



## Legislative Council Staff

*Nonpartisan Services for Colorado's Legislature*

## Memorandum

Room 029 State Capitol, Denver, CO 80203-1784  
Phone: (303) 866-3521 • Fax: (303) 866-3855  
lcs.ga@state.co.us • leg.colorado.gov/lcs

December 6, 2018

**TO:** Interested Persons

**FROM:** Anna Gerstle, Fiscal Analyst, (303) 866-4375  
Luisa Altmann, Research Analyst, (303) 866-3518

**SUBJECT:** Overview of Colorado Liquor Licensing Law

### Summary

This memorandum is designed to be a reference guide for legislators and the public on the topic of Colorado laws related to liquor licensing. It covers the three-tier regulatory structure; license and permit types; general licensing requirements; enforcement; taxes and fees; and recent legislation.

### Contents

Regulatory Overview	1
License and Permit Types	2
General Licensing Provisions	11
Licensing Process	12
Liquor Taxes and Fees	14
Enforcement	15
Recent Legislation	16
Additional Resources	19

### Regulatory Overview

Colorado's liquor laws were first codified in 1935. The Colorado Beer and Liquor Codes regulate fermented malt beverages, malt liquor, vinous liquors (wine), and spirits.<sup>1</sup>

A three-tier regulatory structure divides the manufacturing, wholesale distribution, and retail sale of alcohol in Colorado. Within this system, there are over 40 varieties of licenses and permits, with each individual location required to have a separate license and/or permit. Licenses are issued by one or both of the state and local licensing authorities - manufacturers, wholesalers, and importers apply directly to the state for a license, while retail licenses are issued by both the state and local licensing authorities. In general, a business owning or having a financial interest in a license may not own or have an interest in a license from another tier, with a few exceptions.

**Definitions.** The Beer and Liquor Codes contain definitions related to beer, wine, and spirits.

**Beer.** Colorado law contains two terms that refer to beer – fermented malt beverages and malt liquor. Prior to January 1, 2019, fermented malt beverages were defined as beer, or other beverages made

<sup>1</sup>Section 44-3-101, *et seq.*, C.R.S. and Section 44-4-101, *et seq.*, C.R.S.

from the fermentation of barley, malt, hops, or similar products containing no more than 3.2 percent alcohol by weight (3.2 beer). Malt liquor was defined as beer, or other beverages made from the fermentation of barley, malt, hops, or similar products, containing more than 3.2 percent alcohol by weight (full-strength beer). Beginning January 1, 2019, the distinction between 3.2 beer and full-strength beer is eliminated. As a result, fermented malt beverages and malt liquor are both defined as beer, or similar products, with at least 0.5 percent alcohol by volume.

*Wine.* Vinous liquors are defined as wine and fortified wines made from the fermentation of the natural sugars in fruit or other agricultural products that contain between 0.5 percent and 21 percent alcohol volume. Sake and hard cider are both considered vinous liquors, although hard cider is taxed as a beer.

*Spirits.* Spirituous liquors, or spirits, are defined as any alcohol obtained by distillation and mixed with water or other substances in solution. Spirits include brandy, rum, whiskey, gin, powdered alcohol, and other alcohols that contain at least 0.5 percent alcohol by volume and that do not fall under the definitions of wine or beer.

## License and Permit Types

### Manufacturer's and Importer's Licenses

Manufacturer's licenses are issued to breweries, wineries, and distilleries based on the type of alcohol produced. Importer's licenses are issued to entities that import alcohol into Colorado. Table 1 below shows the number of manufacturer's and importer's licenses in Colorado as of November 2018, and the related state and local licensing fees outlined in statute.

*Manufacturer's licenses.* Licensed manufacturers may produce beer, wine, or spirits in Colorado. Depending on the license held, licensees may also operate one or more sales rooms where alcohol is sold directly to consumers.

- *Licensed breweries* must hold either a fermented malt beverage or malt liquor manufacturer's license in order to produce beer. Entities that hold both a malt liquor manufacturer's and a malt liquor wholesaler's license may operate one sales room in the state where beer can be sold directly to customers for consumption on and/or off the licensed premises.
- *Licensed wineries* may conduct tastings and sell the wine they manufacture, along with wine manufactured by other Colorado wineries, directly to customers on the licensed premises of the winery and at one other approved sales room location for consumption on and/or off the licensed premises. Licensed wineries are allowed to sell food, general merchandise, and nonalcoholic beverages.
- *Licensed distilleries* may conduct tastings and sell only the spirits they manufacture directly to customers on the licensed premises of the distillery and at one other approved sales room location for consumption on and/or off the licensed premises. Licensed distilleries are allowed to sell food, general merchandise, and nonalcoholic beverages.

**Nonresident manufacturer's and importer's licenses.** Nonresident manufacturer's and importer's licenses allow the licensee to import alcohol into Colorado and sell it to licensed wholesalers. Licenses are issued based on the type of alcohol produced and include the following license types:

- *Nonresident fermented malt beverage and malt liquor manufacturer's licenses* are issued to persons manufacturing beer outside of Colorado, authorizing them to import and sell beer to either fermented malt beverage or malt liquor licensed wholesalers in the state.
- *Fermented malt beverages and malt liquor importer's licenses* are issued to persons importing beer into Colorado, authorizing them to import and sell beer to licensed wholesalers in the state.
- *Wine and spirits importer's licenses* are issued to persons importing wine and/or spirits into Colorado, authorizing them to import and sell wine or spirits to licensed wholesalers in the state.

