



ALCOHOL BEVERAGE
TRAINING

Alcohol Beverage Training
P.O. Box 998
Johnstown, CO 80534
303-710-3424

Patrick@AlcoholBeverageTraining.com

December 24, 2023

Dear Seller Server,

During the summer of 2023, I was a member of the Liquor Rules Working Group that met to discuss possible rule changes to meet the needs of new legislation or through industry member suggestions. After many public meetings, the following rules were passed and will be effective on January 1, 2024.

I have compiled a summary of the rule changes I thought would affect you as a seller server. The summary is my opinion of the changes and cannot be taken as legal advice or an official stance of any governmental agency. If you have specific legal questions about the rules, please contact an attorney that specializes in alcohol law in Colorado. You can also [click here](#) to see the redline version of the proposed rule changes.

The following rules were either modified or added:

- 47-322. Unfair Trade Practices and Competition
- 47-405. Festival Permit
- 47-436. Retail Establishment Permit, Including but not limited to Art Galleries.
- 47-922. Gambling.
- 47-950. Display of Alcohol Beverage Immediately Adjacent to Soft Drink, Fruit Juices, Bottled Water, Candy or Toys.

Below is the summary of the changes or additions.

47-322. Unfair Trade Practices and Competition

This rule addressed two issues for samples provided to on-premises licensees from the supplier:

1. For samples to on-premises retailers and its employees for sampling – remove the requirement the product SKU of the alcohol beverage offered as a sample has not been purchased in the last 6 months
2. Added a new regulation that states neither manufacturers that do not hold a wholesale license, nor retail licenses that do not have wholesale privileges associated with their license may provide alcohol samples to on-premises licenses.

Alcohol Beverage Training - 2024 Rule Changes

47-405. Festival Permit

This rule addressed two issues for festival permits:

1. Adds the requirement that if the festival is to be held on a liquor license premises, the licensee must modify the area to exclude the area used for the festival permit.
2. A festival permittee must apply no later than 15 days prior to the first date of the festival or requesting any additional participating licensees to the permit.

47-436. Retail Establishment Permit, Including but not limited to Art Galleries.

This rule was created to complement the new license type created in law called the Retail Establishment Permit. It provides details of who can obtain a permit, the application process and the rules concerning the use of the permit.

Some highlights of the rule include the following.

The business that applies for the permit:

- ✓ Does not have more than 25 employees;
- ✓ Does not have retail sales that exceed five million dollars per year;
- ✓ Does not sell firearms, motor vehicles, marijuana, gasoline, or diesel fuel;
- ✓ Does not educate students from kindergarten to twelfth grade;
- ✓ Does not provide child care;
- ✓ Is not a convenience store;
- ✓ Does not sell alcohol beverages by the drink;
- ✓ Will not serve alcohol beverages for more than four hours in any twenty-four hour period, and no more than 24 days per calendar year;
- ✓ All service shall occur during the twenty-four hour period beginning with the first hour of service. However, the four-hour service period does not need to be consecutive.
- ✓ Will not intentionally allow more than 250 people to be on its premises at one time when alcohol beverages are being served;
- ✓ Will not serve or distribute alcohol beverages between 2 a.m. and 7 a.m.
- ✓ Will not allow alcohol beverages to be removed from the retail establishment by a customer

The rule also provides information about the serving alcohol, to include the following:

- ✓ The age of the server must be in compliant with regulation 47-913(H), which states the person dispensing alcohol can be 18-20 years old if they are supervised by another employee of the retail establishment who is on the premises and is at least 21 years of age.
- ✓ The serving size of complimentary malt liquor cannot exceed twelve ounces.
- ✓ The serving size of a complimentary vinous liquor cannot exceed five ounces.
- ✓ The vinous liquor can be mixed with a non-alcoholic beverage to make a larger serving size.
- ✓ The serving size of a complimentary spirituous liquor cannot exceed one and one-half ounces. The spirituous liquor can be mixed with a non-alcoholic beverage to make a larger serving size.

