

NOTICE OF RULEMAKING HEARING

Department of Revenue Liquor Enforcement Division

The State Licensing Authority of the Colorado Department of Revenue, Liquor Enforcement Division (“Division”), will consider the promulgation of amendments to its Rules and Regulations as authorized by the Colorado Liquor Code, sections 44-3-101 *et seq.*, C.R.S. For specific information and language concerning the proposed changes and new rules, please refer to the contents of this Notice and to the proposed rules that are set forth following this notice and are available on the Division’s website, www.colorado.gov/enforcement/liquor.

STATUTORY AUTHORITY FOR RULEMAKING

The State Licensing Authority promulgates these rules pursuant to the authority granted in section 44-3-202, C.R.S., of the Colorado Liquor Code and section 24-4-103, C.R.S., of the Administrative Procedure Act.

SUBJECT OF RULEMAKING

The proposed rules and relevant information are posted on Division’s website, www.colorado.gov/enforcement/liquor. In addition, the proposed rules attached to this Notice are fully incorporated herein.

The State Licensing Authority will consider the promulgation of the following list of new rules and/or existing rules with proposed changes. For specific information and language concerning the proposed changes, please refer to the proposed rules that are set forth with this Notice, posted on Division’s website, and posted on the Colorado Secretary of State’s website.

RULES TO BE CONSIDERED FOR AMENDMENT OR ADOPTION

The Rules to be considered for amendment or adoption are described as follows:

- Regulation 47-002. Fermented Malt Beverages – Advertising Practices.
- Regulation 47-004. Fermented Malt Beverages – Possession of Alcohol Liquors.
- Regulation 47-006. Fermented Malt Beverages – Identification and Labeling.
- Regulation 47-008. Fermented Malt Beverages – Limitations of License.
- Regulation 47-009. Fermented Malt Beverage Off-Premises Licenses Distance Requirement.
- Regulation 47-010. Items Approved for Sale in Fermented Malt Beverage Off-Premises Licenses
- Regulation 47-100. Definitions.
- Regulation 47-104. Winery Direct Shipper’s Permits.
- Regulation 47-200. Petitions for Statements of Position and Declaratory Orders Concerning the Colorado Liquor, Beer or Special Event Codes.
- Regulation 47-301. Undue Concentration of Licenses.
- Regulation 47-302. Changing, Altering, or Modifying Licensed Premises.

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- Regulation 47-303. License Renewal.
- Regulation 47-304. Transfer of Ownership and Changes in Licensed Entities.
- Regulation 47-305. Transfers – Wholesaler Confirmation.
- Regulation 47-306. Change of Trade Name.
- Regulation 47-307. Master Files
- Regulation 47-310. Application – General Provisions.
- Regulation 47-313. Tastings.
- Regulation 47-314. Limited Liability Company.
- Regulation 47-315. Lodging and Entertainment License.
- Regulation 47-316. Advertising Practices.
- Regulation 47-318. Owner-Manager.
- Regulation 47-319. Liquor-Licensed Drugstore Manager Permit.
- Regulation 47-321. Bona Fide Loyalty or Rewards Programs – Discontinued Sales – Close-Out Sales.
- Regulation 47-322. Unfair Trade Practices and Competition.
- Regulation 47-326. Distance Restriction – Applicability and Measurement.
- Regulation 47-407. Liquor-Licensed Drugstore.
- Regulation 47-418. Restaurants.
- Regulation 47-426. Delivery of Alcohol Beverages.
- Regulation 47-428. Sales Rooms.
- Regulation 47-432. Colorado-Manufacturers – Alternating Proprietor Licensed Premises.
- Regulation 47-500. Excise Tax Audits.
- Regulation 47-506. Fees.
- Regulation 47-600. Complaints against Licensees – Suspension and Revocation of Licenses.
- Regulation 47-601. Assurance of Voluntary Compliance.
- Regulation 47-605. Responsible Alcohol Beverage Vendor and Permitted Tastings by Retail Liquor Stores and Liquor Licensed Drugstores.
- Regulation 47-700. Inspection of the Licensed Premises.
- Regulation 47-900. Conduct of Establishment.
- Regulation 47-901. Public Consumption of Alcohol Beverages.
- Regulation 47-904. Product Labeling, Substitution, Sampling and Analysis.
- Regulation 47-905. Colorado Wineries – Labeling and Records.
- Regulation 47-913. Age of Employees.
- Regulation 47-914. Unlicensed Possession of Beverages.
- Regulation 47-918. Removal of Alcohol Beverages from Premises.
- Regulation 47-924. Importation and Sole Source of Supply/Brand Registration.
- Regulation 47-926. Interference with Officers.
- Regulation 47-930. Testing of Alcohol Content – Malt Liquor and Fermented Malt Beverage.
- Regulation 47-1000. Qualifications for Special Event Permit.
- Regulation 47-1002. Application for Special Event Permit.
- Regulation 47-1010. Special Event Permit – Possession of Beverages.
- Regulation 47-1012. Special Event Permit – Permitted Age of Servers.
- Regulation 47-1014. Special Event Permit – Complaint Against Permittee – Cancellation – Revocation of Permit.
- Regulation 47-1016. Special Event Permittee – Purchase and Storage of Alcohol Beverages.

