

# STATE OF COLORADO

## Colorado General Assembly

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### MEMORANDUM

**TO:** Steven Ward and Levi Mendyk  
**FROM:** Legislative Council Staff and Office of Legislative Legal Services  
**DATE:** April 6, 2022  
**SUBJECT:** Proposed initiative measure 2021-2022 ##112-118 and ##120-125,  
concerning Sales and Delivery of Alcohol Beverages

Section 1-40-105 (1), Colorado Revised Statutes, requires the directors of the Colorado Legislative Council and the Office of Legislative Legal Services to "review and comment" on initiative petitions for proposed laws and amendments to the Colorado constitution. We hereby submit our comments to you regarding the appended proposed initiative.

The purpose of this statutory requirement of the directors of Legislative Council and the Office of Legislative Legal Services is to provide comments intended to aid proponents in determining the language of their proposal and to avail the public of knowledge of the contents of the proposal. Our first objective is to be sure we understand your intent and your objective in proposing the amendment. We hope that the statements and questions contained in this memorandum will provide a basis for discussion and understanding of the proposal.

Proposed initiatives 2021-2022 ##112 to 118 and ##120 to 125 were submitted with a series of initiatives including proposed initiatives 2021-2022 #112 to 129. The majority of the comments and questions that apply to initiatives 2021-2022 ##112 to 118 and ##120 to 125 are addressed in the memorandum for proposed initiative 2021-2022 #119, and those comments and questions are hereby incorporated by reference in this memorandum for the proposed initiatives included in this memorandum.

Earlier versions of these proposed initiatives, proposed initiatives 2021-2022 #66 and 2021-2022 #67, were the subject of memoranda dated February 28, 2022, which were discussed at a public meeting on March 3, 2022. The substantive and technical comments and questions raised in this memorandum will not include comments and questions that were addressed at the earlier meetings, except as necessary to fully understand the issues raised by the revised proposed initiative. However, the prior comments and questions that are not restated here continue to be relevant and are hereby incorporated by reference in this memorandum.

## **Purposes for Proposed Initiative 2021-2022 #112**

The major purposes of the proposed amendment to the Colorado Revised Statutes appear to be:

1. On and after March 1, 2023, to allow a person licensed under the "Colorado Beer Code," currently referred to as a "fermented malt beverage retailer," to sell wine, in addition to beer, for consumption off the licensed premises, subject to most requirements applicable to fermented malt beverage retailer licensees under current law, and to change the name of the license to "fermented malt beverage and wine retailer" license;
2. To provide for the automatic conversion, on March 1, 2023, of existing fermented malt beverage retailer licenses that authorize the sale of beer for off-premises consumption to the new fermented malt beverage and wine retailer licenses without further action by the state or any local licensing authority;
3. To allow a licensed fermented malt beverage and wine retailer to conduct tastings of beer and wine on the licensed premises if the local government in which the licensed premises is located has adopted an ordinance or resolution allowing tastings in licensed premises within the jurisdiction and the local licensing authority grants the retailer's application to conduct tastings on its licensed premises;
4. On and after March 1, 2023, to prohibit fermented malt beverage and wine retailers licensed to sell beer and wine for consumption off the licensed premises from:
  - a. Selling beer or wine to customers at a price that is below the licensee's cost to purchase the beer or wine;

- b. Permitting customers to purchase beer or wine using a self-checkout mechanism without assistance from and completion of the transaction by an employee of the retailer; or
  - c. Commingling the retailers' alcohol beverage purchases among multiple locations if the licensee operates as a single or consolidated corporate entity that holds multiple beer and wine off-premises retailer licenses for multiple licensed premises;
- 5. To prohibit a fermented malt beverage and wine retailer licensed to sell beer and wine for off-premises consumption from moving its permanent location to a new location that is within specified distances of an existing licensed retail liquor store;
- 6. To preclude issuance of:
  - a. A new fermented malt beverage and wine retailer license authorizing the sale of beer and wine in sealed containers for off-premises consumption if the licensed premises is located within five hundred feet of a licensed retail liquor store; and
  - b. A new retail liquor store license authorizing the sale of malt, vinous, or spirituous liquors in sealed containers for off-premises consumption if the licensed premises is located within five hundred feet of a licensed fermented malt beverage and wine retailer;
- 7. To specify that any requirements pertaining to the location of a fermented malt beverage and wine retailer in proximity to a retail liquor store and vice versa do not apply to the conversion of fermented malt beverage retailer licenses to fermented malt beverage and wine off-premises retailer licenses on March 1, 2023;
- 8. To prohibit receipt or action upon an application submitted on or after March 1, 2023, for a new fermented malt beverage and wine retailer license authorizing the sale of beer and wine for off-premises consumption or to change the permanent location of the licensed premises if the building in which the beer and wine sales will occur is located within five hundred feet of a public or parochial school or the principal campus of a college, university, or seminary, with limited exceptions;
- 9. To authorize the state licensing authority to establish application fees for a fermented malt beverage and wine retailer license;

10. To allow a licensed fermented malt beverage and wine retailer, as well as all other retailers licensed under the "Colorado Liquor Code" or the "Colorado Beer Code" for the sale of alcohol beverages for off-premises consumption and all other retailers licensed under the "Colorado Liquor Code" for the sale of alcohol beverages for on-premises consumption, to deliver alcohol beverages to its customers, either through its own employees, through an independent contractor, or through a third-party delivery service that holds a delivery service permit;
11. To specify that if a licensed retailer is using an independent contractor to deliver alcohol beverages to its customers, the retailer must obtain a delivery service permit, but if the retailer is using its own employees who are at least twenty-one years of age to make deliveries, the retailer need not obtain a delivery service permit;
12. To specify the requirements for obtaining a delivery service permit and the requirements for providing delivery services;
13. To authorize the state licensing authority to enforce the delivery service requirements against licensees and delivery service permittees, and employees and independent contractors of licensees and permittees;
14. To specify that if an employee or independent contractor of a licensee that holds a delivery service permit commits a violation of the "Colorado Liquor Code" or the "Colorado Beer Code" during delivery, the licensee's license and permit are both subject to disciplinary action;
15. To specify that delivery to a minor is the equivalent of furnishing to a minor for purposes of unlawful acts subject to disciplinary action; and
16. To repeal the requirements that, to deliver alcohol beverages to customers, licensed retail liquor stores, liquor-licensed drugstores, fermented malt beverage retailers licensed to sell beer for off-premises consumption, and certain businesses licensed to sell alcohol beverages for consumption on the licensed premises must:
  - a. Derive no more than fifty percent of annual gross sales revenues from sales of alcohol beverages for delivery; and
  - b. Use an employee of the licensee who is at least twenty-one years of age and who uses a vehicle owned or leased by the licensee to make the alcohol beverage delivery.

