at tastings held in retail liquor stores or liquor-licensed drugstores, the following standards must be complied with.

A) Initial Certification Training Program Standards

- 1) To be designated as a responsible alcohol beverage vendor, all employees of a licensee selling/serving alcohol beverages, and any owner or manager who directly supervises such employees, must attend a training program approved by the Division.
- 2) Once a licensee is designated a responsible alcohol beverage vendor, all new employees involved in the sale, handling and service of alcoholic beverages must complete the training described in this regulation within 90 days of date of hire.
- 3) The program must include at least two (2) hours of instruction time.
- 4) The program must provide written documentation of attendance and successful passage of a test on the knowledge of the required curriculum for each attendee.
 - a) Attendees that can speak and write English must successfully pass a written test with a score of 70% or better.
 - b) Attendees that cannot speak or write English may be offered a verbal test, provided the same questions are given as are on the written test and the results of the verbal test are documented with a passing score of 70% or better.
- 5) Program providers may, at their discretion, conduct class surveys or discussions to help determine a program's effectiveness. This time shall not be counted as part of the program's instruction time.
- 6) Program providers may, at their discretion, omit curriculum not applicable to the licensee being trained so long as the provider provides the Division with written notice of the reason for omission in advance.

B) Initial certification training class core curriculum

- 1) Discussion concerning alcohol's effects on the human body
 - a) Alcohol's physical effects
 - b) Visible signs of intoxication

- c) Recognizing the signs
 - d) Poly-substance interactions, including but not limited to, interaction with marijuana, prescriptions and over-the-counter medication, and other substances.
- 2) Liquor Liability
- a) Civil liability
 - b) Criminal liability
 - c) Administrative liability (License Sanctions)
 - d) Liability for licensee and/or managers for the actions of employees
- 3) Sales to visibly Intoxicated persons
- a) Colorado law provisions
 - b) Recognition and prevention, including identifying signs of visible alcohol and drug impairment.
 - c) Intervention techniques
 - d) Related laws or issues
 - (1) DUI/DWAI
 - (2) Reg. 47-900
- 4) Sales to minors
- a) Colorado law provisions
 - b) Sale and service
 - c) Permitting consumption
- 5) Acceptable forms of Identification (Reg. 47-912)
- a) How to check identification - protocol
 - b) Spotting false identification
 - c) Mistakes made in verification

- 6) Other key state laws and rules affecting owners, managers, sellers, and servers
 - a) Age requirements for servers and sellers
 - b) Provisions for confiscating fraudulent identifications
 - c) Removal of liquor from on-premises licensed establishment
 - d) Patrons prohibited from bringing liquor onto licensed premises
 - e) Permitted hours of sale and service
 - f) Conduct of establishment
 - g) Nudity and prohibited entertainment
 - h) Permitting inspections by state and local licensing and enforcement authorities
 - i) Reporting changes in ownership and management
 - j) Licensee responsible for activities occurring within licensed premises
 - k) Tastings in retail liquor stores and liquor licensed drugstores
 - l) Prohibited purchases
 - m) On-premises and off-premises delivery and takeout rules
 - n) Commonly arising issues with delivery and takeout sales

C) Information for Owners and Managers

- 1) Local Licensing and Enforcement
 - a) Encourage to become familiar with local law provisions
 - b) Encourage to develop a relationship with local agencies
- 2) State Licensing and Enforcement
 - a) Contact Information for the Division
 - b) Become familiar with state laws and regulations
 - c) Encourage to develop a relationship with area investigator

3) Recommendations for Licensees

- a) Establish policies and procedures.
 - b) Establish a record keeping system to document activities and events
 - c) Contact local authority on incident reporting expectations
- D) Training programs based on type of licensed establishment and portability of training
- 1) Training program curriculum may be tailored by Division-certified training program providers to on-premises only licensed establishments, to off-premises only licensed establishments, or to both on-premises and off-premises combined. Except as noted below, all approved training programs shall include the curriculum contained in paragraphs B and C of this regulation.
 - 2) Combined training programs must include all of the curriculum contained in paragraphs B and C of this regulation. Persons certified in a combined training program may use the certification in both on- and off-premises licensed establishments.
 - 3) On-premises only training programs may exclude from their curriculum subparagraph B(6)(k) of this regulation relating to liquor store tasting events. Persons certified in an on-premises only training program may use their certification only in an on-premises licensed establishment.
 - 4) Off-premises only training programs may exclude from their curriculum subparagraphs B(6)(c), (d), (f), and (g) relating to activities at on-premises businesses. Persons certified in an off-premises only training program may use their certification only in an off-premises licensed establishment.
 - 5) Responsible alcohol beverage vendor trainers may request approval from the Division in writing to omit curriculum that is not detailed in paragraphs (D)(3) and/or (D)(4), and is not applicable to the licensee being trained. Once approved by the Division, the responsible alcohol beverage vendor trainer can provide the modified training to other licensees where the reason for omission is the same.
- E) Recertification requirements for responsible alcohol beverage vendor certified sellers/servers
- 1) Recertification must occur every two (2) years, inclusive of a grace period of thirty (30) days for the licensee to retain the responsible alcohol beverage vendor designation.
 - 2) Recertification shall be accomplished in any of the following manners:
 - a) Documented successful passage of a written or verbal test with a score of 70% or better administered by a Division-approved program trainer in person, including virtually through a live program, which demonstrates knowledge of new and existing alcohol beverage laws
 - (1) Completion of a course is not required before the test is administered

- (2) Failure to pass the first administration of the test shall require attendance at either a recertification course or an initial certification training program
 - b) Documented attendance and completion of a recertification course
 - c) Documented attendance and completion of an initial certification training program
 - 3) Recertification course
 - a) The curriculum must cover any and all changes in the law or regulations that affect the curriculum contained in the initial certification program
 - b) The course must provide a refresher on the following topics:
 - (1) Sales to intoxicated persons
 - (2) Sales to minors
 - (3) Legal sales hours
 - (4) Civil and criminal liabilities for law violations
 - c) No minimum instruction time or testing requirements shall apply
 - d) Records Retention The certified seller – server training program providers for the Responsible Alcohol Beverage Vendor Program must keep proof of attendance and records of successful completion of the training for a minimum of three (3) years and make the records available to the Division upon request.
- F) Certification and renewal of certification as a responsible alcohol beverage vendor trainer
- 1) To seek Division approval as a responsible alcohol beverage vendor trainer, an individual or business entity must submit the following information:
 - a) A Responsible Vendor Trainer Application; and
 - b) A copy of the responsible alcohol beverage vendor training course curriculum, to include any written or electronic materials to be shown to attendees, and an outline of the planned presentation.
 - 2) Within thirty (30) days of providing the first training, the trainer shall provide a video or audio recording of the training material or lecture.
 - 3) Approved training providers must renew approval with the Division every two (2) years beginning with a certification cycle of January 1, 2023 and closing January 1, 2025 to ensure continued compliance with statutory and regulatory standards.

G) Denials, Revocations, and Suspensions of Training Providers

- 1) The Division may deny, revoke, or suspend a training provider's approval if the Division finds any of the following:
 - a) The approved training provider does not comply with the minimum standards found in this regulation;
 - b) The approved training provider is teaching from a responsible alcohol beverage vendor training program that is materially different than the version submitted to the Division for approval; or
 - c) A training provider made misstatements, omissions, misrepresentations, or untruths in connection with seeking certification or renewal of certification.