



COLORADO
Department of Revenue
Specialized Business Group—
Liquor & Tobacco

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BULLETIN 20-24

REFERENCE: 47-1101(D)(9) CHANGES EFFECTIVE NOVEMBER 1, 2020 - “SEALED CONTAINERS”

DATE: October 31, 2020

Dear Stakeholders,

This bulletin is issued to provide guidance in regards to the modifications made to rule 47-1101(D)(9), more precisely about the meaning of “sealed containers” acceptable for takeout and delivery of alcoholic beverages for on-premises liquor licensees.

Acceptable types of containers and examples

Per subsection 44-3-103(51), C.R.S., “sealed containers” means any container or receptacle used for holding an alcohol beverage, which container or receptacle is corked or sealed with any stub, stopper, or cap.

Below are a few examples of acceptable containers under subsection 44-3-103(51), C.R.S.



Beginning November 1, 2020, per Regulation 47-1101(D)(9) 1 CCR 203-2, “sealed containers,” for purposes of Regulation 47-1101, shall also include a rigid container that is new, has never been used, has a secure lid or cap designed to prevent consumption without removal of the lid or cap, and is tamper-evident..

Below are examples of types of containers that may be used **only when affixed with tamper evident material**.



“Tamper evident” means a lid or cap that has been sealed with tamper-evident material, including, but not limited to, wax dip, heat shrink wrap, or adhesive tape or other material, designed to reveal the removal or opening of the lid, cap, or seal.

Below are examples of tamper evident material.



Unacceptable types of containers and examples

“Sealed container” **does not** include a container with a lid with sipping holes or openings for straws or a container made of paper or polystyrene foam. The unacceptable types of containers remain unacceptable, even when used with tamper evident material. The only exception to the prohibition on sipping holes, is that a plastic lid with a straw hole may be utilized when the surrounding lid edge and straw hole are covered by a tamper evident tape or a tamper evident adhesive label, sealing the cup and preventing the contents from being consumed during transit.

Below are some examples of unacceptable types of containers.



Reminder - Warning Labels

Any sealed container containing an alcohol beverage that is sold for takeout or delivery other than an alcohol beverage sealed by its manufacturer, shall be affixed with a warning statement, with a minimum fourteen (14) font size, stating as follows: "WARNING: DO NOT OPEN OR REMOVE SEAL WHILE IN TRANSIT."

You can find the labels [here](#).

Reminder - Refilling of sealed containers

Pursuant to Regulation 47-904(C), 1 CCR 203-2: "Except manufacturers or malt liquor manufacturers with an onsite wholesale sales room, no licensee shall refill or permit the refilling of any alcohol beverage container with alcohol beverage or reuse any such container by adding distilled spirits or any substance, including water, to the original contents or any portion of such original contents." At no time should retail liquor establishments be refilling alcohol beverage containers for off-premises consumption.

These establishments would include the following: Hotel & Restaurant, Beer & Wine, Clubs, Lodging and Entertainment, Tavern, and Optional Premises. The only license types that can refill containers are Manufacturers of malt, vinous, and spirituous liquors, to include Distillery Pubs, Brew Pubs, Limited Wineries, Wineries, Breweries, and Distilleries.

The Division wants to be flexible regarding acceptable sealed containers used for takeout and delivery and encourages licensees to submit questions or suggestions pertaining to them. You can submit suggestions, and detailed descriptions including pictures of sealed containers to confirm with the Division whether or not they are considered acceptable at dor_led@state.co.us.

The Division reserves the right to amend or withdraw industry bulletins at any time but will try to give as much forewarning as possible prior to such amendment or withdrawal.

Please do not hesitate to reach out to LED at dor_led@state.co.us if you have any questions regarding this bulletin. We thank you for your continued diligence and partnership as we all work together to keep ourselves and our neighbors safe.

Colorado Liquor Enforcement Division