



D 2020 011

EXECUTIVE ORDER

Ordering the Temporary Suspension of Certain Regulatory Statutes Due to the Presence of COVID-19

Pursuant to the authority vested in the Governor of the State of Colorado and, in particular, pursuant to Article IV, Section 2 of the Colorado Constitution and the relevant portions of the Colorado Disaster Emergency Act, C.R.S. §24-33.5-701, *et seq.* (Act), I, Jared Polis, Governor of the State of Colorado, hereby issue this Executive Order ordering the temporary suspension of certain regulatory statutes due to the presence of coronavirus disease 2019 (COVID-19) in Colorado.

I. Background and Purpose

On March 5, 2020, the Colorado Department of Public Health and Environment's (CDPHE) public health laboratory confirmed the first presumptive positive COVID-19 test result in Colorado. Since then, the number of confirmed cases has continued to climb, and we have evidence of community spread throughout the State. I verbally declared a disaster emergency on March 10, 2020, and issued the corresponding Executive Order D 2020 003 on March 11, 2020.

My administration, along with other state, local, and federal authorities, has taken a wide array of actions to mitigate the effects of the pandemic, prevent further spread, and protect against overwhelming our health care resources.

The economic impacts of COVID-19 are significant, and threaten to undermine the economic stability of many Coloradans and local businesses. The risk of contamination posed by COVID-19 has necessitated closure of multiple businesses. Employers and employees in virtually all sectors of the economy have been hard hit. We must take action to shore up economic security, employment, community cohesion, and community recovery.

This Executive Order temporarily suspends certain regulatory statutes due to the presence of COVID-19 in Colorado.



II. Directives

- A. I temporarily suspend the enforcement of the statutory license limitations in C.R.S. §§ 44-3-301(3)(a), 44-3-901(1)(g), 44-3-901(10), and 44-4-107(6) to allow retailers licensed for on-premises alcohol consumption to sell, deliver, or provide for takeout of sealed alcohol beverages if the customer, who is over twenty-one (21) years old, also purchases food, for a period of thirty (30) days until April 18, 2020. I also temporarily suspend the enforcement of the statutory license limitations in C.R.S. §§ 44-3-301(3)(a), 44-3-901(1)(g), and 44-3-901(10) for breweries operating an approved sales room to sell, deliver, or provide for takeout of sealed containers of malt liquor, if the customer is over twenty-one (21) years old, for a period of thirty (30) days until April 18, 2020.
- B. I temporarily suspend C.R.S. § 25-1.5-106(2)(a.5)(I), which requires an appropriate personal physical examination for the issuance of medical marijuana cards, for a period of thirty (30) days until April 18, 2020, to prevent exposure of COVID-19 among medical professionals and medical marijuana patients.
- C. I temporarily suspend the prohibition on retail marijuana store online sales of retail marijuana and retail marijuana products in C.R.S. § 44-10-601(7)(c) to facilitate pick up by consumers twenty-one (21) years of age and older in a manner consistent with social-distancing guidelines promulgated by CDPHE, for a period of thirty (30) days until April 18, 2020.
- D. I temporarily suspend the vehicle gross weight provisions of C.R.S. § 42-4-508(1)(c) for vehicles weighing 80,001 pounds to 84,999 pounds, to ensure the delivery of emergency goods and services to their destination in a safe and efficient manner for a period of thirty (30) days until April 18, 2020.



III. Duration

This Executive Order shall expire thirty (30) days from March 20, 2020, unless extended further by Executive Order.



GIVEN under my hand and the Executive Seal of the State of Colorado, this twentieth day of March, 2020.


Jared Polis
Governor





COLORADO

Department of Revenue

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March 20, 2020

Colorado Liquor Enforcement Division Notice:

Executive Order D 2020 011 Temporary Suspension of Enforcement on On-Premise Retailed Licensees and Breweries to Sell, Deliver or Provide Alcohol for Takeout

On March 20, 2020, Governor Jared Polis issued Executive Order D 2020 011, which temporarily suspends the enforcement of the statutory license limitations in C.R.S. §§ 44-3-301(3)(a), 44-3-901(1)(g), 44-3-901(10), and 44-4-107(6) for retailers licensed for on-premises alcohol consumption to sell, deliver or provide for takeout of sealed alcohol beverages if the customer, who is over twenty-one, also purchases food, for a period of 30 days until April 18, 2020. Executive Order D 2020 011 also temporarily suspends the statutory license limitations in C.R.S. §§ 44-3-301(3)(a), 44-3-901(1)(g), and 44-3-901(10) for breweries operating an approved salesroom to sell, deliver or provide for takeout of sealed containers of malt liquor, if the customer is over twenty-one, for a period of 30 days until April 18, 2020.

In order to comply with the temporary allowances for on-premise retail licensed facilities and breweries operating an approved salesroom, you must:

- Operate a licensed on-premise retail establishment that sells food, or brewery that operates an approved salesroom, and provide alcohol beverage in sealed containers (as defined by C.R.S. 44-3-103(51) without violating the open container law C.R.S. 42-4-1305);
- Hold one of the following on-premise retail license types: Beer and Wine, Brew Pubs, Club Licenses, Distillery Pubs, Hotel & Restaurant, Lodging and Entertainment, Tavern, or Vintners Restaurant;
- Sell alcohol with the sale of food (food and alcohol purchases must be reflected on the same receipt or transaction), or brewery with an approved salesroom;
- Provide only products manufactured on-site, if a licensed as a distillery pub or brewery (may not provide mixed drinks);
- Receive orders via online, in person, telephonically, or third party vendor;
- Not violate the delivery requirements of the sealed container law in C.R.S. 44-3-103(51) and open container law in C.R.S. 42-4-1305. Deliveries may only be made to the address provided at the time of the order. Persons making the deliveries must be over the age of 21 and an employee of the licensee. Persons delivering must verify the age of the individual receiving the alcohol beverage(s);
- Sell to only those individuals who are 21 years of age or over (individual placing the order must provide their name, date of birth, and delivery address) and verify information upon delivery; and
- Retain all records regarding the delivery of alcohol beverages pursuant to C.R.S. 44-3-701.

This Executive Order is in effect from March 20, 2020, to April 18, 2020, at which time, the temporary suspension of enforcement of C.R.S. §§ 44-3-301(3)(a), 44-3-901(1)(g), 44-3-901(10), and 44-4-107(6) will expire, and retailers will be required to conform and comply with preexisting statutes and rules for on-premise retail licensing and breweries.

The Governor's order was enacted to facilitate sales for on-premise restaurants and bars after the public health mandate was issued in response to the COVID-19 outbreak in Colorado that forced the closure of dine-in services for all Colorado restaurants and bars. The Liquor Enforcement Division will continue to work with industry members and licensees to enact the Governor's orders and facilitate a dialog between the state and the industry.

If you have any further questions, please contact 303-205-2300 or dor_led@state.co.us.