- Regulation 47-1018. Special Event Permitttee – Supplier Financial Assistance.
- Regulation 47-1020. Alcohol Beverage Donations.
- Regulation 47-1022. Donated Alcohol Beverages in Sealed Containers for Auction for Fundraising Purposes.

RULEMAKING RECORD AND PUBLIC PARTICIPATION

1. Official Rulemaking Record. The official record for purposes of the rulemaking hearing to be held on January 14, 2019 will include any written comments or oral testimony submitted or presented. In an effort to avoid unnecessary duplication of effort, the record shall also include all written comments and oral testimony submitted or presented in connection with the hearing held on November 1, 2018, pursuant to the Notice of Rulemaking Hearing filed with the Secretary of State (“SOS”) on September 27, 2018, (SOS Tracking No. 2018-00498) (“Prior Hearing”). The rulemaking proceedings associated with the Prior Hearing are being terminated contemporaneously with this Notice.
2. Written Comments. The State Licensing Authority encourages interested parties to submit written comments on the proposed rules, including alternate proposals, by January 7, 2019 so that the State Licensing Authority can review comments prior to the rulemaking hearing. Written comments will also be accepted after that date. The deadline to submit written comments is 5:00 P.M. on January 18, 2019. The State Licensing Authority will consider comments submitted in connection with the Prior Hearing as part of the official record.

Written comments may be emailed to: dor_led@state.co.us. In addition, you may submit written comments to:

Prior to December 21, 2018	After December 21, 2018
Liquor Enforcement Division Attn: Rules 1881 Pierce Street Suite 108 Lakewood, Colorado 80214	Liquor Enforcement Division Attn: Rules 1697 Cole Boulevard Suite 200 Golden, Colorado 80401

Written comments will be accepted at the rulemaking hearing as well.

3. Oral Comments. At his/her discretion, the State Licensing Authority may afford interested parties an opportunity to make brief oral presentations at the rulemaking hearing.

If allowed, oral presentations will likely be limited to two minutes or less per person. Individuals will not be allowed to cede their time to another person (for instance, one person speaking on behalf of five people will not be given ten minutes to speak). Organized groups of individuals are urged to identify one spokesperson and to be concise.

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HEARING SCHEDULE

Date: January 14, 2019
Time: 9:00 a.m.
Location: Marijuana Enforcement Division
1707 Cole Blvd, Suite 300
Golden, CO 80401
"Red Rocks" Conference room

Location of the rulemaking hearing will also be posted on the Division's website and the Secretary of State's website.

The hearing may be continued at such place and time as the State Licensing Authority may announce.

The State Licensing Authority shall deliberate upon the rulemaking record, including oral testimony and written submissions presented, as well as applicable legal provisions and any related matters properly submitted before the hearing record is closed. Pursuant to said hearing, in the above-entitled matter at the time and place aforesaid, or at any adjourned meeting, the State Licensing Authority will adopt such rules as in its judgment are justified by the rulemaking record and applicable legal provisions.

If you are an individual with a disability who needs a reasonable accommodation in order to participate in this rulemaking hearing, please contact Chris Manning at Chris.Manning@state.co.us no later than January 7, 2019.

Dated this 5th day of December, 2018.

THE COLORADO DEPARTMENT OF REVENUE,
STATE LICENSING AUTHORITY,
LIQUOR ENFORCEMENT DIVISION



Michael S. Hartman
State Licensing Authority
Colorado Department of Revenue