Alcohol Beverage Training - 2024 Rule Changes

- ✓ The serving size of a pre-mixed alcohol beverage drink cannot exceed twelve ounces.
- ✓ Pre-mixed alcohol beverages or mixed drinks made in public view cannot exceed the maximum allowed amount of alcohol beverage in each drink, as set forth in this subsection (a-c), served to a consumer.

Additional rules concerning alcohol for the retail establishment permit:

- ✓ Alcohol beverages served under this permit must be purchased from a retail liquor store, liquor licensed drug store, fermented malt beverages and wine retailer, or a fermented malt beverage on/off premises retailer.
- ✓ A retail establishment cannot serve malt beverages past the expiration date.
- ✓ A retail establishment shall not permit customers to remove complimentary alcohol beverages from the premises of the retail establishment.
- ✓ Following each event serving complimentary alcohol beverages, a retail establishment shall promptly destroy any unconsumed patrons serving containers and remove all open and unconsumed alcohol beverages from the sales area of the retail establishment.
- ✓ Any open containers of unconsumed alcohol beverages or sealed containers of alcohol beverages shall be stored in a secure area outside the sales area of the retail establishment for use only at an approved event conducted at a later time or date. A secure area means:
 - A designated area, including, but not limited to, a closet, cabinet, or safe;
 - That is located at the retail establishment and not accessible to customers or any employees of the retail establishment under the age of twenty one (21); and
 - Is secured by a locking mechanism at all times while any open containers of unconsumed alcohol beverages are stored for use at a future event.

47-922. Gambling.

The Liquor Enforcement Division added some language to the gambling rule. It mostly provided clearer definitions on gambling and simulated gambling devices (which neither are usually allowed within a liquor licensed premises). [Click here](#) to see the all the rule changes including gambling.

47-950. Display of Alcohol Beverage Immediately Adjacent to Soft Drink, Fruit Juices, Bottled Water, Candy or Toys.

In March 2023, all fermented beverage off premises licenses were converted to fermented malt beverage and wine retailers. This meant that all grocery and convenience stores that only were allowed to sell beer can now sell wine. The LED added the below rules to mandate specific signage be posted when alcohol beverages were sold next to non-alcohol items such as soft drinks, fruit juices, bottled water, candy or toys.

The purpose of this regulation is to prevent consumer confusion regarding whether a beverage contains alcohol and to help prevent sales of alcohol beverages to persons under 21 years of age and mandates specific signage when alcohol is sold adjacent to non-alcohol beverage products.

Below is the new rule:

A. Definition.

Alcohol Beverage Training - 2024 Rule Changes

1. As used in this regulation, "immediately adjacent" means directly touching or immediately bordering one another from above, below, or the side, for example, on a shelf directly above or below another shelf; or on a shelf, cooler shelf, or display (including permanent or temporary displays) that is adjacent to another shelf, cooler shelf, or display. "Immediately adjacent" does not include a separate aisle or shelving units or cooler shelving units on the opposite side of an aisle.

- B.** Alcohol Beverages Immediately Adjacent to Soft Drinks, Fruit Juices, Bottled Water, Candy, or Toys. Any retail liquor store, liquor licensed drug store, fermented malt beverage and wine retailer, or fermented malt beverage on/off premises licensee that locates, places, or displays (including permanent or temporary displays) alcohol beverages immediately adjacent to soft drinks, fruit juices, bottled water, candy, or toys, shall:

1. Place signage that is clearly visible to consumers on any such shelves, cooler shelves, or displays (including permanent or temporary displays) that contains alcohol beverages and is immediately adjacent to soft drinks, fruit juices, bottled water, candy, or toys. This signage must:
 - a. Be at least 8.5 x 5.5 inches or 4.2 x 11 inches, depending on the orientation of the sign;
 - b. Use a font size of at least 40 points in black ink; and
 - c. State "THESE PRODUCTS ARE ALCOHOL BEVERAGES AVAILABLE FOR SALE ONLY TO PERSONS WHO ARE 21 YEARS OF AGE AND OLDER."
2. Signage may contain only retailer store branding or logos, but may not contain branding or logos of any alcohol beverage brand, manufacturer, or wholesaler.