**Table 1.  
Manufacturer's and Importer's Licenses and Statutory Fees**

License Type	Number of Licenses	State Fee*	Local Fee*
<b>Manufacturer's</b>			
Fermented Malt Beverage		\$150	\$25 (city) / \$50 (county)
Resident	36		
Nonresident	7		
Malt Liquor		\$300	Not set in statute
Resident	264		
Nonresident	39		
Wine	7	\$300	Not set in statute
Spirits	103	\$675	Not set in statute
<b>Importer's</b>			
Fermented Malt Beverage	20	\$150	\$25 (city) / \$50 (county)
Malt Liquor	82	\$500	Not set in statute
Wine/Spirits	528	\$800	Not set in statute

*Source: Colorado Department of Revenue (as of November 2, 2018), Colorado Revised Statutes.*

*\* This table includes only fees set in statute; other fees are set administratively by the Department of Revenue or by the local licensing authority.*

## Wholesaler's Licenses

Wholesalers distribute alcohol from manufacturers to retailers. Licenses are issued based on the type of alcohol distributed. Table 2 below shows the number of wholesaler's licenses in Colorado as of November 2018, and the related state and local licensing fees outlined in statute.

**Fermented malt beverage and malt liquor wholesaler's licenses.** These licensees are authorized to take orders for and sell beer to licensed retailers within a designated geographic area, as agreed upon by the licensee and the manufacturer. Entities that hold both a malt liquor manufacturer's and a malt liquor wholesaler's license may also operate one sales room in the state where beer can be sold directly to customers for consumption on and/or off the licensed premises.

*Liquor wholesaler's license.* These licensees are authorized to take orders for and sell wine and/or spirits at wholesale, operate one or more warehouses, and package wine and spirits.

**Table 2.  
Wholesaler's Licenses and Statutory Fees**

License Type	Number of Licenses	State Fee*	Local Fee*
Fermented Malt Beverage	58	\$150	\$25 (city) / \$50 (county)
Malt Liquor	318	\$550	Not set in statute
Wine/Spirits	186	\$800	Not set in statute

Source: Colorado Department of Revenue (as of November 2, 2018), Colorado Revised Statutes.

\* This table includes only fees set in statute; other fees are set administratively by the Department of Revenue or by the local licensing authority.

## Retail Licenses

Retail licenses are issued to establishments that sell alcohol for off-premises consumption, on-premises consumption, or both. Table 3 lists retail license types by category, and Table 4 below shows the number of retail licenses in Colorado as of November 2018, and the related state and local licensing fees outlined in statute.

**Table 3.  
Retail Licenses and Permits by Category**

Off-Premises	On-Premises	On and Off Premises
Fermented Malt Beverage Retailer	Art Gallery	Fermented Malt Beverage Retailer*
Liquor-licensed Drugstore	Arts	
o Liquor-licensed Drugstore Manager's Permit	Bed and Breakfast	
Retail Liquor Store	Beer and Wine	
	Club	
	Fermented Malt Beverage Retailer	
	Hotel and Restaurant	
	Optional Premises Permit	
	Resort Complex Related Facility	
	Campus Liquor Complex Related Facility	
	Lodging and Entertainment Facility	
	Optional Premises License	
	Public Transportation System	
	Racetrack	
	Retail Gaming Tavern	
	Tavern	

\* No new licenses may be issued; license type repealed effective July 1, 2019

*Off-premises retail licenses and permits.* These licensed retailers may sell alcohol in original sealed containers for off-premises consumption. Licensees must purchase all alcohol from licensed wholesalers, must ensure that employees handling alcohol are at least 18 years of age, may conduct approved tastings, and are subject to state laws related to the use of self-checkouts, below cost sales, and other provisions. Licensed retail liquor stores and liquor-licensed drugstores are limited in the

number of licensed locations they may operate; see the General Licensing Provisions sections for more information.

- *Fermented malt beverage off-premises retailer license.* These licensees may sell fermented malt beverages. Most new licensees must receive at least 20 percent of their gross annual revenues, excluding fuel, cigarettes, and nicotine, tobacco, and lottery products, from food items to be consumed off the premises.
- *Liquor-licensed drugstore license.* These licenses are issued to drugstores licensed by the State Board of Pharmacy and allow for the sale of malt liquor, wine, and spirits. Licensees who obtain or renew a license initially issued after January 1, 2017, must derive at least 20 percent of gross annual income from the sale of food items and be open to the public.
  - *Liquor-licensed drugstore manager's permit.* Each liquor-licensed drugstore is required to have at least one permitted manager working on the licensed premises who is responsible for the licensee's alcohol beverage operations. The individual must be at least 21 years of age and must not have been convicted of a crime involving the sale or distribution of alcohol within the prior eight years or any felony within the prior five years. Managers are encouraged to purchase and promote locally produced alcohol beverage products.
- *Retail liquor store license.* These licensees may sell malt liquor, wine, and spirits, and any nonalcoholic products, as long as the annual gross revenue from the sale of these nonalcoholic products does not exceed 20 percent of the store's total annual gross sales revenue. Lottery products, cigarettes, tobacco and nicotine products, ice, soft drinks, mixers, and nonfood items related to the consumption of alcohol are excluded from the 20 percent limit.

***On-premises retail licenses and permits.*** Establishments that sell alcohol for consumption on the licensed premises must purchase their product from a licensed wholesaler and are required to obtain one of the following licenses or permits:

- *Art gallery permit.* An art gallery, where the primary purpose is to exhibit and offer for sale works of fine art or precious metals or stones, may be permitted to offer complimentary alcohol beverages. The permit allows permittees to serve alcohol on no more than 15 days per year. Permittees may not charge an entrance fee or cover charge in connection with offering alcohol beverages and may not intentionally allow more than 250 people onto the premises while alcohol is being served.
- *Arts license.* These licenses are issued to nonprofit arts organizations that sponsor and present productions or performances of an artistic or cultural nature and authorize the licensee to sell alcohol beverages to patrons of the production or performance. Licenses may also be issued to municipalities owning arts facilities. Licensees may not advertise the sale of alcohol.
- *Bed and breakfast permit.* A bed and breakfast with no more than 20 sleeping rooms that provides at least one meal per day at no charge may obtain a bed and breakfast permit instead of a hotel and restaurant license. Permittees may offer complimentary alcohol beverages to overnight

guests. Permittees may not sell alcohol beverages and may not serve alcohol for more than four hours in any one day.

