

Initiative 2021-2022 #138: Minimum Wage for Employees of Certain Alcohol-Related Businesses

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*Be it Enacted by the People of the State of Colorado:*

**SECTION 1:** In Colorado Revised Statutes, **add** section 44-3-108 as follows:

**44-3-108. STATE MINIMUM WAGE RATE FOR EMPLOYEES OF ALCOHOL RETAILERS**

(1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY AND EFFECTIVE JANUARY 1, 2023:

(a) THE MINIMUM WAGE FOR EMPLOYEES OF A RETAILER THAT SELLS ALCOHOL TO BE CONSUMED OFF-PREMISES SHALL NOT BE LESS THAN \$20.00 PER HOUR, EXCLUSIVE OF ANY EMPLOYEE BENEFITS, OVERTIME COMPENSATION, REIMBURSEMENT FOR EXPENSES INCURRED BY THE EMPLOYEE, AND TIPS OR GRATUITIES GIVEN BY CUSTOMERS FOR THE EMPLOYEE’S PROVISION OF SUCH SERVICES;

(2) THE MINIMUM WAGE RATES SPECIFIED IN SUBSECTION (1) OF THIS SECTION SHALL BE INCREASED ANNUALLY FOR COST OF LIVING INCREASES, AS MEASURED BY THE CONSUMER PRICE INDEX USED FOR COLORADO.

(3) NO RETAILER OR OTHER PERSON THAT PROVIDES OR GIVES CONSUMERS ACCESS TO ALCOHOL DELIVERY BY THEIR EMPLOYEES SHALL RETAIN ANY PORTION OF GRATUITIES OR TIPS GIVEN BY CUSTOMERS FOR SUCH EMPLOYEES.

(4) FOR PURPOSES OF THIS SECTION:

(a) “ALCOHOL” MEANS ALL FORMS OF ALCOHOLIC BEVERAGES OF BEER, WINE, AND SPIRITUOUS LIQUORS SOLD IN SEALED CONTAINERS FOR OFF-PREMISES CONSUMPTION.

(b) “ALCOHOL DELIVERY” MEANS THE PHYSICAL TRANSFER OF ALCOHOL, WHETHER DELIVERY OCCURS OFF OF THE LICENSED PREMISES TO A PERSON OR TO A PHYSICAL LOCATION DESIGNATED BY A PURCHASER IN ANY MANNER INCLUDING THROUGH A TECHNOLOGICAL, TELEPHONIC, OR ANY OTHER MEANS FOR ORDERING SUCH ALCOHOL.

(c) “RETAILER” MEANS ANY PERSON OR GROUP OF PERSONS THAT GENERATE IN THE STATE OF COLORADO AT LEAST 80% OF THEIR ANNUAL GROSS REVENUE FROM THE SALE OF ALCOHOL.

(d) “EMPLOYEE” MEANS AN INDIVIDUAL EMPLOYED BY A RETAILER THAT SELLS ALCOHOL.

(e) “PERSON” MEANS AN INDIVIDUAL, CORPORATION, LIMITED LIABILITY COMPANY, JOINT VENTURE, PARTNERSHIP, UNINCORPORATED ASSOCIATION, GROUP OF PERSONS UNDER A COMMON OWNERSHIP STRUCTURE, GROUP OF PERSONS USING THE SAME TRADE NAME, OR ANY LEGAL OR COMMERCIAL ENTITY.

**SECTION 2: Effective date.** This act shall take effect on January 1, 2023.