



COLORADO

Department of Revenue

Enforcement Division – Liquor & Tobacco

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Colorado Liquor Enforcement Division Notice:

Executive Order D 2020 011 Temporary Suspension of Enforcement on On-Premise Retailed Licensees and Breweries to Sell, Deliver or Provide Alcohol for Takeout

On March 20, 2020, Governor Jared Polis issued Executive Order D 2020 011, which temporarily suspends the enforcement of the statutory license limitations in C.R.S. §§ 44-3-301(3)(a), 44-3-901(1)(g), 44-3-901(10), and 44-4-107(6) for retailers licensed for on-premises alcohol consumption to sell, deliver or provide for takeout of sealed alcohol beverages if the customer, who is over twenty-one, also purchases food, for a period of 30 days until April 18, 2020. Executive Order D 2020 011 also temporarily suspends the statutory license limitations in C.R.S. §§ 44-3-301(3)(a), 44-3-901(1)(g), and 44-3-901(10) for breweries operating an approved salesroom to sell, deliver or provide for takeout of sealed containers of malt liquor, if the customer is over twenty-one, for a period of 30 days until April 18, 2020.

In order to comply with the temporary allowances for on-premise retail licensed facilities and breweries operating an approved salesroom, you must:

- Operate a licensed on-premise retail establishment that sells food, or brewery that operates an approved salesroom, and provide alcohol beverage in sealed containers (as defined by C.R.S. 44-3-103(51) without violating the open container law C.R.S. 42-4-1305);
- Hold one of the following on-premise retail license types: Beer and Wine, Brew Pubs, Club Licenses, Distillery Pubs, Hotel & Restaurant, Lodging and Entertainment, Tavern, or Vintners Restaurant;
- Sell alcohol with the sale of food (food and alcohol purchases must be reflected on the same receipt or transaction), or brewery with an approved salesroom;
- Provide only products manufactured on-site, if a licensed as a distillery pub or brewery (may not provide mixed drinks);
- Receive orders via online, in person, telephonically, or third party vendor;
- Not violate the delivery requirements of the sealed container law in C.R.S. 44-3-103(51) and open container law in C.R.S. 42-4-1305. Deliveries may only be made to the address provided at the time of the order. Persons making the deliveries must be over the age of 21 and an employee of the licensee. Persons delivering must verify the age of the individual receiving the alcohol beverage(s);
- Sell to only those individuals who are 21 years of age or over (individual placing the order must provide their name, date of birth, and delivery address) and verify information upon delivery; and
- Retain all records regarding the delivery of alcohol beverages pursuant to C.R.S. 44-3-701.

This Executive Order is in effect from March 20, 2020, to April 18, 2020, at which time, the temporary suspension of enforcement of C.R.S. §§ 44-3-301(3)(a), 44-3-901(1)(g), 44-3-901(10), and 44-4-107(6) will expire, and retailers will be required to conform and comply with preexisting statutes and rules for on-premise retail licensing and breweries.

The Governor's order was enacted to facilitate sales for on-premise restaurants and bars after the public health mandate was issued in response to the COVID-19 outbreak in Colorado that forced the closure of dine-in services for all Colorado restaurants and bars. The Liquor Enforcement Division will continue to work with industry members and licensees to enact the Governor's orders and facilitate a dialog between the state and the industry.

If you have any further questions, please contact 303-205-2300 or dor_led@state.co.us.

