

**Colorado Department of Revenue
Liquor Enforcement Division
Adoption of New and Revised Rules on an Emergency Basis
Colorado Liquor Rules, 1 C.C.R. 203-2**

Emergency Rules

Revised Liquor Rule, 1 C.C.R. 203-2:

Regulation 47-302 – Changing, Altering, or Modifying Licensed Premises

New Liquor Rule, 1 C.C.R. 203-2:

Regulation 47-1102 – Compliance with Public Health Orders and Executive Orders Issued During Disaster Emergencies

Statement of Emergency Justification and Adoption

Pursuant to sections 24-4-103, 44-3-201, and 44-3-202, C.R.S., I, Heidi Humphreys, Deputy Executive Director/Chief Operating Officer of the Department of Revenue and State Licensing Authority, hereby adopt the aforementioned new and revised Colorado Liquor Rules, which are attached hereto.

Section 24-4-103(6), C.R.S., authorizes the State Licensing Authority to issue an emergency rule if the State Licensing Authority finds that the immediate adoption of the rule is imperatively necessary to comply with a state or federal law or federal regulation or for the preservation of public health, safety, or welfare and compliance with the requirements of section 24-4-103, C.R.S., would be contrary to the public interest.

I find: (1) the adoption of these new and revised rules, effective immediately, is necessary to comply with the statutory mandates of the Colorado Liquor Code sections 44-3-101 to 44-3-1002, C.R.S.; (2) the adoption of these new and revised rules is necessary to preserve the public health, safety, and welfare; and (3) compliance with the notice and public hearing requirements of section 24-4-103, C.R.S., would be contrary to the public interest.

Statutory Authority

The statutory authority for these new and revised rules includes but is not limited to subsections 44-3-202(1)(b), 44-3-202(2)(a)(I)(A), 44-3-202(2)(a)(I)(D), 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 24-104(4)(a), C.R.S.

Purpose

The State Licensing Authority is adopting these new and revised rules on an emergency basis due to the ongoing threat to public health in the state of Colorado caused by the spread of novel coronavirus 2019 (COVID-19). On March 11, 2020, the Governor of Colorado declared a State

of Emergency related to the presence of COVID-19 in the state of Colorado. On March 13, 2020, the President of the United States declared a National Emergency due to COVID-19.

In response to COVID-19, the Governor of Colorado has issued at least 57 executive orders and the Colorado Department of Public Health and Environment (CDPHE) has issued at least seven public health orders. Many of the executive orders and public health orders issued in response to COVID-19 impose requirements and restrictions on businesses in Colorado, including those holding licenses issued under articles 3, 4, and 5 of title 44. *See, e.g.*, Executive Order D 2020 44 – Safer at Home (“EO D 2020 44”) and Second Amended Public Health Order 20-28 – Safer at Home (“PHO 20-28”). In addition, the Governor of Colorado has issued executive orders suspending, subject to certain conditions, statutory license limitations related to the sale of alcohol beverages through delivery or takeout. *See, e.g.*, Executive Order D 2020 52 – Extending Executive Orders D 2020 011 and D 2020 029 Concerning the Temporary Suspension of Certain Regulatory Statutes Due to the Presence of COVID-19. In light of the ongoing impact of COVID-19, it is likely that the Governor of Colorado and CDPHE may find it necessary to issue additional executive orders and public health orders which may extend, amend, expand, or limit social distancing requirements, the restrictions on business operations, or the suspension of statutory license limitations related to the sale of alcohol beverages. Further, EO 2020 44 and PHO 20-28 give authority to counties and municipalities to adopt more restrictive standards and allow counties to apply for variances from the statewide requirements and restrictions.

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, Colorado Beer Code, and Special Event Liquor Permits Code as a matter of statewide concern. In light of the ongoing impact of COVID-19, the adoption of these new and revised emergency rules are imperatively necessary to ensure continued proper regulation and control over the administration and enforcement of articles 3, 4, and 5 of title 44 to meet these legislative charges and responsibilities in order to preserve the public health, safety, and welfare of the State of Colorado.

In particular, adopting Regulation 47-1102 – Compliance with Public Health Orders and Executive Orders Issued During Disaster Emergencies on an emergency basis will ensure the preservation of the public health, safety, and welfare of the State of Colorado by limiting the risks of exposure to, and mitigate harm related to, COVID-19 by requiring all licensees, their agents, and their employees to comply with any Executive Order issued by the Governor of Colorado, any applicable public health orders issued by CDPHE or local health departments, and, where applicable, the requirements of an approved variance to any statewide orders.

Adopting revised Regulation 47-302 – Changing, Altering, or Modifying Licensed Premises on an emergency basis will also ensure the preservation of the public health, safety, and welfare of the State of Colorado by limiting the risks of exposure to, and mitigate harm related to, COVID-19 by giving licensees greater flexibility to temporarily modify their licensed premises to facilitate social distancing by employees and the public.

Adoption, Effective Date, and Expiration

The State Licensing Authority hereby adopts the forgoing new and revised rules on an emergency basis, effective immediately. The attached new and revised emergency rules will remain in effect until their expiration upon 120 days from the adoption date unless sooner terminated or replaced by a permanent rule.

Heidi Humphreys Digitally signed by Heidi
Humphreys
Date: 2020.05.15 16:53:44 -06'00'

Heidi Humphreys
Deputy Executive Director/Chief Operating Officer
Colorado Department of Revenue
State Licensing Authority

Date