- *Beer and wine license.* These licenses are issued to establishments selling beer and wine. Licensees must have sandwiches and light snacks available for consumption on the licensed premises during business hours.
- *Club license.* These licenses are issued to clubs authorizing the sale of alcohol beverages to members of the club and their guests. The club must have been incorporated for at least three years, have a membership that has paid dues for at least three years, and operate solely for objects of a national, social, fraternal, patriotic, political, or athletic nature, but not for financial gain.
- *Fermented malt beverage on-premises retailer license.* These licenses are issued to establishments that sell fermented malt beverages for on-premises consumption.
- *Hotel and restaurant license.* These licenses are issued to hotels and restaurants selling alcohol beverages to customers. Hotels may also provide complimentary alcohol beverages in sealed containers to guests, or sell alcohol beverages in sealed containers with a capacity of 500 milliliters or less through in-room minibars. Meals must be regularly served and provide at least 25 percent of the gross income from sales of food and drink of the business annually. Licensees must have a separate registered manager who, in addition to employees or agents of the licensee, can purchase alcohol beverages for that licensed location only.
  - *Optional premises permit.* An optional premises permit may be issued to a hotel and restaurant licensee with an outdoor sports and recreational facility onsite, as allowed by the local jurisdiction.
  - *Resort complex related facility permit.* A licensed hotel may be designated as a resort complex if it has at least 50 sleeping rooms and has related sports and recreational facilities for the convenience of its guests or the general public on the premises. Permittees may allow customers and guests who purchase alcohol beverages at one related facility to carry those beverages to other related facilities within the overall licensed premises boundaries of the resort complex.
  - *Campus liquor complex related facility permit.* An institution of higher education, or a person who contracts with an institution to provide food services, that holds a hotel-restaurant license may be designated as a campus liquor complex. The licensee must designate a principal licensed premises and may obtain related facility permits for areas that are on the campus of a licensed institution of higher education and are owned or controlled by the institution.
- *Lodging and entertainment facility license.* These licenses are issued to either a lodging facility, where the primary business is to provide the public with sleeping rooms and meeting facilities, or an entertainment facility, where the primary business is to provide the public with sports or entertainment activities. Licensees must have sandwiches and light snacks available for

consumption on the licensed premises and have a separate registered manager who, in addition to employees or agents of the licensee, can purchase alcohol beverages for that licensed location only.

- *Optional premises license.* These licenses are issued to an outdoor sports and recreational facility that charges a fee for the use of the facility.
- *Public transportation system license.* These licenses are issued to operators of public transportation systems authorizing the sale of alcohol beverages that are served and consumed in or upon any dining, club, or parlor train car; plane; bus; or other conveyance of the public transportation system.
- *Racetrack license.* These licenses are issued to facilities that hold live horse races authorizing the sale of alcohol beverages to customers of the racetrack. Establishments that offer simulcast races with pari-mutuel wagering and that hold a different type of liquor license are not required to obtain a racetrack license. Racetrack licensees must also serve food.
- *Retail gaming tavern license.* These licenses are issued to establishments with a retail gaming license that sell alcohol beverages. Licensees must have sandwiches or light snacks available for consumption. Only one retail gaming tavern licensee may be located in a single building, and an individual may hold no more than three retail gaming tavern licenses.
- *Tavern license.* These licenses are issued to establishments where the principal business is the sale of alcohol for consumption on the licensed premises. Licensees must have sandwiches and light snacks available for consumption on the licensed premises during business hours. Licensees must have a separate registered manager for each license who, in addition to employees or agents of the licensee, can purchase alcohol beverages for that licensed location only.

***Fermented malt beverage on- and off-premises retailer license.*** These licensees are authorized to sell fermented malt beverages to consumers for on- and off-premises consumption. Senate Bill 18-243 removed this license type beginning July 1, 2019; current licensees must convert their license to either a fermented malt beverages on premises retailer license or an off-premises retailer license.

**Table 4.  
Retail Licenses/Permits and Fees**

License or Permit Type	Number of Licenses/Permits	State Fee*	Local Fee*
<b>Off-Premises Retail</b>			
Fermented Malt Beverage Off-Premises	1,592	\$75	\$25 (city) / \$50 (county)
Retail Liquor Store	1,613	\$100	\$150 (city) / \$250 (county)
Liquor-licensed Drugstore	21		
Liquor-licensed Drugstore Manager	98	\$100	Not set in statute
<b>On-Premises Retail</b>			
Art Gallery	122	\$50	\$25
Arts	56	\$75	\$275
Bed and Breakfast	39	\$50	\$25
Beer and Wine	728	\$75	\$325(city) / \$425(county) / \$375(for resort hotel)
Club	159	\$75	\$275
Fermented Malt Beverage On-Premises	35	\$75	\$25 (city) / \$50 (county)
Hotel and Restaurant	5,229	\$75	\$500
Optional Premises Permit	236	Not set in statute	Not set in statute
Resort complex related facility	18	\$75 per facility	\$100 per facility
Campus liquor complex related facility	5	\$75 per facility	\$100 per facility
Lodging and Entertainment Facility	214	\$75	\$500
Optional Premises License	76	\$75	\$500
Public Transportation System	26	\$75 per vehicle	Not set in statute
Racetrack	3	\$75	\$500
Retail Gaming Tavern	19	\$75	\$500
Tavern	1,287	\$75	\$500
<b>On and Off Premises Retail**</b>			
Fermented Malt Beverage On/Off Premises	50	\$75	\$25 (city) / \$50 (county)

Source: Colorado Department of Revenue (as of November 2, 2018), Colorado Revised Statutes.

