

REGULATION 47-1101. DELIVERY AND TAKEOUT SALES AUTHORIZED UNDER EXECUTIVE ORDER(S)

BASIS AND PURPOSE. THE STATUTORY AUTHORITY FOR THIS REGULATION IS LOCATED AT SUBSECTIONS 44-3-202(1)(B), 44-3-202(2)(A)(I)(L), 44-3-202(2)(A)(I)(M), 44-3-202(2)(A)(I)(R), 44-3-601, AND 24-4-104(4)(A), C.R.S. IN ACCORDANCE WITH THE LEGISLATIVE DECLARATION OF SECTION 44-3-102, C.R.S., THE COLORADO LIQUOR CODE IS DEEMED AN EXERCISE OF THE POLICE POWERS OF THE STATE OF COLORADO FOR THE PROTECTION OF THE ECONOMIC AND SOCIAL WELFARE AND THE HEALTH, PEACE, AND MORALS OF THE PEOPLE OF THE STATE OF COLORADO. REGULATION OF THE MANUFACTURE, DISTRIBUTION, AND SALE OF ALCOHOL BEVERAGES IS REGULATED BY THE COLORADO LIQUOR CODE AS A MATTER OF STATEWIDE CONCERN. THE PURPOSE OF THIS REGULATION IS TO EXERCISE PROPER REGULATION AND CONTROL OVER THE MANUFACTURE, DISTRIBUTION AND SALE OF ALCOHOL BEVERAGES, PROMOTING THE SOCIAL WELFARE, THE HEALTH, PEACE AND MORALS OF THE PEOPLE OF THE STATE, WHEN PUBLIC HEALTH ORDERS ARE ISSUED AND DURING DISASTER EMERGENCIES. THIS REGULATION ALSO ADDRESSES AGE VERIFICATION REQUIREMENTS AND RELATED RECORDKEEPING FOR ALCOHOL BEVERAGES SOLD THROUGH DELIVERY OR TAKEOUT BY ON PREMISES LICENSEES AUTHORIZED TO ENGAGE IN SUCH SALES BY EXECUTIVE ORDER D 2020 011 – ORDERING THE SUSPENSION OF CERTAIN REGULATORY STATUTES DUE TO THE PRESENCE OF COVID-19, DATED MARCH 20, 2020 (“EXECUTIVE ORDER D 2020-011”).

- A. ANY LICENSEE AUTHORIZED TO ENGAGE IN SALE OF ALCOHOL BEVERAGES THROUGH DELIVERY OR TAKEOUT PURSUANT TO EXECUTIVE ORDER D 2020-011, OR ANY SUBSEQUENT EXECUTIVE ORDER EXTENDING, AMENDING, EXPANDING, OR LIMITING THE SUSPENSION OF STATUTORY LICENSE LIMITATIONS RELATED TO SALES OF ALCOHOL BEVERAGES THROUGH DELIVERY OR TAKEOUT, SHALL COMPLY WITH THE FOLLOWING REQUIREMENTS AND LIMITATIONS, TO THE EXTENT CONSISTENT WITH ANY SUCH EXECUTIVE ORDER(S):
1. ORDERS FOR DELIVERY OR TAKEOUT THAT INCLUDE ALCOHOL BEVERAGES MAY BE ACCEPTED BY ONLY THE LICENSEE OR ITS EMPLOYEES, WHICH MAY BE ACCEPTED BY TELEPHONE, IN PERSON, OR VIA INTERNET COMMUNICATION. ALL ORDERS FOR DELIVERY SHALL BE DOCUMENTED IN A WRITTEN ORDER PREPARED BY THE LICENSEE OR ITS EMPLOYEES.
 2. THE PERSON PLACING A DELIVERY ORDER MUST PROVIDE THE LICENSEE WITH THEIR NAME, DATE OF BIRTH, AND DELIVERY ADDRESS. UNDER NO CIRCUMSTANCES SHALL A PERSON UNDER TWENTY-ONE (21) YEARS OF AGE BE PERMITTED TO PLACE AN ORDER FOR DELIVERY OF ALCOHOL BEVERAGES.
 3. DELIVERY OF ORDERS THAT INCLUDE ALCOHOL BEVERAGES SHALL BE MADE ONLY TO A PERSON TWENTY-ONE (21) YEARS OF AGE OR OLDER AT THE ADDRESS SPECIFIED IN THE ORDER.
 4. DELIVERY MUST BE MADE BY THE LICENSEE OR THE LICENSEE’S EMPLOYEE WHO IS AT LEAST TWENTY-ONE (21) YEARS OF AGE. USE OF THIRD-PARTY DELIVERY SERVICES IS PROHIBITED.
 5. THE LICENSEE OR THE LICENSEE’S EMPLOYEE WHO DELIVERS THE ALCOHOL BEVERAGES SHALL NOTE AND LOG AT THE TIME OF DELIVERY THE NAME AND IDENTIFICATION NUMBER OF THE PERSON RECEIVING THE DELIVERY OF THE ALCOHOL BEVERAGES. UNDER NO CIRCUMSTANCES SHALL A PERSON UNDER TWENTY-ONE (21) YEARS OF AGE BE PERMITTED TO RECEIVE A DELIVERY OF ALCOHOL BEVERAGES.