## **Purposes for Proposed Initiative 2021-2022 #113**

The major purposes of the proposed amendment to the Colorado Revised Statutes appear to be:

1. On and after March 1, 2023, to allow a person licensed under the "Colorado Beer Code," currently referred to as a "fermented malt beverage retailer," to sell wine, in addition to beer, for consumption off the licensed premises, subject to most requirements applicable to fermented malt beverage retailer licensees under current law, and to change the name of the license to "fermented malt beverage and wine retailer" license;
2. To repeal:
  - a. The prohibition against the state licensing authority issuing a new or renewal fermented malt beverage retailer's license for the sale of fermented malt beverages for consumption on and off the licensed premises;
  - b. The requirement that a fermented malt beverage retailer licensed before June 4, 2018, to sell fermented malt beverages for consumption on and off the licensed premises, that applies to renew the license on or after June 4, 2018, and whose premises are located in a county with a population of thirty-five thousand or more people and not in an underserved area, to simultaneously apply to convert the license either to a license for the sale of fermented malt beverages at retail for off-premises consumption or to a license for the sale of fermented malt beverages at retail for on-premises consumption;
  - c. The authority of the state licensing authority to issue a new or to renew a fermented malt beverage retailer's license for the sale of fermented malt beverages for consumption on and off the licensed premises if the licensed premises is located in a county with a population of fewer than thirty-five thousand people or in an underserved area; and
  - d. The automatic conversion of, and the prohibition against issuing, manufacturer's, wholesaler's, nonresident manufacturer's, and importer's licenses under the "Colorado Beer Code";
3. To provide for the automatic conversion, on March 1, 2023, of existing fermented malt beverage retailer licenses that authorize the sale of beer for off-

- premises consumption to the new fermented malt beverage and wine retailer licenses without further action by the state or any local licensing authority;
4. To allow a licensed fermented malt beverage and wine retailer to conduct tastings of beer and wine on the licensed premises if the local government in which the licensed premises is located has adopted an ordinance or resolution allowing tastings in licensed premises within the jurisdiction and the local licensing authority grants the retailer's application to conduct tastings on its licensed premises;
  5. On and after March 1, 2023, to prohibit fermented malt beverage and wine retailers licensed to sell beer and wine for consumption off the licensed premises from:
    - a. Selling beer or wine to customers at a price that is below the licensee's cost to purchase the beer or wine;
    - b. Permitting customers to purchase beer or wine using a self-checkout mechanism without assistance from and completion of the transaction by an employee of the retailer; or
    - c. Commingling the retailers' alcohol beverage purchases among multiple locations if the licensee operates as a single or consolidated corporate entity that holds multiple beer and wine off-premises retailer licenses for multiple licensed premises;
  6. To prohibit a fermented malt beverage and wine retailer licensed to sell beer and wine for off-premises consumption from moving its permanent location to a new location that is within specified distances of an existing licensed retail liquor store;
  7. To preclude issuance of:
    - a. A new fermented malt beverage and wine retailer license authorizing the sale of beer and wine in sealed containers for off-premises consumption if the licensed premises is located within five hundred feet of a licensed retail liquor store; and
    - b. A new retail liquor store license authorizing the sale of malt, vinous, or spirituous liquors in sealed containers for off-premises consumption if the licensed premises is located within five hundred feet of a licensed fermented malt beverage and wine retailer;

8. To specify that any requirements pertaining to the location of a fermented malt beverage and wine retailer in proximity to a retail liquor store and vice versa do not apply to the conversion of fermented malt beverage retailer licenses to fermented malt beverage and wine off-premises retailer licenses on March 1, 2023;
9. To prohibit receipt or action upon an application submitted on or after March 1, 2023, for a new fermented malt beverage and wine retailer license authorizing the sale of beer and wine for off-premises consumption or to change the permanent location of the licensed premises if the building in which the beer and wine sales will occur is located within five hundred feet of a public or parochial school or the principal campus of a college, university, or seminary, with limited exceptions;
10. To authorize the state licensing authority to establish application fees for a fermented malt beverage and wine retailer license;
11. To allow a licensed fermented malt beverage and wine retailer, as well as all other retailers licensed under the "Colorado Liquor Code" or the "Colorado Beer Code" for the sale of alcohol beverages for off-premises consumption and all other retailers licensed under the "Colorado Liquor Code" for the sale of alcohol beverages for on-premises consumption, to deliver alcohol beverages to its customers, either through its own employees, through an independent contractor, or through a third-party delivery service that holds a delivery service permit;
12. To specify that if a licensed retailer is using an independent contractor to deliver alcohol beverages to its customers, the retailer must obtain a delivery service permit, but if the retailer is using its own employees who are at least twenty-one years of age to make deliveries, the retailer need not obtain a delivery service permit;
13. To specify the requirements for obtaining a delivery service permit and the requirements for providing delivery services;
14. To authorize the state licensing authority to enforce the delivery service requirements against licensees and delivery service permittees, and employees and independent contractors of licensees and permittees;
15. To specify that if an employee or independent contractor of a licensee that holds a delivery service permit commits a violation of the "Colorado Liquor

Code" or the "Colorado Beer Code" during delivery, the licensee's license and permit are both subject to disciplinary action;

16. To specify that delivery to a minor is the equivalent of furnishing to a minor for purposes of unlawful acts subject to disciplinary action; and
17. To repeal the requirements that, to deliver alcohol beverages to customers, licensed retail liquor stores, liquor-licensed drugstores, fermented malt beverage retailers licensed to sell beer for off-premises consumption, and certain businesses licensed to sell alcohol beverages for consumption on the licensed premises must:
  - a. Derive no more than fifty percent of annual gross sales revenues from sales of alcohol beverages for delivery; and
  - b. Use an employee of the licensee who is at least twenty-one years of age and who uses a vehicle owned or leased by the licensee to make the alcohol beverage delivery.

### **Purposes for Proposed Initiative 2021-2022 #114**

The major purposes of the proposed amendment to the Colorado Revised Statutes appear to be:

1. On and after March 1, 2023, to allow a person licensed under the "Colorado Beer Code," currently referred to as a "fermented malt beverage retailer," to sell wine, in addition to beer, for consumption off the licensed premises, subject to most requirements applicable to fermented malt beverage retailer licensees under current law, and to change the name of the license to "fermented malt beverage and wine retailer" license;
2. To provide for the automatic conversion, on March 1, 2023, of existing fermented malt beverage retailer licenses that authorize the sale of beer for off-premises consumption to the new fermented malt beverage and wine retailer licenses without further action by the state or any local licensing authority;
3. To allow a licensed fermented malt beverage and wine retailer to conduct tastings of beer and wine on the licensed premises if the local government in which the licensed premises is located has adopted an ordinance or resolution allowing tastings in licensed premises within the jurisdiction and the local licensing authority grants the retailer's application to conduct tastings on its licensed premises;