\* This table includes only fees set in statute; other fees are set administratively by the Department of Revenue or by the local licensing authority.

\*\* These licensees must convert to either an on- or off-premises fermented malt beverage license by July 1, 2019.



## Cross-Tier Licenses

Cross-tier licenses allow certain smaller entities to manufacture, distribute to retailers, and sell their products to customers under one license. Table 5 below shows the number of cross-tier licenses in Colorado as of November 2018, and the related state and local license fees outlined in statute.

***Brew pub license.*** These licenses are issued to establishments that manufacture no more than 1,860,000 gallons of beer each year and also sell alcohol beverages and food for consumption on the licensed premises. Beer manufactured by the licensee may be sold to customers for consumption on the licensed premises, to independent wholesalers for distribution to licensed retailers, and to the public in sealed containers for off-premises consumption. Licensees may also sell up to 300,000 gallons of beer that it manufactures directly to licensed retailers annually. At least 15 percent of the licensee's gross on-premises food and drink income must be from the sale of food.

***Distillery pub license.*** These licenses are issued to establishments that ferment and distill no more than 45,000 liters of spirits each year and sell alcohol beverages and food for consumption on the licensed premises. Spirits manufactured by the licensee may be sold to customers for consumption on the licensed premises, to independent wholesalers for distribution to licensed retailers, and to the public in sealed containers for off-premises consumption. Licensees may also sell up to 2,700 liters of spirits that it manufactures directly to licensed retailers annually. At least 15 percent of the licensee's gross on-premises food and drink income must be from the sale of food.

***Limited winery license.*** These licenses are issued to Colorado wineries that produce no more than 100,000 gallons of wine annually. Licensed limited wineries may conduct tastings and sell the wine they manufacture, along with wine manufactured by other Colorado wineries, directly to customers on the licensed premises of the winery and at up to five other approved sales room locations. Licensees may also sell the wine they manufacture at wholesale. Licensees are allowed to serve and sell food, general merchandise, and nonalcoholic beverages. Licensees must follow strict wine bottle labeling requirements concerning the origin of grapes used.

***Vintner's restaurant license.*** These licenses are issued to establishments that manufacture no more than 250,000 gallons of wine on their licensed premises each year and sell alcohol beverages and food for consumption on the licensed premises. Wine manufactured by the licensee may be sold to customers for consumption on the licensed premises, independent wholesalers for distribution to licensed retailers, and the public in sealed containers for off-premises consumption. Licensees may also sell up to 50,000 gallons of wine that it manufactures directly to licensed retailers annually. At least 15 percent of the licensee's gross on-premises food and drink income must be from the sale of food.

**Table 5.  
Cross-Tier Licenses and Statutory Fees**

License Type	Number of Licenses	State Fee*	Local Fee*
Brew Pub	163	\$325	\$500
Distillery Pub	5	\$325	\$500
Limited Winery	139	\$70	Not set in statute
Vintner's Restaurant	9	\$325	\$500

Source: Colorado Department of Revenue (as of November 2, 2018), Colorado Revised Statutes.

\* This table includes only fees set in statute; other fees are set administratively by the Department of Revenue or by the local licensing authority.

## Miscellaneous Licenses and Permits

The following licenses and permits are issued for certain events and functions related to the manufacturing, distribution, and sale of alcohol. Table 6 below shows the number of permits in Colorado as of November 2018, and the related state and local licensing fees outlined in statute.

***Alternating proprietor premises license.*** These licenses are issued to a licensed beer or wine manufacturer; limited winery; or brew pub. The license authorizes another licensed beer or wine manufacturer to use a designated area on the alternating proprietor premises license holder's premises to manufacture and store beer, and wine.

***Special event permit.*** Permits may be issued for special events held by certain types of organizations for the sale of beer, wine, and/or spirits during the event. Alcohol sales are permitted during specific hours. A special event permit may not be issued to any organization for more than 15 days per year.

***Wine packaging permit.*** A wine packaging permit may be issued to a licensed winery, limited winery, or wine wholesaler allowing the permittee to package tax-paid wine manufactured by another winery or manufacturer. The permittee must take possession of the wine and return the packaged wine to the original manufacturer or the original manufacturer's wholesaler. Permitted wineries and limited wineries may not sell or distribute the tax-paid wine in packages to consumers or licensed retailers.

***Winery direct shipper's permit.*** A winery direct shipper's permit authorizes permitted wineries in the U.S. to sell and deliver wine that is produced or bottled by the permittee directly to consumers located in Colorado for personal use. The permittee must follow specific packaging guidelines and requirements for delivery, including not selling or shipping wine to a minor, and the wine may not be resold.

***Wine festival permit.*** A wine festival permit allows wine manufacturer or limited winery licensees to hold up to nine wine festivals during a 12-month period.

**Table 6.  
Miscellaneous Licenses/Permits and Fees**

License or Permit Type	Number of Licenses/Permits	State Fee*	Local Fee*
Alternating Proprietor Premises	26	Not set in statute	Not set in statute
Special Event	Varies	\$10/day (beer only); \$25/day (beer, wine, spirits)	Not set in statute
Wine Packaging	1	\$200	Not set in statute
Winery Direct Shipper	1,636	Not set in statute	Not set in statute
Wine Festival	Varies	\$25	Not set in statute

Source: Colorado Department of Revenue (as of November 2, 2018), Colorado Revised Statutes.

