



COLORADO

Department of Revenue

Enforcement Division - Liquor & Tobacco

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BULLETIN 18-14

REFERENCE: GUIDANCE TO EMERGENCY RULES - REGULATIONS 47-009 and 47-010

DATE: December 11, 2018

Colorado Liquor Enforcement Division

On December 5, 2018 the Colorado State Licensing Authority through the Liquor Enforcement Division (Division) adopted emergency rules (regulations 47-009 and 47-010), which are effective December 5, 2018. This will affect local licensing authorities in the processing of fermented malt beverage (off-premises) licenses. The purpose of this bulletin is to provide examples of how local licensing authorities can evaluate fermented malt beverage (off-premises) applications and their intent to document/prove their use of the exemption found in sections 44-3-201(12)(a.5) and 44-4-107(3), C.R.S. and regulations 47-009 and 47-010, 1 C.C.R. 203-2.

Examples of Providing Intent (but not limited to)

1. Written documentation showing fermented malt beverages are intended to be sold within the premises. The documentation could be included in a:
 - Building permit Application
 - Business Plan
 - Loan Application
 - Operating Agreement
 - Articles of Incorporation
 - Board Meeting Minutes
2. A practice of owning several other businesses of similar nature that also sell fermented malt beverages.
3. Written documentation between business owners and investors that show intent to sell fermented malt beverages on the premises.
4. Sworn testimony from multiple people documenting the intent to sell fermented malt beverages on the premises.

Examples That Might Not Show Intent (but not limited to)

1. An affidavit from the applicant stating the intent of selling fermented malt beverages on the premises, standing alone.
2. Testimony from the applicant stating the intent of selling fermented malt beverages on the premises, standing alone.

If you have any questions about this bulletin, email the Division at dor_led@state.co.us