4. On and after March 1, 2023, to prohibit fermented malt beverage and wine retailers licensed to sell beer and wine for consumption off the licensed premises from:
  - a. Selling beer or wine to customers at a price that is below the licensee's cost to purchase the beer or wine;
  - b. Permitting customers to purchase beer or wine using a self-checkout mechanism without assistance from and completion of the transaction by an employee of the retailer; or
  - c. Commingling the retailers' alcohol beverage purchases among multiple locations if the licensee operates as a single or consolidated corporate entity that holds multiple beer and wine off-premises retailer licenses for multiple licensed premises;
5. To prohibit a fermented malt beverage and wine retailer licensed to sell beer and wine for off-premises consumption from moving its permanent location to a new location that is within specified distances of an existing licensed retail liquor store;
6. To preclude issuance of:
  - a. A new fermented malt beverage and wine retailer license authorizing the sale of beer and wine in sealed containers for off-premises consumption if the licensed premises is located within five hundred feet of a licensed retail liquor store; and
  - b. A new retail liquor store license authorizing the sale of malt, vinous, or spirituous liquors in sealed containers for off-premises consumption if the licensed premises is located within five hundred feet of a licensed fermented malt beverage and wine retailer;
7. To specify that any requirements pertaining to the location of a fermented malt beverage and wine retailer in proximity to a retail liquor store and vice versa do not apply to the conversion of fermented malt beverage retailer licenses to fermented malt beverage and wine off-premises retailer licenses on March 1, 2023;
8. To prohibit receipt or action upon an application submitted on or after March 1, 2023, for a new fermented malt beverage and wine retailer license authorizing the sale of beer and wine for off-premises consumption or to change the permanent location of the licensed premises if the building in

which the beer and wine sales will occur is located within five hundred feet of a public or parochial school or the principal campus of a college, university, or seminary, with limited exceptions;

9. To authorize the state licensing authority to establish application fees for a fermented malt beverage and wine retailer license;
10. To allow a licensed fermented malt beverage and wine retailer, as well as all other retailers licensed under the "Colorado Liquor Code" or the "Colorado Beer Code" for the sale of alcohol beverages for off-premises consumption and all other retailers licensed under the "Colorado Liquor Code" for the sale of alcohol beverages for on-premises consumption, to deliver alcohol beverages to its customers, either through its own employees, through an independent contractor, or through a third-party delivery service that holds a delivery service permit;
11. To specify that if a licensed retailer is using an independent contractor to deliver alcohol beverages to its customers, the retailer must obtain a delivery service permit, but if the retailer is using its own employees who are at least twenty-one years of age to make deliveries, the retailer need not obtain a delivery service permit;
12. To specify the requirements for obtaining a delivery service permit and the requirements for providing delivery services;
13. To authorize the state licensing authority to enforce the delivery service requirements against licensees and delivery service permittees, and employees and independent contractors of licensees and permittees;
14. To specify that a licensee must also be the delivery service permittee for the licensee's license to be subject to disciplinary action for a violation of alcohol law during delivery; and
15. To repeal the requirements that, to deliver alcohol beverages to customers, licensed retail liquor stores, liquor-licensed drugstores, fermented malt beverage retailers licensed to sell beer for off-premises consumption, and certain businesses licensed to sell alcohol beverages for consumption on the licensed premises must:
  - a. Derive no more than fifty percent of annual gross sales revenues from sales of alcohol beverages for delivery; and

- b. Use an employee of the licensee who is at least twenty-one years of age and who uses a vehicle owned or leased by the licensee to make the alcohol beverage delivery.

## **Purposes for Proposed Initiative 2021-2022 #115**

The major purposes of the proposed amendment to the Colorado Revised Statutes appear to be:

1. On and after March 1, 2023, to allow a person licensed under the "Colorado Beer Code," currently referred to as a "fermented malt beverage retailer," to sell wine, in addition to beer, for consumption off the licensed premises, subject to most requirements applicable to fermented malt beverage retailer licensees under current law, and to change the name of the license to "fermented malt beverage and wine retailer" license;
2. To repeal:
  - a. The prohibition against the state licensing authority issuing a new or renewal fermented malt beverage retailer's license for the sale of fermented malt beverages for consumption on and off the licensed premises;
  - b. The requirement that a fermented malt beverage retailer licensed before June 4, 2018, to sell fermented malt beverages for consumption on and off the licensed premises, that applies to renew the license on or after June 4, 2018, and whose premises are located in a county with a population of thirty-five thousand or more people and not in an underserved area, to simultaneously apply to convert the license either to a license for the sale of fermented malt beverages at retail for off-premises consumption or to a license for the sale of fermented malt beverages at retail for on-premises consumption;
  - c. The authority of the state licensing authority to issue a new or to renew a fermented malt beverage retailer's license for the sale of fermented malt beverages for consumption on and off the licensed premises if the licensed premises is located in a county with a population of fewer than thirty-five thousand people or in an underserved area; and
  - d. The automatic conversion of, and the prohibition against issuing, manufacturer's, wholesaler's, nonresident manufacturer's, and importer's licenses under the "Colorado Beer Code";

3. To provide for the automatic conversion, on March 1, 2023, of existing fermented malt beverage retailer licenses that authorize the sale of beer for off-premises consumption to the new fermented malt beverage and wine retailer licenses without further action by the state or any local licensing authority;
4. To allow a licensed fermented malt beverage and wine retailer to conduct tastings of beer and wine on the licensed premises if the local government in which the licensed premises is located has adopted an ordinance or resolution allowing tastings in licensed premises within the jurisdiction and the local licensing authority grants the retailer's application to conduct tastings on its licensed premises;
5. On and after March 1, 2023, to prohibit fermented malt beverage and wine retailers licensed to sell beer and wine for consumption off the licensed premises from:
  - a. Selling beer or wine to customers at a price that is below the licensee's cost to purchase the beer or wine;
  - b. Permitting customers to purchase beer or wine using a self-checkout mechanism without assistance from and completion of the transaction by an employee of the retailer; or
  - c. Commingling the retailers' alcohol beverage purchases among multiple locations if the licensee operates as a single or consolidated corporate entity that holds multiple beer and wine off-premises retailer licenses for multiple licensed premises;
6. To prohibit a fermented malt beverage and wine retailer licensed to sell beer and wine for off-premises consumption from moving its permanent location to a new location that is within specified distances of an existing licensed retail liquor store;
7. To preclude issuance of:
  - a. A new fermented malt beverage and wine retailer license authorizing the sale of beer and wine in sealed containers for off-premises consumption if the licensed premises is located within five hundred feet of a licensed retail liquor store; and
  - b. A new retail liquor store license authorizing the sale of malt, vinous, or spirituous liquors in sealed containers for off-premises consumption if

the licensed premises is located within five hundred feet of a licensed fermented malt beverage and wine retailer;

