May 20, 2020

Dear Liquor Licensing Clerks,

The LED is frequently receiving the questions below regarding Bulletin 20-07 Emergency Regulations 47-302 (F) COVID-19 Temporary Modifications of On-Premises Licenses and 47-1102 Compliance with Public Health Orders and Executive Orders Issued during Disaster Emergencies. This message is to give further guidance on processing applications related to the temporary modifications for on-premises licenses affected by these rules.

The Emergency Regulations were adopted to allow on-premises liquor licensed businesses to apply for temporary modifications with their local and state licensing authority and to pre plan for temporary outdoor seating areas that support social distancing requirements. If your local jurisdiction does not have an approved variance to the State’s public health order, licensees are still unable to open at this time for on-premises consumption of alcohol beverages and food service but they can begin planning for outdoor seating areas. If your local jurisdiction has obtained a variance which includes on-premises consumption, or when a Statewide Executive Order or Public Health Order is entered allowing bars and restaurants to reopen including for on-premises alcohol consumption, the temporary modifications will have already been approved by the Division to permit licensees to begin operations as soon as permitted by executive and/or public health orders.

What form is required and what supporting docs?

Please have the licensee complete the DR 8442 and any supporting documents that are normally required for a modification, to include:

- Describe the modification proposed and the start date.
- Confirmation the proposed space complies with local building and zoning laws?
- Attach a diagram of the new premises with an outline of the entire licensed area. Please have the licensee include clearly the new area and have it outlined.
- Attach any existing leases, statements of use, permits, easements, or other documents that show the licensee has legal possession of the premises.
- Attach the Licensee’s control plan which details boundaries of the licensed premises, ingress/egress, signage, hours of operation, preventing sales to underage or intoxicated persons.

Please see Bulletin 20-07 for more information about requirements for modified premises.
Where should I submit the forms?

For the fastest response, please email the forms to dor_liqlicensing@state.co.us. Licensees can pay online via our on line payment link: https://secure.colorado.gov/apps/payport/online/checkout.jsf

What is the fee?

For modifications related to COVID-19, the fee is $150. There is no fee to modify the premises back to its original layout.

What is the turnaround time on Modifications filed due to COVID-19?

The LED will concurrently review these applications with the local authority. The LED will send the approved modification back to the local authority after we have conducted our review. All requirements of Regulation 47-302 are still in effect, including the new emergency section (F).

When does the modification expire?

The modifications will expire in 120 days unless extended by subsequent rule or other action of the State Licensing Authority.

What types of barriers are required?

The Licensee must designate boundaries of the modified premises using barriers that are acceptable to the local authority and the state. Unacceptable boundaries would be chalk outlines or tape on the ground. The control plan the licensee submits must include the Ingress and egress of the area, control of the licensed premises to include making sure no outside alcohol comes on to the premises, or that alcohol does not leave the premises, no alcohol is sold to minors, and no alcohol is sold to intoxicated persons.

How do the new emergency rules affect local neighborhood needs and desires and zoning?

The State licensing authority will defer to the local authority to determine compliance with Regulation 47-302 (B)(1) through (5). Please consult your city or county attorneys or licensing authority. The area to be added/modified must comply with local building and zoning laws and ordinances.

What about State issued licenses for manufacturers with approved sales rooms?

These modifications are only required to be sent directly to the State Licensing Authority. The LED will determine whether or not they meet the requirements for modification and proceed accordingly.

Thank you for your understanding and partnership during these challenging times. As always, if you have questions, please reach out to the LED at dor_led@state.co.us.

Colorado Liquor Enforcement Division