

*The Division has received the following comments via the Liquor Enforcement Division Rulemaking email. The Division will respond to certain parties' comments should the Division implement their recommendations into the rule.*

**Tyler Rudd**

*Central States Counsel, Wine Institute*

*April 7, 2025*

Subject: Re: Proposed Substance Use Disorder Recovery Rules

I am writing regarding the final proposed substance use disorder recover rules, particularly Regulation 47-951 on Temporary Alcohol Displays. We are concerned with the limits on temporary displays to be imposed on liquor licensed drugstores, fermented malt beverage and wine retailers, and fermented malt beverage on/off premises licensees.

While Wine Institute appreciates the issues that arise with substance use disorders, we do not feel like limiting the number of displays will curb those issues that some people suffer. Instead, limiting the number of displays can create problems within the laws and regulations regarding trade practices in the alcoholic beverage marketplace. As you well know, alcoholic beverage manufacturers, wholesalers and distributors, and retailers all have strict laws regarding marketing products. To that end, it is always a challenge to market alcoholic beverage products with so many products in the marketplace. One method wineries use to differentiate themselves has been the use of temporary displays that market their wines with foods the wines can be served alongside, thereby promoting the responsible wine with food message the wine industry has long encouraged. Limiting the number of displays takes away freedom for retailers to work with wholesalers/distributors and manufacturers to market our products. We fear that this limit will create havoc and possibly illegal activities among the three-tier system.

We understand the difficult task the Liquor Enforcement Division has before it: weighing alcoholic beverage industry interest with issues that face those who have substance use disorders. However, we ask that you consider increasing the limits on the number of temporary displays to ensure that the beverage market can thrive without mayhem in the marketplace.

Thank you.

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LED Response:

Mr. Rudd,

Thank you for providing public comments on proposed Regulation 47-951. This will be entered into the record.

The Division understands your concerns. However, the Division believes that limiting the number of temporary displays based on the size of the retail area of grocery stores will assist individuals recovering from substance use disorders, as charged by Senate Bill 24-048.

Sincerely,

Joseph Gaffney

*Policy Advisor*

*Colorado Liquor Enforcement Division*

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**Micki M. Hackenberger**

*Executive Director, Wine & Spirit Wholesalers of Colorado*

*April 7, 2025*

Subject: Re: Substance Abuse Rulemaking

Director Stone-Principato:

On behalf of the Wine & Spirit Wholesalers of Colorado (WSWC) I am submitting comments on the final proposed substance use disorder recover rules. Our comments are focused primarily on Regulation 47-951 concerning Temporary Alcohol Displays. WSWC is concerned with the limits which will be placed on temporary displays in liquor licensed drugstores, fermented malt beverage and wine retailers, and fermented malt beverage on/off premises licensees.

WSWC recognizes the issues that substance use disorders create for all citizens of Colorado. However, we do not feel that limiting the number of displays is the solution to this nationwide problem. Limiting the number of displays will create a disadvantage for lesser-known products that rely on these displays to create product awareness as a marketing strategy. There are strict laws in place at both the state and federal level regarding the marketing of products. WSWC believes that these regulations will create additional barriers for emerging products in the marketplace.

Wine manufacturers have utilized temporary displays to differentiate themselves and market their wine. Often these displays are placed with certain foods to highlight which wines can be paired with certain foods. Limiting the number of displays and prohibiting displays that often provide consumer education creates undue interference for these license holders.

We request that you reconsider the limits on the number of temporary displays in these rules to ensure that the alcohol beverage market can continue to enjoy a vibrant marketplace in Colorado.

Sincerely,

Micki M. Hackenberger

Executive Director

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LED Response:

Ms. Hackenberger,

Thank you for your written comments on Regulation 47-951. The Division believes that limiting the number of alcohol areas throughout a store will assist individuals recovering from substance use disorders, as charged in SB24-048. It should be noted that this regulation would not prohibit expanding the permanent alcohol areas of a store to continue stocking lesser-known brands.

Sincerely,

Joseph Gaffney

Policy Advisor.

Colorado Liquor Enforcement Division

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**Miles David**

*Director of Liquor Operations, Leever's Supermarkets, Inc.*

*April 7, 2025*

Subject: 47-951 Written Comments - Miles David - Leever's Supermarkets, INC

To the Colorado Liquor Enforcement Division,

With respect to the current rules set forth in Regulation 47-951 (Temporary Displays), I would like to ask that the Colorado LED to please consider revising the number of allowable temporary displays for stores at 20K sq. feet or less.