8. To specify that any requirements pertaining to the location of a fermented malt beverage and wine retailer in proximity to a retail liquor store and vice versa do not apply to the conversion of fermented malt beverage retailer licenses to fermented malt beverage and wine off-premises retailer licenses on March 1, 2023;
9. To prohibit receipt or action upon an application submitted on or after March 1, 2023, for a new fermented malt beverage and wine retailer license authorizing the sale of beer and wine for off-premises consumption or to change the permanent location of the licensed premises if the building in which the beer and wine sales will occur is located within five hundred feet of a public or parochial school or the principal campus of a college, university, or seminary, with limited exceptions;
10. To authorize the state licensing authority to establish application fees for a fermented malt beverage and wine retailer license;
11. To allow a licensed fermented malt beverage and wine retailer, as well as all other retailers licensed under the "Colorado Liquor Code" or the "Colorado Beer Code" for the sale of alcohol beverages for off-premises consumption and all other retailers licensed under the "Colorado Liquor Code" for the sale of alcohol beverages for on-premises consumption, to deliver alcohol beverages to its customers, either through its own employees, through an independent contractor, or through a third-party delivery service that holds a delivery service permit;
12. To specify that if a licensed retailer is using an independent contractor to deliver alcohol beverages to its customers, the retailer must obtain a delivery service permit, but if the retailer is using its own employees who are at least twenty-one years of age to make deliveries, the retailer need not obtain a delivery service permit;
13. To specify the requirements for obtaining a delivery service permit and the requirements for providing delivery services;
14. To authorize the state licensing authority to enforce the delivery service requirements against licensees and delivery service permittees, and employees and independent contractors of licensees and permittees;

15. To specify that a licensee must also be the delivery service permittee for the licensee's license to be subject to disciplinary action for a violation of alcohol law during delivery; and
16. To repeal the requirements that, to deliver alcohol beverages to customers, licensed retail liquor stores, liquor-licensed drugstores, fermented malt beverage retailers licensed to sell beer for off-premises consumption, and certain businesses licensed to sell alcohol beverages for consumption on the licensed premises must:
  - a. Derive no more than fifty percent of annual gross sales revenues from sales of alcohol beverages for delivery; and
  - b. Use an employee of the licensee who is at least twenty-one years of age and who uses a vehicle owned or leased by the licensee to make the alcohol beverage delivery.

### **Purposes for Proposed Initiative 2021-2022 #116**

The major purposes of the proposed amendment to the Colorado Revised Statutes appear to be:

1. On and after March 1, 2023, to allow a person licensed under the "Colorado Beer Code," currently referred to as a "fermented malt beverage retailer," to sell wine, in addition to beer, for consumption off the licensed premises, subject to most requirements applicable to fermented malt beverage retailer licensees under current law, and to change the name of the license to "fermented malt beverage and wine retailer" license;
2. To provide for the automatic conversion, on March 1, 2023, of existing fermented malt beverage retailer licenses that authorize the sale of beer for off-premises consumption to the new fermented malt beverage and wine retailer licenses without further action by the state or any local licensing authority;
3. To allow a licensed fermented malt beverage and wine retailer to conduct tastings of beer and wine on the licensed premises if the local government in which the licensed premises is located has adopted an ordinance or resolution allowing tastings in licensed premises within the jurisdiction and the local licensing authority grants the retailer's application to conduct tastings on its licensed premises;

4. On and after March 1, 2023, to prohibit fermented malt beverage and wine retailers licensed to sell beer and wine for consumption off the licensed premises from:
  - a. Selling beer or wine to customers at a price that is below the licensee's cost to purchase the beer or wine;
  - b. Permitting customers to purchase beer or wine using a self-checkout mechanism without assistance from and completion of the transaction by an employee of the retailer; or
  - c. Commingling the retailers' alcohol beverage purchases among multiple locations if the licensee operates as a single or consolidated corporate entity that holds multiple beer and wine off-premises retailer licenses for multiple licensed premises;
5. To prohibit a fermented malt beverage and wine retailer licensed to sell beer and wine for off-premises consumption from moving its permanent location to a new location that is within specified distances of an existing licensed retail liquor store;
6. To preclude issuance of:
  - a. A new fermented malt beverage and wine retailer license authorizing the sale of beer and wine in sealed containers for off-premises consumption if the licensed premises is located within five hundred feet of a licensed retail liquor store; and
  - b. A new retail liquor store license authorizing the sale of malt, vinous, or spirituous liquors in sealed containers for off-premises consumption if the licensed premises is located within five hundred feet of a licensed fermented malt beverage and wine retailer;
7. To specify that any requirements pertaining to the location of a fermented malt beverage and wine retailer in proximity to a retail liquor store and vice versa do not apply to the conversion of fermented malt beverage retailer licenses to fermented malt beverage and wine off-premises retailer licenses on March 1, 2023;
8. To prohibit receipt or action upon an application submitted on or after March 1, 2023, for a new fermented malt beverage and wine retailer license authorizing the sale of beer and wine for off-premises consumption or to change the permanent location of the licensed premises if the building in

which the beer and wine sales will occur is located within five hundred feet of a public or parochial school or the principal campus of a college, university, or seminary, with limited exceptions;

9. To authorize the state licensing authority to establish application fees for a fermented malt beverage and wine retailer license;
10. To allow a licensed fermented malt beverage and wine retailer, as well as all other retailers licensed under the "Colorado Liquor Code" or the "Colorado Beer Code" for the sale of alcohol beverages for off-premises consumption and all other retailers licensed under the "Colorado Liquor Code" for the sale of alcohol beverages for on-premises consumption, to deliver alcohol beverages to its customers, either through its own employees, through an independent contractor, or through a third-party delivery service that holds a delivery service permit;
11. To specify that if a licensed retailer is using an independent contractor to deliver alcohol beverages to its customers, the retailer must obtain a delivery service permit, but if the retailer is using its own employees who are at least twenty-one years of age to make deliveries, the retailer need not obtain a delivery service permit;
12. To specify the requirements for obtaining a delivery service permit and the requirements for providing delivery services;
13. To authorize the state licensing authority to enforce the delivery service requirements against licensees and delivery service permittees, and employees and independent contractors of licensees and permittees;
14. To specify that if an employee or independent contractor of a licensee that holds a delivery service permit commits a violation of the "Colorado Liquor Code" or the "Colorado Beer Code" during delivery, the licensee's license and permit are both subject to disciplinary action;
15. To specify that delivery to a minor is the equivalent of furnishing to a minor for purposes of unlawful acts subject to disciplinary action;
16. To set a minimum wage rate for:
  - a. Employees performing alcohol delivery services based on the minimum wage rate generally applicable for all employees; and



- b. Independent contractors performing alcohol delivery services based on any generally applicable minimum wage rate for all independent contractors and not any other minimum wage rate; and
17. To repeal the requirements that, to deliver alcohol beverages to customers, licensed retail liquor stores, liquor-licensed drugstores, fermented malt beverage retailers licensed to sell beer for off-premises consumption, and certain businesses licensed to sell alcohol beverages for consumption on the licensed premises must:
- a. Derive no more than fifty percent of annual gross sales revenues from sales of alcohol beverages for delivery; and
  - b. Use an employee of the licensee who is at least twenty-one years of age and who uses a vehicle owned or leased by the licensee to make the alcohol beverage delivery.

