



**COLORADO**

**Department of Revenue**

Enforcement Division - Liquor & Tobacco

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## **BULLETIN 18-12**

REFERENCE: Termination and Reinstatement of Rulemaking Proceedings

DATE: December 5, 2018

### **Colorado Liquor Enforcement Division**

On November 1, 2018, the Colorado Liquor Enforcement Division (“Division”) held its annual permanent rulemaking hearing. The purpose of the hearing was to provide interested parties an opportunity to comment on proposed additions and amendments to the Liquor Rules that are to be promulgated pursuant to the authority granted to the State Licensing Authority in section 44-3-202, C.R.S., of the Colorado Liquor Code and section 24-4-103, C.R.S., of the Administrative Procedure Act (“APA”).

In connection with the November 1st hearing, many of you submitted written comments and, at the hearing itself, many of you also made formal oral comments on the record.

As we moved forward with the compilation of the formal record and finalizing the rules for adoption, an unintentional error/omission regarding the technical filing procedure under the terms of the APA was discovered. Due to this oversight and to ensure full compliances with the APA’s requirements, the Division has decided to terminate the rulemaking proceedings and initiate new rulemaking proceedings for proposed rules substantially similar to those considered at the November 1st hearing.

The Division understands any frustration this may cause and is sympathetic to the inconvenience. However, we would like to assure you that ALL written comments and the entirety of the transcript from the previous hearing will be considered by the Division and included in the formal rule record. A formal Notice of Rulemaking Hearing was submitted to the Colorado Secretary of State’s Office on December 5, 2018, which should be issued in the Colorado Register on December 25, 2018, setting the time and date for the second hearing. The Division will continue to accept written comments under the terms that will be outlined in the Notice, and will welcome oral comment at the second rulemaking hearing. Since all of the previous information gathered during the stakeholder meetings and rule hearing will be included in the second rule record, there is no need to duplicate your efforts in restating your positions on any given rule. However, there will be an opportunity to provide oral comments during the rulemaking hearing and to submit written comments both prior to and after the rulemaking hearing.

Due to legislative changes that take effect on January 1, 2019, the Division will request the State Licensing Authority adopt emergency rules effective January 1, 2019, to ensure that appropriate regulations are in place to address those legislative changes. The adoption of the emergency rules, pursuant to section 24-4-103(6)(a), C.R.S. of the APA, will not affect the formal rulemaking process outlined above in any noticeable way.

A bulletin will be sent to stakeholders once the emergency rules are adopted later this month.

Again, the Division apologizes for the inadvertent oversight and any complications or frustrations this may cause. Please do not hesitate to reach out with any questions you may have by emailing us at: [dor\\_led@state.co.us](mailto:dor_led@state.co.us)