

# COLORADO SPECIAL EVENT LIQUOR PERMITS CODE

## ARTICLE 5, TITLE 44, C.R.S.

Updated 1/1/23

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## ARTICLE 5

### Special Event Liquor Permits

**Editor's note:** This article 5 was added with relocations in 2018. Former C.R.S. section numbers are shown in editor's notes following those sections that were relocated. For a detailed comparison of this article 5, see the comparative tables located in the back of the index.

**44-5-101. Special licenses authorized.** (1) The state or local licensing authority, as defined in articles 3 and 4 of this title 44, may issue a special event permit for the sale, by the drink only, of fermented malt beverages, as defined in section 44-4-103, or the sale, by the drink only, of malt, spirituous, or vinous liquors, as defined in section 44-3-103, to organizations and political candidates qualifying under this article 5, subject to the applicable provisions of articles 3 and 4 of this title 44 and to the limitations imposed by this article 5.

(2) For purposes of this article 5, a state institution of higher education includes each principal campus of a state system of higher education.

**Source: L. 2018:** Entire section amended, (HB 18-1096), ch. 33, p. 369, § 1, effective August 8; entire article added with relocations, (HB 18-1025), ch. 152, p. 1074, § 2, effective October 1.

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**Editor's note:** (1) This section is similar to former § 12-48-101 as it existed prior to 2018.

(2) This section was numbered as § 12-48-101 in HB 18-1096. That section was harmonized with and relocated to this section as this section appears in HB 18-1025.

**44-5-102. Qualifications for permit.** (1) A special event permit issued under this article 5 may be issued to:

(a) An organization, whether or not presently licensed under articles 3 and 4 of this title 44, that:

(I) Has been incorporated under the laws of this state for purposes of a social, fraternal, patriotic, political, educational, or athletic nature, and not for pecuniary gain;

(II) Is a regularly chartered branch, lodge, or chapter of a national organization or society organized for the purposes specified in subsection (1)(a)(I) of this section and is nonprofit in nature;

(III) Is a regularly established religious or philanthropic institution; or

(IV) Is a state institution of higher education;

(b) A political candidate who has filed the necessary reports and statements with the secretary of state pursuant to article 45 of title 1; or

(c) Any municipality, county, or special district.

(2) Repealed.

(3) Notwithstanding any law to the contrary, and subject to this article 5, the state or local licensing authority may issue a special event permit to a state agency, the Colorado wine industry development board, created in section 35-29.5-103, or an instrumentality of a municipality or county that promotes:

(a) Alcohol beverages manufactured in the state; or

(b) Tourism in an area of the state where alcohol beverages are manufactured.

**Source: L. 2018:** (1) amended and (2) repealed, (HB 18-1096), ch. 33, p. 369, § 2, effective August 8; entire article added with relocations, (HB 18-1025), ch. 152, p. 1074, § 2, effective October 1.

**Editor's note:** (1) This section is similar to former § 12-48-102 as it existed prior to 2018.

(2) Subsections (1) and (2) of this section were numbered as § 12-48-102 (1) and (2), respectively, in HB 18-1096. Those provisions were harmonized with and relocated to this section as this section appears in HB 18-1025.

**44-5-103. Grounds for issuance of special permits.** (1) (a) A special event permit may be issued under this section notwithstanding the fact that the special event is to be held on premises licensed under the provisions of section 44-3-403, 44-3-404, 44-3-413 (3), 44-3-418, 44-3-419, or 44-3-424. The holder of a special event permit issued pursuant to this subsection (1) is responsible for any violation of article 3 of this title 44.

(b) If a violation of this article 5 or article 3 of this title 44 occurs during a special event festival and the responsible licensee can be identified, the state or local licensing authority may charge and impose appropriate penalties on the licensee. If the responsible licensee cannot be identified, the state licensing authority may send written notice to every licensee identified on the

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permit applications and may fine each the same dollar amount. The fine shall not exceed twenty-five dollars per licensee or two hundred dollars in the aggregate. A joint fine levied pursuant to this subsection (1)(b) does not apply to the revocation of a licensee's license under section 44-3-601.

(2) Nothing in this article 5 shall be construed to prohibit the sale or dispensing of malt, vinous, or spirituous liquors on any closed street, highway, or public byway for which a special event permit has been issued.

**Source: L. 2018:** Entire article added with relocations, (HB 18-1025), ch. 152, p. 1075, § 2, effective October 1. **L. 2021:** (1)(b) amended, (SB 21-082), ch. 195, p. 1046, § 3, effective September 7.

**Editor's note:** This section is similar to former § 12-48-103 as it existed prior to 2018.

**44-5-104. Fees for special permits.** (1) Special event permit fees are:

(a) Ten dollars per day for a malt beverage permit;

(b) Twenty-five dollars per day for a malt, vinous, and spirituous liquor permit.

(2) All fees are payable in advance to the department for applications for special event permits submitted to the state licensing authority for approval.

**Source: L. 2018:** Entire article added with relocations, (HB 18-1025), ch. 152, p. 1075, § 2, effective October 1.

**Editor's note:** This section is similar to former § 12-48-104 as it existed prior to 2018.

**44-5-105. Restrictions related to permits.** (1) Each special event permit shall be issued for a specific location and is not valid for any other location.