### **Purposes for Proposed Initiative 2021-2022 #117**

The major purposes of the proposed amendment to the Colorado Revised Statutes appear to be:

1. On and after March 1, 2023, to allow a person licensed under the "Colorado Beer Code," currently referred to as a "fermented malt beverage retailer," to sell wine, in addition to beer, for consumption off the licensed premises, subject to most requirements applicable to fermented malt beverage retailer licensees under current law, and to change the name of the license to "fermented malt beverage and wine retailer" license;
2. To provide for the automatic conversion, on March 1, 2023, of existing fermented malt beverage retailer licenses that authorize the sale of beer for off-premises consumption to the new fermented malt beverage and wine retailer licenses without further action by the state or any local licensing authority;
3. To allow a licensed fermented malt beverage and wine retailer to conduct tastings of beer and wine on the licensed premises if the local government in which the licensed premises is located has adopted an ordinance or resolution allowing tastings in licensed premises within the jurisdiction and the local licensing authority grants the retailer's application to conduct tastings on its licensed premises;

4. On and after March 1, 2023, to prohibit fermented malt beverage and wine retailers licensed to sell beer and wine for consumption off the licensed premises from:
  - a. Selling beer or wine to customers at a price that is below the licensee's cost to purchase the beer or wine;
  - b. Permitting customers to purchase beer or wine using a self-checkout mechanism without assistance from and completion of the transaction by an employee of the retailer; or
  - c. Commingling the retailers' alcohol beverage purchases among multiple locations if the licensee operates as a single or consolidated corporate entity that holds multiple beer and wine off-premises retailer licenses for multiple licensed premises;
5. To prohibit a fermented malt beverage and wine retailer licensed to sell beer and wine for off-premises consumption from moving its permanent location to a new location that is within specified distances of an existing licensed retail liquor store;
6. To preclude issuance of:
  - a. A new fermented malt beverage and wine retailer license authorizing the sale of beer and wine in sealed containers for off-premises consumption if the licensed premises is located within five hundred feet of a licensed retail liquor store; and
  - b. A new retail liquor store license authorizing the sale of malt, vinous, or spirituous liquors in sealed containers for off-premises consumption if the licensed premises is located within five hundred feet of a licensed fermented malt beverage and wine retailer;
7. To specify that any requirements pertaining to the location of a fermented malt beverage and wine retailer in proximity to a retail liquor store and vice versa do not apply to the conversion of fermented malt beverage retailer licenses to fermented malt beverage and wine off-premises retailer licenses on March 1, 2023;
8. To prohibit receipt or action upon an application submitted on or after March 1, 2023, for a new fermented malt beverage and wine retailer license authorizing the sale of beer and wine for off-premises consumption or to change the permanent location of the licensed premises if the building in

which the beer and wine sales will occur is located within five hundred feet of a public or parochial school or the principal campus of a college, university, or seminary, with limited exceptions;

9. To authorize the state licensing authority to establish application fees for a fermented malt beverage and wine retailer license;
10. To allow a licensed fermented malt beverage and wine retailer, as well as all other retailers licensed under the "Colorado Liquor Code" or the "Colorado Beer Code" for the sale of alcohol beverages for off-premises consumption and all other retailers licensed under the "Colorado Liquor Code" for the sale of alcohol beverages for on-premises consumption, to deliver alcohol beverages to its customers, either through its own employees, through an independent contractor, or through a third-party delivery service that holds a delivery service permit;
11. To specify that if a licensed retailer is using an independent contractor to deliver alcohol beverages to its customers, the retailer must obtain a delivery service permit, but if the retailer is using its own employees who are at least twenty-one years of age to make deliveries, the retailer need not obtain a delivery service permit;
12. To specify the requirements for obtaining a delivery service permit and the requirements for providing delivery services;
13. To authorize the state licensing authority to enforce the delivery service requirements against licensees and delivery service permittees, and employees and independent contractors of licensees and permittees;
14. To specify that a licensee must also be the delivery service permittee for the licensee's license to be subject to disciplinary action for a violation of alcohol law during delivery;
15. To set a minimum wage rate for:
  - a. Employees performing alcohol delivery services based on the minimum wage rate generally applicable for all employees; and
  - b. Independent contractors performing alcohol delivery services based on any generally applicable minimum wage rate for all independent contractors and not any other minimum wage rate; and
16. To repeal the requirements that, to deliver alcohol beverages to customers, licensed retail liquor stores, liquor-licensed drugstores, fermented malt

beverage retailers licensed to sell beer for off-premises consumption, and certain businesses licensed to sell alcohol beverages for consumption on the licensed premises must:

- a. Derive no more than fifty percent of annual gross sales revenues from sales of alcohol beverages for delivery; and
- b. Use an employee of the licensee who is at least twenty-one years of age and who uses a vehicle owned or leased by the licensee to make the alcohol beverage delivery.

### **Purposes for Proposed Initiative 2021-2022 #118**

The major purposes of the proposed amendment to the Colorado Revised Statutes appear to be:

1. On and after March 1, 2023, to allow a person licensed under the "Colorado Beer Code," currently referred to as a "fermented malt beverage retailer," to sell wine, in addition to beer, for consumption off the licensed premises, subject to most requirements applicable to fermented malt beverage retailer licensees under current law, and to change the name of the license to "fermented malt beverage and wine retailer" license;
2. To repeal:
  - a. The prohibition against the state licensing authority issuing a new or renewal fermented malt beverage retailer's license for the sale of fermented malt beverages for consumption on and off the licensed premises;
  - b. The requirement that a fermented malt beverage retailer licensed before June 4, 2018, to sell fermented malt beverages for consumption on and off the licensed premises, that applies to renew the license on or after June 4, 2018, and whose premises are located in a county with a population of thirty-five thousand or more people and not in an underserved area, to simultaneously apply to convert the license either to a license for the sale of fermented malt beverages at retail for off-premises consumption or to a license for the sale of fermented malt beverages at retail for on-premises consumption;
  - c. The authority of the state licensing authority to issue a new or to renew a fermented malt beverage retailer's license for the sale of fermented

malt beverages for consumption on and off the licensed premises if the licensed premises is located in a county with a population of fewer than thirty-five thousand people or in an underserved area; and