\* This table includes only fees set in statute; other fees are set administratively by the Department of Revenue or by the local licensing authority.

## General Licensing Provisions

**Financial interests.** Persons with a financial interest in a licensed manufacturer or wholesaler may not have a financial interest in a licensed retailer and vice versa. Persons with a financial interest in a beer manufacturer may have a financial interest in a licensed wholesaler. Persons with a financial interest in a wine and spirits manufacturer may hold a wholesale license for the distribution of its own manufactured products. A person with a financial interest in a licensed wine and spirits manufacturer may not have a financial interest in a licensed wholesaler that sells products other than his or her own.

**Multiple licensed locations.** Licensees are generally allowed to hold an unlimited number of licenses within the same tier. However, retail liquor store and liquor-licensed drugstore licensees may only obtain additional licensed locations based on the phase-in schedule in Table 7. Liquor-licensed drugstores are subject to certain requirements in order to obtain additional licenses.

**Table 7.  
Maximum Liquor Licenses Available to a Single Owner**

Dates	Maximum Liquor-licensed Drugstores Licenses	Maximum Retail Liquor Store Licenses
Prior to January 1, 2017	1	1
January 1, 2017 – December 31, 2021	5	2
January 1, 2022 – December 31, 2026	8	3
January 1, 2027 – December 31, 2031	13	
January 1, 2032 – December 31, 2036	20	4
Beginning January 1, 2037	Unlimited	

Source: Sections 44-3-409 (4)(b)(III) and 44-3-410 (4)(b)(IV), C.R.S.

**Alcohol purchases.** All licensees that sell alcohol beverages at retail are required to purchase all alcohol beverages from a licensed wholesaler. A licensee that sells alcohol for consumption on the licensed premises may purchase up to \$2,000 worth of alcohol beverages per year from retail liquor

stores, liquor-licensed drugstores, or fermented malt beverage retailers, but must retain evidence of these purchases.

**Sales rooms.** A sales room is an area in which a licensed winery, limited winery, distillery, or full-strength beer wholesaler sells and serves alcohol beverages for consumption on the licensed premises, sells alcohol beverages in sealed containers for consumption off the licensed premises, or both. Licensed wine and spirits manufacturers are allowed two sales rooms and limited wineries may operate six sales rooms. Of those, one must be at the licensed manufacturing location, and the other(s) may be used for either additional permanent locations, or to conduct sales at temporary events (e.g., farmers markets, festivals, or other events lasting no more than three days). The sales room(s) used for temporary events may be made up of multiple temporary sales room permits throughout the year. Licensed beer wholesalers may operate one permanent sales room on their premises, but cannot operate temporary sales rooms.

The state licensing authority may deny an application for a proposed sales room if the local licensing authority determines that approval of the sales room would impact traffic, noise, or other neighborhood concerns in a manner that is inconsistent with local regulations or ordinances. Applicants for a sales room must also comply with local zoning restrictions.

**Tastings.** Tastings must be authorized by the local licensing authority, subject to local government ordinances. The alcohol used in a tasting must be purchased through a licensed wholesaler, brew pub, distillery pub, or winery, and the tasting must follow specific guidelines outlined in statute related to the staffing and size of each tasting, the hours of operation, and other requirements.

**Cork and carry.** Certain licensees that sell meals or sandwiches and light snacks may allow customers to reseal and remove one open, partially consumed container of wine, as long as the original container did not exceed 750 milliliters. These licensees include all manufacturers, limited wineries, beer and wine licensees, hotel and restaurant licensees, taverns, brew pubs, vintner's restaurants, clubs, distillery pubs, and lodging and entertainment facilities.

**Delivery.** Retail liquor stores, liquor-licensed drugstores, and fermented malt beverage off-premises retail licensees may deliver their products to consumers. The person delivering alcohol must be at least 21 years of age, use a vehicle owned or leased by the licensee, and verify that the customer is also over 21 years of age. Licensees may not receive more than 50 percent of gross annual revenues from the sale of delivered alcohol.

## **Licensing Process**

**State licensing authority.** The Department of Revenue's Liquor Enforcement Division serves as the state licensing authority. The division may grant, suspend, or revoke a license or permit; hear complaints; enforce laws related to the regulation and sale of alcohol; approve responsible alcohol vendor training vendors; and make rules related to the regulation of alcohol, including compliance, enforcement, safety and health requirements, and guidelines for local licensing authorities.

**Local licensing authority.** A local licensing authority is a governing body of a city or county, or an authority designated by local charter, ordinance, or resolution. Local authorities process retail applications, and may suspend or revoke a license after a hearing.

**Retail licenses.** To obtain a license, retailers must first obtain approval from the local licensing authority. An application must be submitted on state-provided forms, including building or plot plans, and the applicant must complete a criminal background check. The local licensing authority must schedule a public hearing no less than 30 days after receiving the application and provide adequate notice no less than 10 days prior to the hearing. If the application is approved, the local authority must then notify the state licensing authority, which conducts an investigation and may either approve or deny the application.

**Supplier licenses.** Manufacturers, wholesalers, importers, and public transportation carrier licenses are issued by the state alone, and applicants apply directly to the state. The division conducts the criminal background check and determines whether to approve a license.

**Application considerations.** In processing an application, the state or local licensing authority must consider:

- facts and evidence;
- reasonable requirements of the neighborhood;
- desires of adult inhabitants of the neighborhood;
- the number, type, and availability of alcohol beverage outlets in the area;
- an initial background check of the individuals involved; and
- the effect on competition in certain cases.