(2) A special event permit authorizes sale of the beverage or the liquors specified only during the following hours:

(a) Between the hours of five a.m. of the day specified in a malt beverage permit and until twelve midnight on the same day;

(b) Between the hours of seven a.m. of the day specified in a malt, vinous, and spirituous liquor permit and until two a.m. of the day immediately following.

(3) The state or a local licensing authority shall not issue a special event permit to any organization for more than fifteen days in one calendar year.

(4) No issuance of a special event permit shall have the effect of requiring the state or local licensing authority to issue such a permit upon any subsequent application by an organization.

(5) Sandwiches or other food snacks shall be available during all hours of service of malt, spirituous, or vinous liquors, but prepared meals need not be served.

**Source: L. 2018:** Entire article added with relocations, (HB 18-1025), ch. 152, p. 1075, § 2, effective October 1.

**Editor's note:** This section is similar to former § 12-48-105 as it existed prior to 2018.

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**44-5-106. Grounds for denial of special permit.** (1) The state or local licensing authority may deny the issuance of a special event permit upon the grounds that the issuance would be injurious to the public welfare because of the nature of the special event, its location within the community, or the failure of the applicant in a past special event to conduct the event in compliance with applicable laws.

(2) Public notice of the proposed permit and of the procedure for protesting issuance of the permit shall be conspicuously posted at the proposed location for at least ten days before approval of the permit by the local licensing authority.

**Source: L. 2018:** Entire article added with relocations, (HB 18-1025), ch. 152, p. 1076, § 2, effective October 1.

**Editor's note:** This section is similar to former § 12-48-106 as it existed prior to 2018.

**44-5-107. Applications for special permit.** (1) Applications for a special event permit shall be made with the appropriate local licensing authority on forms provided by the state licensing authority and shall be verified by oath or affirmation of an officer of the organization or of the political candidate making application.

(2) In addition to the fees provided in section 44-5-104, an applicant shall include payment of a fee established by the local licensing authority, not to exceed one hundred dollars, for both investigation and issuance of a permit. Upon approval of any application, the local licensing authority shall notify the state licensing authority of the approval, except as provided by subsection (5) of this section. The state licensing authority shall promptly act and either approve or disapprove the application. In reviewing an application, the local licensing authority shall apply the same standards for approval and denial applicable to the state licensing authority under this article 5.

(3) The local licensing authority shall cause a hearing to be held if, after investigation and upon review of the contents of any protest filed by affected persons, sufficient grounds appear to exist for denial of a permit. Any protest shall be filed by affected persons within ten days after the date of notice pursuant to section 44-5-106 (2). Any hearing required by this subsection (3) or any hearing held at the discretion of the local licensing authority shall be held at least ten days after the initial posting of the notice, and notice thereof shall be provided to the applicant and any person who has filed a protest.

(4) The local licensing authority may assign all or any portion of its functions under this article 5 to an administrative officer.

(5) (a) A local licensing authority may elect not to notify the state licensing authority to obtain the state licensing authority's approval or disapproval of an application for a special event permit. The local licensing authority is required only to report to the liquor enforcement division, within ten days after it issues a permit, the name of the organization to which a permit was issued, the address of the permitted location, and the permitted dates of alcohol beverage service.

(b) A local licensing authority electing not to notify the state licensing authority shall promptly act upon each application and either approve or disapprove each application for a special event permit.

(c) The state licensing authority shall establish and maintain a website containing the statewide permitting activity of organizations that receive permits under this article 5. In order to ensure compliance with section 44-5-105 (3), which restricts the number of permits issued to an

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organization in a calendar year, the local licensing authority shall access information made available on the website of the state licensing authority to determine the statewide permitting activity of the organization applying for the permit. The local licensing authority shall consider compliance with section 44-5-105 (3) before approving any application.

**Source: L. 2018:** Entire article added with relocations, (HB 18-1025), ch. 152, p. 1076, § 2, effective October 1.

**Editor's note:** This section is similar to former § 12-48-107 as it existed prior to 2018.

**44-5-108. Exemptions.** An organization otherwise qualifying under section 44-5-102 shall be exempt from the provisions of this article 5 and shall be deemed to be dispensing gratuitously and not to be selling fermented malt beverages or malt, spirituous, or vinous liquors when it serves, by the drink, fermented malt beverages or malt, spirituous, or vinous liquors to its members and their guests at a private function held by the organization on unlicensed premises, so long as any admission or other charge, if any, required to be paid or given by any such member as a condition to entry or participation in the event is uniform as to all without regard to whether or not a member or such member's guest consumes or does not consume such beverages or liquors. For purposes of this section, all invited attendees at a private function held by a state institution of higher education shall be considered members or guests of the institution.

**Source: L. 2018:** Entire article added with relocations, (HB 18-1025), ch. 152, p. 1077, § 2, effective October 1.

**Editor's note:** This section is similar to former § 12-48-108 as it existed prior to 2018.

**44-5-109. Alcohol beverages obtained for a special event - authority of club licensee to commingle with inventory.** If a person licensed under section 44-3-418 purchases alcohol beverages from a wholesaler for purposes of a special event held on the licensee's premises, the licensee is not required to store the alcohol beverages purchased for the special event separately from the licensee's inventory.

**Source: L. 2021:** Entire section added, (SB 21-133), ch. 112, p. 440, § 1, effective September 7.