- d. The automatic conversion of, and the prohibition against issuing, manufacturer's, wholesaler's, nonresident manufacturer's, and importer's licenses under the "Colorado Beer Code";
3. To provide for the automatic conversion, on March 1, 2023, of existing fermented malt beverage retailer licenses that authorize the sale of beer for off-premises consumption to the new fermented malt beverage and wine retailer licenses without further action by the state or any local licensing authority;
4. To allow a licensed fermented malt beverage and wine retailer to conduct tastings of beer and wine on the licensed premises if the local government in which the licensed premises is located has adopted an ordinance or resolution allowing tastings in licensed premises within the jurisdiction and the local licensing authority grants the retailer's application to conduct tastings on its licensed premises;
5. On and after March 1, 2023, to prohibit fermented malt beverage and wine retailers licensed to sell beer and wine for consumption off the licensed premises from:
  - a. Selling beer or wine to customers at a price that is below the licensee's cost to purchase the beer or wine;
  - b. Permitting customers to purchase beer or wine using a self-checkout mechanism without assistance from and completion of the transaction by an employee of the retailer; or
  - c. Commingling the retailers' alcohol beverage purchases among multiple locations if the licensee operates as a single or consolidated corporate entity that holds multiple beer and wine off-premises retailer licenses for multiple licensed premises;
6. To prohibit a fermented malt beverage and wine retailer licensed to sell beer and wine for off-premises consumption from moving its permanent location to a new location that is within specified distances of an existing licensed retail liquor store;
7. To preclude issuance of:

- a. A new fermented malt beverage and wine retailer license authorizing the sale of beer and wine in sealed containers for off-premises consumption if the licensed premises is located within five hundred feet of a licensed retail liquor store; and
  - b. A new retail liquor store license authorizing the sale of malt, vinous, or spirituous liquors in sealed containers for off-premises consumption if the licensed premises is located within five hundred feet of a licensed fermented malt beverage and wine retailer;
8. To specify that any requirements pertaining to the location of a fermented malt beverage and wine retailer in proximity to a retail liquor store and vice versa do not apply to the conversion of fermented malt beverage retailer licenses to fermented malt beverage and wine off-premises retailer licenses on March 1, 2023;
9. To prohibit receipt or action upon an application submitted on or after March 1, 2023, for a new fermented malt beverage and wine retailer license authorizing the sale of beer and wine for off-premises consumption or to change the permanent location of the licensed premises if the building in which the beer and wine sales will occur is located within five hundred feet of a public or parochial school or the principal campus of a college, university, or seminary, with limited exceptions;
10. To authorize the state licensing authority to establish application fees for a fermented malt beverage and wine retailer license;
11. To allow a licensed fermented malt beverage and wine retailer, as well as all other retailers licensed under the "Colorado Liquor Code" or the "Colorado Beer Code" for the sale of alcohol beverages for off-premises consumption and all other retailers licensed under the "Colorado Liquor Code" for the sale of alcohol beverages for on-premises consumption, to deliver alcohol beverages to its customers, either through its own employees, through an independent contractor, or through a third-party delivery service that holds a delivery service permit;
12. To specify that if a licensed retailer is using an independent contractor to deliver alcohol beverages to its customers, the retailer must obtain a delivery service permit, but if the retailer is using its own employees who are at least twenty-one years of age to make deliveries, the retailer need not obtain a delivery service permit;

13. To specify the requirements for obtaining a delivery service permit and the requirements for providing delivery services;
14. To authorize the state licensing authority to enforce the delivery service requirements against licensees and delivery service permittees, and employees and independent contractors of licensees and permittees;
15. To specify that if an employee or independent contractor of a licensee that holds a delivery service permit commits a violation of the "Colorado Liquor Code" or the "Colorado Beer Code" during delivery, the licensee's license and permit are both subject to disciplinary action;
16. To specify that delivery to a minor is the equivalent of furnishing to a minor for purposes of unlawful acts subject to disciplinary action;
17. To set a minimum wage rate for:
  - a. Employees performing alcohol delivery services based on the minimum wage rate generally applicable for all employees; and
  - b. Independent contractors performing alcohol delivery services based on any generally applicable minimum wage rate for all independent contractors and not any other minimum wage rate; and
18. To repeal the requirements that, to deliver alcohol beverages to customers, licensed retail liquor stores, liquor-licensed drugstores, fermented malt beverage retailers licensed to sell beer for off-premises consumption, and certain businesses licensed to sell alcohol beverages for consumption on the licensed premises must:
  - a. Derive no more than fifty percent of annual gross sales revenues from sales of alcohol beverages for delivery; and
  - b. Use an employee of the licensee who is at least twenty-one years of age and who uses a vehicle owned or leased by the licensee to make the alcohol beverage delivery.

## **Purposes for Proposed Initiative 2021-2022 #120**

The major purposes of the proposed amendment to the Colorado Revised Statutes appear to be:

1. On and after March 1, 2023, to allow a person licensed under the "Colorado Beer Code," currently referred to as a "fermented malt beverage retailer," to sell

wine, in addition to beer, for consumption off the licensed premises, subject to most requirements applicable to fermented malt beverage retailer licensees under current law, and to change the name of the license to "fermented malt beverage and wine retailer" license;

2. To provide for the automatic conversion, on March 1, 2023, of existing fermented malt beverage retailer licenses that authorize the sale of beer for off-premises consumption to the new fermented malt beverage and wine retailer licenses without further action by the state or any local licensing authority;
3. To allow a licensed fermented malt beverage and wine retailer to conduct tastings of beer and wine on the licensed premises if the local government in which the licensed premises is located has adopted an ordinance or resolution allowing tastings in licensed premises within the jurisdiction and the local licensing authority grants the retailer's application to conduct tastings on its licensed premises;
4. On and after March 1, 2023, to prohibit fermented malt beverage and wine retailers licensed to sell beer and wine for consumption off the licensed premises from:
  - a. Selling beer or wine to customers at a price that is below the licensee's cost to purchase the beer or wine;
  - b. Permitting customers to purchase beer or wine using a self-checkout mechanism without assistance from and completion of the transaction by an employee of the retailer; or
  - c. Commingling the retailers' alcohol beverage purchases among multiple locations if the licensee operates as a single or consolidated corporate entity that holds multiple beer and wine off-premises retailer licenses for multiple licensed premises;
5. To prohibit a fermented malt beverage and wine retailer licensed to sell beer and wine for off-premises consumption from moving its permanent location to a new location that is within specified distances of an existing licensed retail liquor store;
6. To preclude issuance of:
  - a. A new fermented malt beverage and wine retailer license authorizing the sale of beer and wine in sealed containers for off-premises



consumption if the licensed premises is located within five hundred feet of a licensed retail liquor store; and

- b. A new retail liquor store license authorizing the sale of malt, vinous, or spirituous liquors in sealed containers for off-premises consumption if the licensed premises is located within five hundred feet of a licensed fermented malt beverage and wine retailer;
7. To specify that any requirements pertaining to the location of a fermented malt beverage and wine retailer in proximity to a retail liquor store and vice versa do not apply to the conversion of fermented malt beverage retailer licenses to fermented malt beverage and wine off-premises retailer licenses on March 1, 2023;
8. To prohibit receipt or action upon an application submitted on or after March 1, 2023, for a new fermented malt beverage and wine retailer license authorizing the sale of beer and wine for off-premises consumption or to change the permanent location of the licensed premises if the building in which the beer and wine sales will occur is located within five hundred feet of a public or parochial school or the principal campus of a college, university, or seminary, with limited exceptions;
9. To authorize the state licensing authority to establish application fees for a fermented malt beverage and wine retailer license; and
10. To allow a fermented malt beverage and wine retailer to deliver beer and wine under the same circumstances as permitted under current law for a fermented malt beverage off-premises retailer.