Generally, new retail licenses cannot be approved within 500 feet of a school or university (subject to local regulations), or within 500 feet of a location for which the same license type has been denied based on the needs and desires of the community within the past two years. A new fermented malt beverage retail license cannot be issued for a location for which the same license type has been denied based on the needs and desires of the community within the last year. A retail liquor store or tavern license may be denied if it would result in an undue concentration of license types and would require additional law enforcement.

**Off-premises retail radius restrictions.** New retail liquor store or liquor-licensed drugstore licenses may not be issued if the premises is located:

- within 1,500 feet of another off-premises retail license; or
- within 3,000 feet of another off-premises retail license if located within a municipality with a population of 10,000 or less that is not contiguous to the City and County of Denver.

Generally, new fermented malt beverage off-premises retail licenses may not be issued for a location that is within 500 feet of a retail liquor store.

***Individuals prohibited as licensees.*** Licenses may not be issued to any person or entity that is not of good moral character, anyone under 21 years of age, and certain peace officers and employees of the state licensing authority. Under state law, a felony by itself is not grounds for denial of an application.

***License renewals and reissued licenses.*** All licenses and non-event related permits are valid for one year. The state must notify licensees 90 days prior to expiration of a license and a licensee must apply for renewal no less than 30 days before expiration. The state or local licensing authority, depending on the license type, may reissue a license to a licensee whose license has been expired for more than 90 days and fewer than 180 days. Reissued licenses cannot be issued to a licensee more than three times in a five-year period. A licensee applying for a reissued license must pay late fees and may continue operating until the application is approved or denied.

***Transfer of ownership.*** A licensee may submit a transfer of ownership application to the state and local licensing authorities to transfer the license to another individual. Local authorities may issue a temporary permit while the transfer application is pending.

***Master file.*** Entities with multiple licensed locations can request the creation of a master file with the state licensing authority that contains the entity's licensing and background check information. An entity with a master file does not have to submit fingerprints and background check forms each time the entity applies for a new license. Currently, an entity must have at least five licenses or applications pending in order to request a master file.

## **Liquor Taxes and Fees**

***Licensing fees.*** Liquor licensing fees are established in statute and are shown in Tables 1 through 6 above. The first \$50 of each state fee is deposited in the Liquor Enforcement Division Cash Fund for the administration of the regulatory program, while the remainder is deposited in the General Fund. Of the local licensing fees, 85 percent goes to the state to be deposited in the Old Age Pension Fund. The remainder stays with the local licensing authority.

***Application fees.*** In addition to the licensing fees, state and local licensing authorities may also charge application fees for new licenses. State application fees are deposited in the Liquor Enforcement Division Cash Fund. Currently, the state application fee for a new license is \$1,550. Local application fees vary between jurisdictions and generally cannot exceed \$1,000 for a new license. In addition, the applicant must pay for a background check completed by the Colorado Bureau of Investigation.

***Excise taxes.*** Excise taxes are charged to manufacturers or the first licensee to receive alcohol from out-of-state, based on the volume of alcohol. Excise tax revenue is deposited in the General Fund, through the Old Age Pension Fund, except for the additional excise tax on wine, which is deposited in the Colorado Wine Industry Development Cash Fund. Table 8 lists the excise taxes charged, and Figure 1 shows the total liquor excise tax revenue collected from 2015 through 2017. Liquor excise tax revenue totaled \$45.9 million in 2017.

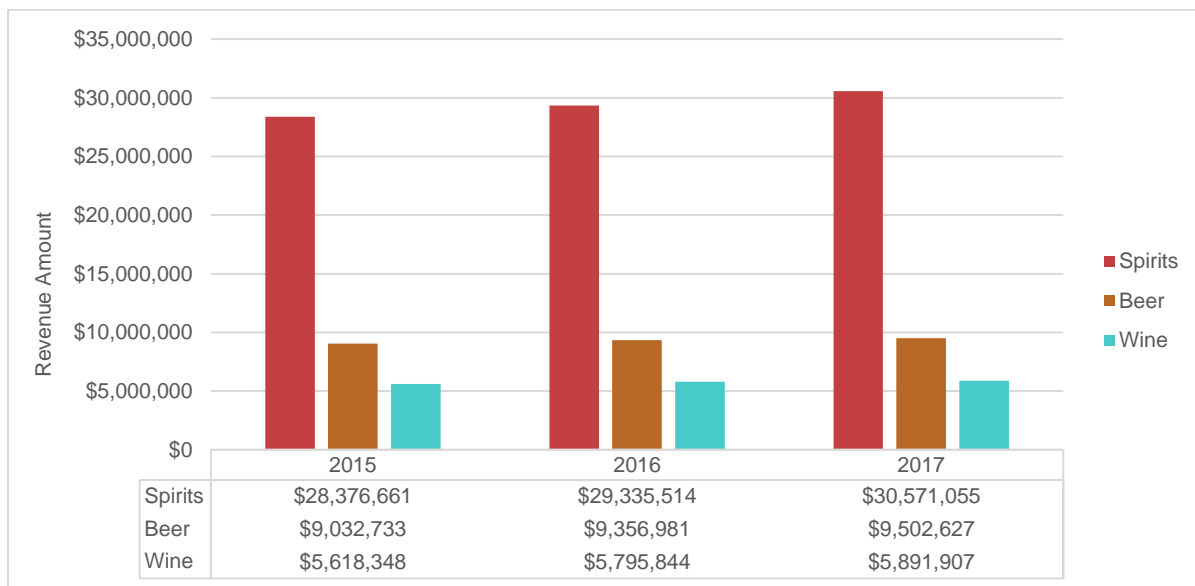
In addition, a wine development fee of \$0.01 per liter of wine offered for sale and an additional excise tax of \$10 per ton of grapes used for wine manufacturing is charged to wine manufacturer's, limited

wineries, and vintner’s restaurant licensees. This fee revenue is transferred from the General Fund to the Colorado Wine Industry Development Cash Fund, which is used to conduct research and promote the Colorado wine industry.

