D 2020 142

EXECUTIVE ORDER

Amending and Extending Executive Orders D 2020 091 and D 2020 123 Safer at Home and in the Vast, Great Outdoors

Pursuant to the authority vested in the Governor of the State of Colorado and, in particular, pursuant to Article IV, Section 2 of the Colorado Constitution and the relevant portions of the Colorado Disaster Emergency Act, C.R.S. § 24-33.5-701, et seq., I, Jared Polis, Governor of the State of Colorado, hereby issue this Executive Order amending and extending Executive Orders D 2020 091 and D 2020 123, Safer at Home and in the Vast, Great Outdoors, due to the presence of coronavirus disease 2019 (COVID-19) in Colorado.

I. Background and Purpose

On March 5, 2020, the Colorado Department of Public Health and Environment’s (CDPHE) public health laboratory confirmed the first presumptive positive COVID-19 test result in Colorado. Since then, the number of confirmed cases has continued to climb, and there is community spread throughout the State. I verbally declared a disaster emergency on March 10, 2020, and on March 11, 2020, I issued the corresponding Executive Order D 2020 003, as amended by Executive Orders D 2020 018, D 2020 032, D 2020 058, D 2020 076, D 2020 109, and D 2020 125. On March 25, 2020, I requested that the President of the United States declare a Major Disaster for the State of Colorado, pursuant to the Stafford Act. The President approved that request on March 28, 2020.

My administration, along with other State, local, and federal authorities, has taken a wide array of actions to mitigate the effects of the pandemic, prevent further spread, and protect against overwhelming our health care resources.

The virus that causes COVID-19 is spread primarily by close contact between people and through respiratory droplets when an infected person coughs or sneezes. It can also be spread through contact with contaminated surfaces. Public health experts recommend we practice Social Distancing, or maintaining a physical distance of six (6) feet or more from other people, as a way to slow the spread of COVID-19. This is especially important for Vulnerable Individuals as ninety percent (90%) of Colorado fatalities are individuals older than sixty (60). Evidence shows that Social Distancing and the Stay at Home Executive Order D 2020 017, as amended, have helped to slow the rate of infection and ensured that Coloradans who needed it had access to healthcare resources.

While we have seen indications that our efforts to “flatten the curve” are working, increased transmission of the virus, and the resulting strains on our healthcare resources,
continue to threaten Coloradans’ way of life and livelihoods. As we take steps to return Coloradans to work, we must continue to practice Social Distancing from others at a high level and implement other measures, such as limiting our social interactions, extra precautions for Vulnerable Individuals, and wearing non-medical masks while in public to facilitate reopening the economy while we protect public health. As we move forward, the State continues to monitor the spread of COVID-19, increase our testing and tracing capabilities, and consider additional precautions as we learn more about the novel coronavirus and its effects on human health.

This Executive Order amends and extends Executive Orders D 2020 091 and D 2020 123 by requiring that all licensees contained in Articles 3, 4, and 5 of Title 44 of the Colorado Revised Statutes must cease alcohol beverage sales to end consumers at 10:00 P.M. each day.

II. Amendments

Section II of Executive Order D 2020 091, as amended and extended by Executive Order D 2020 123, is amended as follows:

1. Add new paragraph II.O. that states the following:

O. Effective 9:00 A.M. MDT on Thursday July 23, 2020, Pursuant to Colorado Revised Statute § 24-33.5-704(7)(h), C.R.S., all licensees contained in Articles 3, 4, and 5 of Title 44 of the Colorado Revised Statutes must cease alcohol beverage sales to end consumers at 10:00 P.M. MDT each day.

III. Duration

Executive Order D 2020 091, as amended and extended by Executive Order D 2020 123 and this Executive Order, shall expire thirty (30) days from July 21, 2020, unless extended further by Executive Order. In all other respects, Executive Order D 2020 091, as amended and extended by Executive Order D 2020 123, shall remain in full force and effect as originally promulgated.

GIVEN under my hand and the Executive Seal of the State of Colorado, this twenty-first day of July, 2020.

Jared Polis
Governor
BULLETIN 20-12

REFERENCE: Clarification on Executive Order D 2020-142 and Prohibition of Service and Consumption of Alcohol Beverages in Motor Vehicles.

DATE: JULY 22, 2020

Executive Order No. D 2020-142

While the Liquor industry has been diligently working towards slowing the spread of COVID-19, the recent spike in confirmed cases has precipitated new restrictions from Governor Polis through Executive Order D 2020-142.

The Liquor Enforcement Division (LED) is releasing this bulletin to clarify the requirements of Governor Polis’ Executive Order D 2020-142. Pursuant to this Executive Order, all alcohol sales to end consumers must cease by 10:00 p.m., nightly.

This Executive Order applies to all licensees who are licensed under Article(s) 3, 4, and/or 5 of Title 44. However, it is important to note that the prohibition on sales after 10:00 p.m. applies to retail sales to consumers for consumption on or off the licensed premises (i.e. retail licensees cannot sell drinks for consumption—even through take-out or delivery—past 10:00 p.m.). This prohibition also includes alcohol beverage sales to consumers at permitted special events.

Manufacturers and wholesalers are not prohibited from conducting sales to their business licensees at this time, but they may not sell alcohol beverages to end consumers at an approved sales room past the 10:00 p.m. cut-off. For example, a manufacturer of vinous liquor, licensed under 44-3-402, may sell alcohol beverage product to a wholesale licensee after 10 p.m., but may not sell its product to a consumer in its licensed sales room for on or off premises consumption.

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

Service to and Consumption in Motor Vehicles Prohibited

LED would also like to clarify that possession of open containers and/or consumption of alcohol beverages in motor vehicles, even if stationary, is prohibited under Colorado law (42-4-1305, C.R.S.). Therefore, service of open containers to motor vehicles, even if the vehicle is parked on the licensed premises, is not allowed.

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.