6. LICENSEES WHO DELIVER ALCOHOL BEVERAGES SHALL MAINTAIN ALL RECORDS RELATING TO DELIVERY, INCLUDING DELIVERY ORDERS, RECEIPT LOGS AND JOURNALS, AS PART OF THEIR RECORDS REQUIRED PURSUANT TO SECTION 44-3-701, C.R.S. THESE RECORDS SHALL BE MAINTAINED BY THE LICENSEE FOR THE CURRENT AND THREE PRIOR CALENDAR YEARS. FAILURE TO MAINTAIN ACCURATE OR COMPLETE RECORDS IS A VIOLATION OF THIS REGULATION.
7. LICENSEES ENGAGED IN DELIVERY SHALL COMPLY WITH SECTION 42-4-1305, C.R.S., ADDRESSING PROHIBITIONS ON OPEN CONTAINERS OF ALCOHOL BEVERAGES IN MOTOR VEHICLES.
8. ANY ALCOHOL BEVERAGE SOLD TO A CONSUMER THROUGH DELIVERY OR TAKEOUT:
 - A. SHALL BE IN A SEALED CONTAINER, AS DEFINED IN SECTION 44-3-103(51), C.R.S.; OR
 - B. SHALL BE IN A CUP OR OTHER CONTAINER CLOSED SECURELY WITH A LID TAPED SECURELY TO THE CUP OR OTHER CONTAINER. A PLASTIC LID COMPLIES WITH THIS REGULATION SO LONG AS ANY HOLES IN THE LID ARE SEALED SECURELY WITH TAPE, NO STRAW IS INSERTED THROUGH THE LID, AND THE CONTENTS OF THE CUP ARE NOT PARTIALLY REMOVED. SUCH A CUP OR OTHER CONTAINER SHALL BE AFFIXED WITH A LABEL CONTAINING A WARNING STATEMENT, WITH A MINIMUM FOURTEEN (14) FONT SIZE, STATING AS FOLLOWS: "**WARNING: DO NOT OPEN OR REMOVE SEAL WHILE IN TRANSIT.** PURCHASERS ARE SUBJECT TO STATE AND LOCAL LAWS PROHIBITING DRINKING OR POSSESSING OPEN CONTAINERS OF ALCOHOLIC BEVERAGES IN MOTOR VEHICLES, INCLUDING SECTION 42-4-1305, C.R.S."
9. LICENSEES WHO SELL ALCOHOL BEVERAGES THROUGH DELIVERY OR TAKEOUT PURSUANT TO THIS REGULATION SHALL REMAIN RESPONSIBLE FOR COMPLIANCE WITH ALL LAWS AND REGULATIONS PROHIBITING THE SALE OF ALCOHOL BEVERAGES TO AN UNDERAGE PERSON OR TO A VISIBLY INTOXICATED PERSON.
 - B. ALL ALCOHOL BEVERAGES SOLD BY A RETAILER THROUGH DELIVERY OR TAKEOUT PURSUANT TO THIS REGULATION AND ANY AUTHORIZING EXECUTIVE ORDER(S) SHALL BE SOLD WITH FOOD, SUCH AS MEALS AND/OR SANDWICHES AND LIGHT SNACKS. BOTH FOOD AND ALCOHOL BEVERAGES SOLD FOR TAKE-OUT OR DELIVERY MUST BE REFLECTED ON THE SAME RECEIPT OR TRANSACTION.
 - C. A VIOLATION OF THIS REGULATION BY A LICENSEE, OR BY ANY OF THE AGENTS, SERVANTS, OR EMPLOYEES OF A LICENSEE, MAY RESULT IN DISCIPLINARY ACTION, UP TO AND INCLUDING LICENSE REVOCATION, PURSUANT TO SECTION 44-3-601(1), C.R.S., AND MAY RESULT IN SUMMARY SUSPENSION OF A LICENSE PURSUANT TO SECTION 44-3-601(2) AND REGULATION 47-602.