**Table 8.  
Excise Taxes**

Beverage Type	Tax
Beer and Hard Cider	\$0.08 per gallon
Wine	\$0.0733 per liter, <i>plus an additional:</i> \$0.05 per liter for first 9,000 liters \$0.03 per liter for next 36,000 liters \$0.01 per liter for any additional liters
Spirits	\$0.6026 per liter

**Figure 1.  
Liquor Excise Tax Revenues, 2015 - 2017**



Source: Colorado Department of Revenue.

Note: Tax revenue from beer includes fermented malt beverages, malt liquor, and hard cider.

## Enforcement

The Department of Revenue’s Liquor Enforcement Division, local licensing authorities, and local law enforcement are responsible for enforcing the state’s Beer and Liquor Codes.

**License suspension.** State and local licensing authorities can suspend or revoke any license or permit. A suspension cannot last more than six months and a licensee may petition to pay a fine in lieu of a suspension. Licensing authorities may conduct inspections, require information from licensees,

administer oaths, and issue subpoenas. State inspectors have the same powers as peace officers, including the authority to arrest and issue summons.

**Unlawful acts.** It is unlawful for a licensee to violate the terms of his or her license or for someone to manufacture, import, sell, or distribute alcohol without a license. State law also prohibits selling, serving, providing, or delivering alcohol to a person who is under 21 years of age or visibly intoxicated.

Employees must be 18 years old to sell alcohol at retail liquor stores, liquor-licensed drugstores, and fermented malt beverage off-premises retailers. At lodging and entertainment facilities and taverns that do not regularly serve meals, employees must be 21 years of age to sell alcohol. For other retail licensees, employees must be at least 18 years of age to sell alcohol and those that are between the ages of 18 and 20 must be supervised by someone over 21.

Section 44-3-901, C.R.S. includes a list of additional unlawful acts related to the purchase and consumption of alcohol, including selling alcohol at retail at any time other than the times specified by their license type, and failing to display required signage.

**Public consumption.** Consumption of alcohol beverages in any public place is prohibited, unless authorized by a local government or by the Colorado Parks and Wildlife Commission for state recreational areas.

**Penalties.** In general, a person who violates the provisions in the Beer and Liquor Codes is guilty of a class 2 petty offense and must pay a fine of up to \$250 per offense. Certain acts, such as selling to a visibly intoxicated person or selling or manufacturing without the required license, can result in a class 2 misdemeanor, and acts such as selling, serving, or providing alcohol to someone under 21 can result in a class 1 misdemeanor. Depending on the circumstances and the violation, additional charges through the Criminal Code could result.

## Recent Legislation

**2018 legislation.** The Colorado General Assembly passed several bills during the 2018 session that impacted Colorado liquor licensing laws, as shown in Table 9.

**Table 9.  
2018 Enacted Legislation**

<b>Bill Number and Title</b>	<b>Summary</b>
House Bill 18-1025 <i>Relocate Title 12 Liquor Laws to Title 44</i>	These bills relocated statutes pertaining to alcohol regulation to a new Title 44. No substantive changes were made to the statutes.
House Bill 18-1026 <i>Relocate Title 12 Liquor Division Fund to Title 44</i>	



<b>Bill Number and Title</b>	<b>Summary</b>
House Bill 18-1096 <i>Special Event Permit Alcohol Beverages</i>	The bill allows municipalities, counties, special districts, or educational institutions to apply for a special event permit.
Senate Bill 18-067 <i>Auction Alcohol in Sealed Container Special Events</i>	The bill allows alcohol to be auctioned for fundraising purposes at permitted special events.
Senate Bill 18-079 <i>Sake Vinous Liquor Code</i>	This bill adds sake to the definition of vinous liquor, allowing sake manufacturers to operate sales rooms. The number of sales rooms depends on the type of license held by the sake manufacturer.
Senate Bill 18-124 <i>Imported Alcohol Beverages Waiting Period</i>	A manufacturer or importer must file a notice of intent to import alcohol with the Department of Revenue at least 30 days before importation or sale of alcohol. The bill removes the 30 day requirement.
Senate Bill 18-138 <i>Transfer Alcohol from Surrendered License</i>	The bill allows certain licensees to purchase alcohol inventory from a licensee whose license has been surrendered or revoked, or who has lost legal possession of the licensed premises, as long as there is common ownership between the two licensees and certain other requirements are met.
Senate Bill 18-173 <i>Removal of Vinous Liquor from Licensed Premises</i>	The bill clarifies that the licensees who offer cork and carry may have sandwiches and light snacks available for consumption instead of meals.
Senate Bill 18-243 <i>Retail Sales Alcohol Beverages</i>	The bill made changes to state law related to the retail sale of alcohol beverages for off-premises consumption, including fermented malt beverage retailers that can sell full-strength beer beginning on January 1, 2019.

**2017 enacted legislation.** The Colorado General Assembly passed several bills during the 2017 session that impacted Colorado liquor licensing laws, as shown in Table 10.