Leever's Supermarkets, INC is a small independent grocer, based in Castle Rock, and operating 17 stores through four different concepts here in Colorado. The majority of our concepts are Save-A-Lot stores offering a value driven and often highly discounted product offerings to our customers. All of our stores are under the 20K sq. footage size and our typical cold beer case is 12' wide with many measuring at 8'. Temporary displays are crucial for our ability to hold more inventory on the floor which allows our employees to stock our coolers between the weekly deliveries (which are once a week). It also allows us the ability to merchandise other products that aren't available in the cold beer case due to size constraints.

I respectfully ask the Colorado LED to please consider a revision to the rules set forth in Regulation 47-951 to reflect at least (5) temporary displays at the store size of 20K sq. feet or less.

Thank you for your consideration.

Sincerely,

Miles David

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LED Response:

Mr. David,

Thank you for your written comments regarding these regulations. The Division believes limiting the number of temporary displays throughout grocery stores will assist individuals recovering from substance use disorders. This regulation only restricts temporary displays. It would not restrict where alcohol is stored within the permanent alcohol area of a store. This means alcohol can still be stored on the floor or on shelves if it does not fit in the coolers if it is within the permanent alcohol area of the store.

Sincerely,

Joseph Gaffney

Policy Advisor

Colorado Liquor Enforcement Division

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**Christopher Howes**

*President, Colorado Retail Council*

*April 7, 2025*

Subject: Re: Rules Substance Use Disorder Recovery (SUDR) Regulation 47-951

Director Stone-Principato, On behalf of the Colorado Retail Council and our members who sell alcohol in their stores, we respectfully ask you to reconsider the Department's proposed rule 47-951.

As part of the Working Group assembled by the passage of SB24-048, CRC has worked collaboratively with the Department and the recovery community in a good faith effort to find a solution that balances a majority of consumer expectations with the concerns of the recovery community. We offered two compromise solutions based on the conversations with other stakeholders and after listening to recovery community concerns.

Unfortunately, neither of our offers were accepted and, instead, the proposed rule outlined in 47-951 represent a marked regression that is not based in fact, data, or operational reality. We ask the Department to consider the following concerns:

1) Display limitations based on square footage are arbitrary and ignore current law: Current practices are based in the reality of law. Retailers cannot store product. One of the ways retailers can meet expected consumer demand is to store product in temporary displays based on historical shopping trends.

2) There is no scientific or medical data that proves causation or correlation between temporary displays in our member retail locations and alcoholism or relapse into alcoholism: The proposed rule seeks to diminish the shopping experience of convenience, variety, and availability based on assumptions that are not supported by data that proves temporary displays of any number in our stores causes a person to relapse into alcoholism.

3) Arbitrary and inflexible Temporary Display limitations will disrupt the entire chain of distribution: By severely restricting the number of temporary displays, our distribution partners will be not be able to operate and delivery product as efficiently nor in a timely

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manner. The distribution chain is tenuous on the best of days. We anticipate product shortages – especially around holidays and special occasions.

4) Arbitrary and inflexible temporary display limitations will harm local producers and small Colorado businesses: Outside of storage considerations, retailers often use temporary displays to highlight local products from producers in their region and around the state. Severely limiting temporary displays will hinder our members' ability to meet the demands of storage and marketing Colorado focused products.

For these reasons, we again ask for your reconsideration of the proposed rules to allow for a larger number of temporary displays on retailer sales floors to avoid distribution disruption, allow local producers access to wider audiences, and balance majority consumer expectations with concerns of the recovery community.

Sincerely,

Christopher Howes

President, Colorado Retail Council



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LED Response:

Angie and Chris,

Thank you for your written comments on this proposed regulation. I will ensure it will be included in the record. Though this regulation will limit temporary displays, it does nothing to limit the permanent alcohol area of the stores. In fact, the permanent alcohol area can include floor displays and can be expanded if necessary. The Division does see the arguments members of the public and of the working group have made regarding alcohol being displayed across entire stores without limitation. The purpose of this regulation is to encourage alcohol to be stored in one general area with a small number of floor displays placed away from the permanent area.

Sincerely,

Joseph Gaffney  
Policy Advisor VI  
Colorado Liquor Enforcement Division

[End of Comments]