## **Purposes for Proposed Initiative 2021-2022 #121**

The major purposes of the proposed amendment to the Colorado Revised Statutes appear to be:

1. On and after March 1, 2023, to allow a person licensed under the "Colorado Beer Code," currently referred to as a "fermented malt beverage retailer," to sell wine, in addition to beer, for consumption off the licensed premises, subject to most requirements applicable to fermented malt beverage retailer licensees under current law, and to change the name of the license to "fermented malt beverage and wine retailer" license;
2. To repeal:

- a. The prohibition against the state licensing authority issuing a new or renewal fermented malt beverage retailer's license for the sale of fermented malt beverages for consumption on and off the licensed premises;
  - b. The requirement that a fermented malt beverage retailer licensed before June 4, 2018, to sell fermented malt beverages for consumption on and off the licensed premises, that applies to renew the license on or after June 4, 2018, and whose premises are located in a county with a population of thirty-five thousand or more people and not in an underserved area, to simultaneously apply to convert the license either to a license for the sale of fermented malt beverages at retail for off-premises consumption or to a license for the sale of fermented malt beverages at retail for on-premises consumption;
  - c. The authority of the state licensing authority to issue a new or to renew a fermented malt beverage retailer's license for the sale of fermented malt beverages for consumption on and off the licensed premises if the licensed premises is located in a county with a population of fewer than thirty-five thousand people or in an underserved area; and
  - d. The automatic conversion of, and the prohibition against issuing, manufacturer's, wholesaler's, nonresident manufacturer's, and importer's licenses under the "Colorado Beer Code";
3. To provide for the automatic conversion, on March 1, 2023, of existing fermented malt beverage retailer licenses that authorize the sale of beer for off-premises consumption to the new fermented malt beverage and wine retailer licenses without further action by the state or any local licensing authority;
  4. To allow a licensed fermented malt beverage and wine retailer to conduct tastings of beer and wine on the licensed premises if the local government in which the licensed premises is located has adopted an ordinance or resolution allowing tastings in licensed premises within the jurisdiction and the local licensing authority grants the retailer's application to conduct tastings on its licensed premises;
  5. On and after March 1, 2023, to prohibit fermented malt beverage and wine retailers licensed to sell beer and wine for consumption off the licensed premises from:

- a. Selling beer or wine to customers at a price that is below the licensee's cost to purchase the beer or wine;
  - b. Permitting customers to purchase beer or wine using a self-checkout mechanism without assistance from and completion of the transaction by an employee of the retailer; or
  - c. Commingling the retailers' alcohol beverage purchases among multiple locations if the licensee operates as a single or consolidated corporate entity that holds multiple beer and wine off-premises retailer licenses for multiple licensed premises;
6. To prohibit a fermented malt beverage and wine retailer licensed to sell beer and wine for off-premises consumption from moving its permanent location to a new location that is within specified distances of an existing licensed retail liquor store;
7. To preclude issuance of:
  - a. A new fermented malt beverage and wine retailer license authorizing the sale of beer and wine in sealed containers for off-premises consumption if the licensed premises is located within five hundred feet of a licensed retail liquor store; and
  - b. A new retail liquor store license authorizing the sale of malt, vinous, or spirituous liquors in sealed containers for off-premises consumption if the licensed premises is located within five hundred feet of a licensed fermented malt beverage and wine retailer;
8. To specify that any requirements pertaining to the location of a fermented malt beverage and wine retailer in proximity to a retail liquor store and vice versa do not apply to the conversion of fermented malt beverage retailer licenses to fermented malt beverage and wine off-premises retailer licenses on March 1, 2023;
9. To prohibit receipt or action upon an application submitted on or after March 1, 2023, for a new fermented malt beverage and wine retailer license authorizing the sale of beer and wine for off-premises consumption or to change the permanent location of the licensed premises if the building in which the beer and wine sales will occur is located within five hundred feet of a public or parochial school or the principal campus of a college, university, or seminary, with limited exceptions;

10. To authorize the state licensing authority to establish application fees for a fermented malt beverage and wine retailer license; and
11. To allow a fermented malt beverage and wine retailer to deliver beer and wine under the same circumstances as permitted under current law for a fermented malt beverage off-premises retailer.

### **Purposes for Proposed Initiative 2021-2022 #122**

The major purposes of the proposed amendment to the Colorado Revised Statutes appear to be:

1. To allow retailers licensed under the "Colorado Liquor Code" or the "Colorado Beer Code" for the sale of alcohol beverages for off-premises consumption and retailers licensed under the "Colorado Liquor Code" for the sale of alcohol beverages for on-premises consumption to deliver alcohol beverages to its customers, either through its own employees, through an independent contractor, or through a third-party delivery service that holds a delivery service permit;
2. To specify that if a licensed retailer is using an independent contractor to deliver alcohol beverages to its customers, the retailer must obtain a delivery service permit, but if the retailer is using its own employees who are at least twenty-one years of age to make deliveries, the retailer need not obtain a delivery service permit;
3. To specify the requirements for obtaining a delivery service permit and the requirements for providing delivery services;
4. To authorize the state licensing authority to enforce the delivery service requirements against licensees and delivery service permittees, and employees and independent contractors of licensees and permittees;
5. To specify that a licensee must also be the delivery service permittee for the licensee's license to be subject to disciplinary action for a violation of alcohol law during delivery; and
6. To repeal the requirements that, to deliver alcohol beverages to customers, licensed retail liquor stores, liquor-licensed drugstores, fermented malt beverage retailers licensed to sell beer for off-premises consumption, and certain businesses licensed to sell alcohol beverages for consumption on the licensed premises must:

- a. Derive no more than fifty percent of annual gross sales revenues from sales of alcohol beverages for delivery; and
- b. Use an employee of the licensee who is at least twenty-one years of age and who uses a vehicle owned or leased by the licensee to make the alcohol beverage delivery.