**Table 10.  
2017 Enacted Legislation**

<b>Bill Number and Title</b>	<b>Summary</b>
House Bill 17-1120 <i>Alcohol Beverage License Higher Education Campus</i>	This bill allows an institution of higher education, or a person who contracts with an institution to provide food services, that holds a hotel-restaurant license to be designated as a campus liquor complex.
House Bill 17-1145 <i>Amateur Winemaker Tastings Contests and Judgings</i>	This bill allows amateur winemakers to participate in organized events, contests, tastings, or judgings held at licensed premises, as long as portions do not exceed six ounces and are not sold, offered for sale, or made available for consumption to the general public.
House Bill 17-1365 <i>Liquor-licensed Drugstores Electronic Benefit Transfers</i>	This bill allows liquor-licensed drugstores to have an ATM in which individuals enrolled in public assistance programs may obtain cash benefits through the Electronic Benefits Transfer program.
Senate Bill 17-058 <i>Employee Agent Purchase of Alcohol Beverages</i>	This bill allows an employee or agent of a hotel and restaurant, tavern, or lodging and entertainment licensee to purchase alcohol beverages for the licensed premises, in addition to the licensee's registered manager.

<b>Bill Number and Title</b>	<b>Summary</b>
Senate Bill 17-077 <i>Government Agency Special Event Permit Eligibility</i>	This bill allows the Colorado Wine Industry Development Board, or state or local agencies that have a statutory mandate to promote alcohol beverages manufactured in Colorado or to promote tourism to an area of the state that manufactures alcohol beverages, to apply for a special event permit.
Senate Bill 17-134 <i>Alcohol Beverage Licensee Penalty Application</i>	For specified licensees operating a sales room or retail establishment in addition to either manufacturing or wholesaling activities that violate the prohibition on serving to a person under 21 years of age or someone visibly intoxicated, this bill stipulates that a fine be based only on the estimated gross revenue of the sales room or retail establishment, and a suspension be limited to the sales room or retail activities and not impact the manufacturing or wholesaling activities.
Senate Bill 17-237 <i>Age of Employees Serving Alcohol on Premises</i>	This bill restores authorization for employees who are under 21 years of age to sell alcohol in licensed taverns or lodging and entertainment facilities that regularly serve meals.
Senate Bill 17-269 <i>Retail Liquor Store Sales Revenue Nonalcohol Goods</i>	This bill excludes revenue from lottery products; cigarettes; tobacco and nicotine products; ice; soft drinks; mixers; and nonfood items related to the consumption of alcohol from the 20 percent limit on revenue from the sale of nonalcohol products at retail liquor stores.

**2016 enacted legislation.** The Colorado General Assembly passed several bills during the 2016 session that impacted Colorado liquor licensing laws, shown in Table 11.

**Table 11.  
2016 Enacted Legislation**

<b>Bill Number and Title</b>	<b>Summary</b>
House Bill 16-1042 <i>Liquor License Exemption Higher Ed Brewing Program</i>	This bill creates a liquor license exemption for state institutions of higher education that engage in manufacturing and tasting 3.2 and full-strength beer for teaching and research purposes. The manufactured beer cannot be sold and may only be tasted by qualified students, employees, or expert tasters over the age of 21.
House Bill 16-1084 <i>Home Brewing By Adult for Personal Use</i>	This bill allows an adult, rather than a head of a family, to produce beer or wine for personal use, rather than family use, without having to obtain a liquor license or pay applicable liquor taxes. The home-produced beer or wine may not be made available for sale.
House Bill 16-1176 <i>Wine and Spirits Wholesalers Employee Purchase Program</i>	This bill allows licensed wine and spirits wholesalers to establish an employee purchase program that allows employees to purchase wine and spirits directly from the wholesaler.
House Bill 16-1271 <i>Limited Winery Direct Delivery Personal Consumers</i>	This bill allows a limited winery licensee to deliver the wine it manufactures directly to personal consumers without the use of a common carrier, as long as the licensee also has a winery direct shipper's permit and follows the requirements of the permit.
House Bill 16-1439 <i>Lodging and Entertainment Facility Liquor License</i>	This bill creates a new lodging and entertainment license for entities that provide lodging, sports, or entertainment activities as their primary business and, incidental to that business, sell and serve alcohol beverages for consumption on the premises.

Bill Number and Title	Summary
Senate Bill 16-143 <i>Reduce Distiller Wholesaler Liquor Licensing Fees</i>	This bill phases in a reduction of wholesaler and manufacturing fees for distilleries and rectifiers to match the wholesaler and manufacturing fees charged to breweries by August 10, 2017.
Senate Bill 16-197 <i>Liquor-Licensed Drugstores Multiple Licenses</i>	<p>This bill significantly changes the licensing of off-premises retail liquor sales. Among other changes, the bill:</p> <ul style="list-style-type: none"> <li>• establishes new radius requirements for any new retail liquor store, liquor-licensed drugstore, or other off-premises retail license, as discussed above;</li> <li>• phases in additional retail liquor store licenses for a single owner, beginning January 1, 2017;</li> <li>• removes the distinction between fermented malt beverages (previously 3.2 beer) and malt liquor (full-strength beer) beginning January 1, 2019;</li> <li>• allows a liquor-licensed drugstore licensee to obtain additional licenses by purchasing at least two retail liquor licenses and applying to convert them to a new liquor-licensed drugstore license, subject to the new radius requirements; and</li> <li>• sets additional requirements for liquor-licensed drugstores and allows retail liquor stores to sell additional food and non-alcohol products.</li> </ul>

## Additional Resources

*Federal liquor law.* U.S. Code of Federal Regulations Title 28, Chapter I, Subchapter A.

*Colorado Department of Revenue liquor code regulations.* Code of Colorado Regulations 1 CCR 203-2.

*Colorado Department of Revenue list of licensees.* “All State Liquor Licenses” link at: <https://www.colorado.gov/pacific/enforcement/liquor-licenses>