

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

**Emergency Rule**

Regulation 47-302(F) – Changing, Altering, or Modifying Licensed Premises.

**Statement of Emergency Justification and Adoption**

Pursuant to subsections 24-4-103, 44-3-201, and 44-3-202, C.R.S., I, Heidi Humphreys, Interim Executive Director/Chief Operating Officer of the Department of Revenue and State Licensing Authority, hereby adopt the aforementioned revised Colorado Liquor Rule, which is 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 this rule, 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 this revised rule 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 this rule 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), C.R.S.

**Purpose**

The State Licensing Authority is adopting this rule 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). This revised regulation, adopted on an emergency basis, is to ensure the preservation of the public health, safety, and welfare of the State of Colorado by limiting the risk of exposure to, and mitigating harm related to, COVID-19 by giving licensees greater flexibility to temporarily modify their licensed premises in order to facilitate social distancing by employees and the public.

**Adoption, Effective Date, and Expiration**

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

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Heidi Humphreys  
Interim Executive Director  
Colorado Department of Revenue  
State Licensing Authority

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Date

DEPARTMENT OF REVENUE

Liquor Enforcement Division

COLORADO LIQUOR RULES

1 CCR 203-2

*[Editor's Notes follow the text of the rules at the end of this CCR Document.]*

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**Regulation 47-302 Changing, Altering, or Modifying Licensed Premises.**

Basis and Purpose. The statutory authority for this regulation is ~~located at~~ INCLUDES, BUT IS NOT LIMITED TO, subsections 44-3-202(1)(b), 44- 3-202(2)(a)(I)(A), and 44-3-202(2)(a)(I)(D), C.R.S. The purpose of this regulation is to establish procedures for a licensee seeking to make material or substantial alterations to the licensed premises, and provide factors the licensing authority must consider when evaluating such alterations for approval or rejection.

[PUBLISHING NOTE – Regulation 47-302 subsection (F) is currently in place on an emergency basis; however, it is LED's intent that the following version replace that subsection in its entirety. Thus, it has been included as a "new" subsection and appears in small caps below.]

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- F. DUE TO PUBLIC HEALTH CONCERNS RAISED BY THE PRESENCE COVID-19 IN COLORADO, A LICENSEE MAY APPLY TO TEMPORARILY MODIFY ITS LICENSED PREMISES TO FACILITATE SOCIAL DISTANCING BY EMPLOYEES AND CUSTOMERS AND TO FACILITATE COMPLIANCE WITH THE REQUIREMENTS OF APPLICABLE PUBLIC HEALTH ORDERS (*SEE* REGULATION 47-1102).
1. IF PERMITTED BY THE RELEVANT LOCAL LICENSING AUTHORITY, THE TEMPORARY PREMISES MODIFICATION MAY INCLUDE EXPANSION OF THE LICENSED PREMISES INTO OUTSIDE AREAS THAT THE LICENSEE POSSESSES IN ACCORDANCE WITH SUBSECTION (B)(2) OF THIS REGULATION, PROVIDED THAT:
- A. ANY OUTSIDE AREA PROPOSED TO BE INCLUDED IN THE LICENSED PREMISES, AS TEMPORARILY MODIFIED, IS CONTIGUOUS OR ADJACENT TO THE LICENSED PREMISES AND APPROPRIATELY MONITORED BY THE LICENSEE;
  - B. THE LICENSED PREMISES, AS TEMPORARILY MODIFIED, WILL COMPRISE A DEFINITE CONTIGUOUS AREA;
  - C. THE LICENSEE WILL DESIGNATE THE BOUNDARIES OF THE LICENSED PREMISES, AS TEMPORARILY MODIFIED, USING BARRIERS APPROVED BY THE LOCAL LICENSING AUTHORITY AND STATE LICENSING AUTHORITY AND POST WARNING SIGNS IN AREAS VISIBLE TO THE PUBLIC, INCLUDING ALL POINTS OF INGRESS AND EGRESS, REGARDING LAWS AGAINST PUBLIC CONSUMPTION OF ALCOHOL BEVERAGES;
  - D. THE LICENSED PREMISES, AS TEMPORARILY MODIFIED, WILL NOT ENCROACH UPON OR OVERLAP WITH THE LICENSED PREMISES OF ANY OTHER LICENSEE;
  - E. THE LICENSED PREMISES, AS TEMPORARILY MODIFIED, COMPLIES WITH LOCAL BUILDING AND ZONING LAWS; AND

- F. THE LICENSED PREMISES, AS TEMPORARILY MODIFIED, COMPLIES WITH ALL OTHER RESTRICTIONS AND REQUIREMENTS IMPOSED BY THE COLORADO LIQUOR CODE AND RULES.
2. A TEMPORARY MODIFICATION OF A LICENSED PREMISES PURSUANT TO THIS SUBSECTION (F) MAY BE APPROVED BY THE STATE AND LOCAL LICENSING AUTHORITIES AFTER THE FILING OF A TEMPORARY MODIFICATION OF PREMISES APPLICATION ON A FORM APPROVED BY THE STATE LICENSING AUTHORITY, INCLUDING PLANS AND SPECIFICATIONS OF THE LICENSED PREMISES, AS TEMPORARILY MODIFIED, AND A ONE-TIME PAYMENT OF THE MODIFICATION OF LICENSED PREMISES FEE SET FORTH IN REGULATION 47-506.
3. ANY TEMPORARY MODIFICATION APPROVED PURSUANT TO THIS SUBSECTION (F) SHALL EXPIRE ONE HUNDRED TWENTY DAYS FROM THE DATE SUBSECTION (F) OF THIS REGULATION IS ADOPTED BY THE STATE LICENSING AUTHORITY, UNLESS EXTENDED BY SUBSEQUENT RULE OR OTHER ACTION OF THE STATE LICENSING AUTHORITY. A LICENSEE IS NOT REQUIRED TO PAY AN ADDITIONAL MODIFICATION OF LICENSED PREMISES FEE OR OBTAIN APPROVAL TO REMOVE A TEMPORARY MODIFICATION TO THE LICENSED PREMISES UPON EXPIRATION OF THIS SUBSECTION (F).