## **Purposes for Proposed Initiative 2021-2022 #123**

The major purposes of the proposed amendment to the Colorado Revised Statutes appear to be:

1. To allow retailers licensed under the "Colorado Liquor Code" or the "Colorado Beer Code" for the sale of alcohol beverages for off-premises consumption and retailers licensed under the "Colorado Liquor Code" for the sale of alcohol beverages for on-premises consumption to deliver alcohol beverages to its customers, either through its own employees, through an independent contractor, or through a third-party delivery service that holds a delivery service permit;
2. To specify that if a licensed retailer is using an independent contractor to deliver alcohol beverages to its customers, the retailer must obtain a delivery service permit, but if the retailer is using its own employees who are at least twenty-one years of age to make deliveries, the retailer need not obtain a delivery service permit;
3. To specify the requirements for obtaining a delivery service permit and the requirements for providing delivery services;
4. To authorize the state licensing authority to enforce the delivery service requirements against licensees and delivery service permittees, and employees and independent contractors of licensees and permittees;
5. To specify that if an employee or independent contractor of a licensee that holds a delivery service permit commits a violation of the "Colorado Liquor Code" or the "Colorado Beer Code" during delivery, the licensee's license and permit are both subject to disciplinary action;
6. To specify that delivery to a minor is the equivalent of furnishing to a minor for purposes of unlawful acts subject to disciplinary action; and
7. To repeal the requirements that, to deliver alcohol beverages to customers, licensed retail liquor stores, liquor-licensed drugstores, fermented malt

beverage retailers licensed to sell beer for off-premises consumption, and certain businesses licensed to sell alcohol beverages for consumption on the licensed premises must:

- a. Derive no more than fifty percent of annual gross sales revenues from sales of alcohol beverages for delivery; and
- b. Use an employee of the licensee who is at least twenty-one years of age and who uses a vehicle owned or leased by the licensee to make the alcohol beverage delivery.

### **Purposes for Proposed Initiative 2021-2022 #124**

The major purposes of the proposed amendment to the Colorado Revised Statutes appear to be:

1. To allow retailers licensed under the "Colorado Liquor Code" or the "Colorado Beer Code" for the sale of alcohol beverages for off-premises consumption and retailers licensed under the "Colorado Liquor Code" for the sale of alcohol beverages for on-premises consumption to deliver alcohol beverages to its customers, either through its own employees, through an independent contractor, or through a third-party delivery service that holds a delivery service permit;
2. To specify that if a licensed retailer is using an independent contractor to deliver alcohol beverages to its customers, the retailer must obtain a delivery service permit, but if the retailer is using its own employees who are at least twenty-one years of age to make deliveries, the retailer need not obtain a delivery service permit;
3. To specify the requirements for obtaining a delivery service permit and the requirements for providing delivery services;
4. To authorize the division to enforce the delivery service requirements against licensees and delivery service permittees, and employees and independent contractors of licensees and permittees;
5. To specify that a licensee must also be the delivery service permittee for the licensee's license to be subject to disciplinary action for a violation of alcohol law during delivery;
6. To set a minimum wage rate for:

- a. Employees performing alcohol delivery services based on the minimum wage rate generally applicable for all employees; and
  - b. Independent contractors performing alcohol delivery services based on any generally applicable minimum wage rate for all independent contractors and not any other minimum wage rate; and
7. To repeal the requirements that, to deliver alcohol beverages to customers, licensed retail liquor stores, liquor-licensed drugstores, fermented malt beverage retailers licensed to sell beer for off-premises consumption, and certain businesses licensed to sell alcohol beverages for consumption on the licensed premises must:
- a. Derive no more than fifty percent of annual gross sales revenues from sales of alcohol beverages for delivery; and
  - b. Use an employee of the licensee who is at least twenty-one years of age and who uses a vehicle owned or leased by the licensee to make the alcohol beverage delivery.

### **Purposes for Proposed Initiative 2021-2022 #125**

The major purposes of the proposed amendment to the Colorado Revised Statutes appear to be:

1. To allow retailers licensed under the "Colorado Liquor Code" or the "Colorado Beer Code" for the sale of alcohol beverages for off-premises consumption and retailers licensed under the "Colorado Liquor Code" for the sale of alcohol beverages for on-premises consumption to deliver alcohol beverages to its customers, either through its own employees, through an independent contractor, or through a third-party delivery service that holds a delivery service permit;
2. To specify that if a licensed retailer is using an independent contractor to deliver alcohol beverages to its customers, the retailer must obtain a delivery service permit, but if the retailer is using its own employees who are at least twenty-one years of age to make deliveries, the retailer need not obtain a delivery service permit;
3. To specify the requirements for obtaining a delivery service permit and the requirements for providing delivery services;

4. To authorize the state licensing authority to enforce the delivery service requirements against licensees and delivery service permittees, and employees and independent contractors of licensees and permittees;
5. To specify that if an employee or independent contractor of a licensee that holds a delivery service permit commits a violation of the "Colorado Liquor Code" or the "Colorado Beer Code" during delivery, the licensee's license and permit are both subject to disciplinary action;
6. To specify that delivery to a minor is the equivalent of furnishing to a minor for purposes of unlawful acts subject to disciplinary action;
7. To set a minimum wage rate for:
  - a. Employees performing alcohol delivery services based on the minimum wage rate generally applicable for all employees; and
  - b. Independent contractors performing alcohol delivery services based on any generally applicable minimum wage rate for all independent contractors and not any other minimum wage rate; and
8. To repeal the requirements that, to deliver alcohol beverages to customers, licensed retail liquor stores, liquor-licensed drugstores, fermented malt beverage retailers licensed to sell beer for off-premises consumption, and certain businesses licensed to sell alcohol beverages for consumption on the licensed premises must:
  - a. Derive no more than fifty percent of annual gross sales revenues from sales of alcohol beverages for delivery; and
  - b. Use an employee of the licensee who is at least twenty-one years of age and who uses a vehicle owned or leased by the licensee to make the alcohol beverage delivery.

## **Substantive Comments and Questions**

In addition to the comments and questions included in the memorandum for proposed initiative 2021-2022 #119, the substance of proposed initiatives 2021-2022 # 112, 113, 116, 118, 123, and 125 raises the following comments and questions:

1. In section 44-3-911.5 (9)(a) of the proposed initiatives, should the word "permit" after "retailer's" instead be "license"?



2. The last sentence of section 44-3-911.5 (9)(a) in the proposed initiatives states that delivery to a minor is to be treated as "furnishing" to a minor. What is the significance of the term "furnish" in this context? Under section 44-3-901 (1)(b), it is unlawful for any person to "sell, serve, give away, dispose of, exchange, or deliver or permit the sale, serving, giving, or procuring of any alcohol beverage to or for any person under the age of twenty-one years." If the intent of this sentence is to tie delivery to a minor to this provision, delivery is mentioned in that section, but "furnish" is not mentioned, so the effect of this sentence is unclear.

There are no additional substantive comments and questions for any of the proposed initiatives included in this memorandum.

### **Technical Comments**

There are no new technical comments for any of the proposed initiatives included in this memorandum.