

STATE OF COLORADO

DEPARTMENT OF REVENUE Liquor Enforcement Division

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Bill Ritter, Jr.
Governor

Roxanne Huber
Executive Director

Laura K. Harris
Division Director

Colorado Department of Revenue Liquor Enforcement Division

Emergency Amendment Concerning:

Readopt Regulation 47-002. Fermented Malt Beverages – Advertising Practices.
Readopt Regulation 47-004. Fermented Malt Beverages – Possession of Alcohol Liquors.
Readopt Regulation 47-006. Fermented Malt Beverages – Identification and Labeling.
Amend Regulation 47-008. Fermented Malt Beverages – Limitations of License.
Amend Regulation 47-904. Product Labeling, Substitution, Sampling and Analysis.
Amend Regulation 47-914. Unlicensed Possession of Beverages.
Amend Regulation 47-924. Importation and Sole Source of Supply/Brand Registration.
Amend Regulation 47-930. Advertising, Labeling, and Registration of Malt Beverages

Statement of Emergency Justification and Adoption

Pursuant to §24-4-103, C.R.S., §12-46-102(1), C.R.S., §12-47-202(1)(b), C.R.S., §12-47-202(2)(a)(I)(S), §12-47-202(2)(a)(I)(M), C.R.S., §12-47-202(2)(a)(I)(N), C.R.S., and §12-47-202(2)(a)(I)(Q), C.R.S. I, Roxy Huber, Executive Director of the Colorado Department of Revenue and State Liquor Licensing Authority, hereby readopt and adopt amendments to the aforementioned regulations, which are attached hereto.

I find that the immediate adoption of these amendments and the new regulation is imperatively necessary to comply with a state or federal law or federal regulation or for the preservation of the public health, safety or welfare, and compliance with the requirements of section 24-4-103 would be contrary to the public interest. On January 10, 2011, the Department previously adopted emergency regulations to comply with and administer legislative changes to §12-47-202(2)(a)(I)(S), through Senate Bill 10-083, which became effective on August 11, 2010.

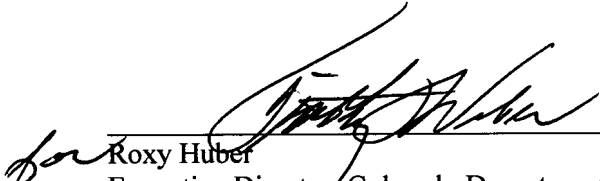
Since the adoption of the emergency regulations, the Department has decided to propose a significant policy shift regarding implementation of legislative changes to §12-47-202(2)(a)(I)(S), C.R.S. The Department will hold a rulemaking hearing to consider proposed permanent regulations that are significantly different than the emergency regulations adopted on January 10, 2011, and that will change the burden upon the regulated community. Without a simultaneous adoption of an emergency regulation with parallel changes, the regulated community will be subject to inconsistent and changing regulations and will have to comply with new regulations that are unlikely to remain in effect. It is imperatively necessary to revise the emergency regulation immediately in order to avoid compliance by the industry with a regulation that is more complicated than the proposed permanent regulation.

Statutory Authority:

The statutory authorities for the re-adoption of and amendment to existing regulations are cited above.

Purpose:

To amend existing regulations and create a new regulation that conform to the requirements of Senate Bill 10-083, which requires the state licensing authority to adopt rules regarding the testing of the alcohol content of malt liquor and fermented malt beverage sold by persons licensed pursuant to articles 46 and 47 of title 12, C.R.S



Roxy Huber
Executive Director, Colorado Department of Revenue
State Licensing Authority

3-3-2011
Date