



COLORADO

Department of Revenue

Enforcement Division – Liquor & Tobacco

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BULLETIN 20-13

REFERENCE: LED Guidance on Demonstrating Compliance with Executive Order D 2020-142

DATE: JULY 22, 2020

Executive Order D [2020-142](#), which was signed on July 21, 2020, mandates that licensees who hold a liquor license pursuant to Articles 3, 4, and/or 5 of the C.R.S. Title 44, must cease all alcohol sales to end consumers by 10:00 p.m. The Liquor Enforcement Division is releasing this bulletin in order to clarify how retail licensees can demonstrate compliance with the parameters of the Executive Order in their everyday business practices.

First, it is important to note that liquor licensees **do not** need to close to the public at 10:00 p.m., and food service after 10:00 may continue as usual. For example, a licensed gaming establishment, that usually operates 24 hours a day, may continue to operate and provide food service uninterrupted; however, they may not sell alcohol beverages between the hours of 10:00 p.m., and 7:00 a.m.. The prohibition is on alcohol sales, not operations more generally. What follows are a few examples regarding how a business may demonstrate that alcohol sales have ceased by 10:00 p.m., if it chooses to remain open to the public past that time.

(1) Point-of-Sale (POS) system time stamps

Many POS systems allow for a time-stamp of line item orders, which could demonstrate, on any particular tab, that *no alcohol orders were placed* past the “last call” deadline. For example, if a table of four were seated at 9:30 p.m. and ordered food and alcohol at 9:50 p.m., they would be allowed to stay on the premises, eat their meal, drink their alcohol beverages, and even order dessert at 10:30 p.m., provided that the tab produced at the end of the night can clearly show that no alcohol beverages were added to the tab past 10:00 p.m. It is sufficient if the POS system has the capability of showing the time-stamp on the line item orders, and that information could be shown to LED investigators, even if the customer and merchant copy of the receipt does not bear the time stamp, as printed.

(2) Compliance if POS system does not have time-stamp capabilities

For licensees whose POS system does not have the aforementioned capabilities, it may be necessary to close out any tab containing alcohol orders prior to the 10:00 p.m. last call deadline, at which point, ordering and service of food items may continue on a new tab. The separate tabs do **not** need to be paid for simultaneously; it is enough to demonstrate that the tab was “closed” before the cut off time. For example, if there is an open bar at a wedding reception, the alcohol service provider should close the tab at 9:59 p.m. and disallow any further orders of alcohol beverages, but may present the closed tab for payment to the parties at a later time, so as to not interrupt the reception.

(3) Tipping and Service Past the Last Call Deadline

As long as any alcohol beverage order was placed prior to being delivered to the place where the alcohol is to be consumed by 9:59 p.m., and such time of order is clearly demonstrable by either of the methods detailed above, or clearly demonstrable in any other manner, the alcohol beverage may be served and paid for past 10:00 p.m. For example, if a hotel guest places an order for room service that includes an alcohol beverage, the alcohol may be delivered to the customer's room, and the customer may tip the guest services staff for that service after 10:00 p.m.

The Division reserves the right to amend or withdraw industry bulletins at any time but will try to give as much forewarning as possible before any such amendment or withdrawal.

Please do not hesitate to reach out to LED at dor_led@state.co.us, if you have any questions regarding this bulletin, and we thank you for your continued diligence and partnership as we all work together to keep ourselves and our neighbors safe.

Colorado Liquor Enforcement Division