

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

The State Licensing Authority will consider the promulgation of the following existing rule with proposed changes. For specific information and language concerning the proposed changes, please refer to the proposed rule that is 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 47-302. Changing, Altering, or Modifying Licensed Premises.

RULEMAKING RECORD AND PUBLIC PARTICIPATION

1. Official Rulemaking Record. The official record for purposes of the rulemaking hearing to be held on October 15, 2020, will include any written comments or oral testimony submitted or presented.
2. Written Comments. The State Licensing Authority encourages interested parties to submit written comments on the proposed rules, including alternate proposals, by October 9, 2020, 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 October 16, 2020. Written comments may be emailed to: dor_led_rulemaking@state.co.us. In addition, you may submit written comments to:

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Liquor Enforcement Division
Attn: Rules
1697 Cole Boulevard
Suite 200
Golden, Colorado 80401

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. The State Licensing Authority encourages interested parties to avoid duplicating material and testimony previously submitted in connection with the Prior Hearing.

HEARING SCHEDULE

Date: October 15, 2020
Time: 10:00 a.m.
Location: Due to the ongoing nature of the COVID-19 pandemic, this hearing will be held virtually through Google Meet. Access details are below:

Meeting ID

meet.google.com/rwp-kgox-ky

Phone Numbers

(US)+1 424-262-7741
PIN: 668 978 051#

Access links/Meeting IDs for 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.

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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 October 9, 2020.

Dated this ____ day of September, 2020.

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

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

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.]

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.]

...

- 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;

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- 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 ON OCTOBER 31, 2021, UNLESS THE RELEVANT LOCAL LICENSING AUTHORITY IMPOSES AN EARLIER EXPIRATION DATE. 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).
 - 4. THIS SUBSECTION (F) IS EFFECTIVE UNTIL OCTOBER 31, 2021 AND IS REPEALED EFFECTIVE NOVEMBER 1, 2021.