

Proposition ? : Third-Party Delivery of Alcohol Beverages

Placed on the ballot by citizen initiative • Passes with a majority vote

1 **Proposition ? proposes amending the Colorado statutes to:**

- 2 • allow third-party companies to deliver alcohol directly to customers on behalf of
3 grocery stores, convenience stores, liquor stores, bars, restaurants, and other liquor-
4 licensed businesses; and
- 5 • permanently allow takeout and delivery of alcohol from bars and restaurants, which
6 is currently scheduled to repeal in 2025.

7 **What Your Vote Means**

YES

8 A “yes” vote on
9 Proposition ? allows

10 third-party companies to deliver alcohol
11 from grocery stores, convenience stores,
12 liquor stores, bars, restaurants, and other
13 liquor-licensed businesses, and makes
14 takeout and delivery of alcohol from bars
15 and restaurants permanently available.

NO

A “no” vote on Proposition ?
maintains current law, which
requires businesses to use their own
employees to deliver alcohol. Bars and
restaurants may offer takeout and delivery
of alcohol until July 2025.

Legislative Council Draft

1 **Summary and Analysis for Proposition ?**

2 **What are current policies related to alcohol delivery?**

3 Current Colorado law permits grocery stores, convenience stores, liquor stores,
4 bars, restaurants, and other liquor-licensed businesses to deliver alcohol to
5 customers, but they must use their own employees who are 21 years of age or
6 older and follow other restrictions depending on their license type. Alcohol
7 delivery by liquor stores has been allowed since 1994, by wineries since 1997, by
8 grocery and convenience stores since 2019, and by bars and restaurants since
9 2020. Alcohol takeout and delivery by bars and restaurants is scheduled to
10 repeal in July 2025.

11 **What does the measure do?**

12 Under Proposition ?, grocery stores, convenience stores, liquor stores, bars,
13 restaurants, and other liquor-licensed businesses will be allowed to contract with
14 third-party companies, such as grocery and meal delivery services, to deliver
15 alcohol to customers beginning March 1, 2023. The measure also changes
16 current law to permanently allow alcohol takeout and delivery by bars and
17 restaurants.

18 The measure outlines requirements for third-party alcohol delivery companies,
19 including the requirement that companies obtain a delivery permit, follow various
20 safety provisions, and submit proof of liability insurance. All individuals who
21 deliver alcohol through a third-party delivery company are required to be
22 21 years of age or older, complete a certification program, verify the recipient's
23 legal age at the time of delivery, and refuse delivery to anyone who fails to
24 provide proof of age or appears intoxicated. The measure also makes third-party
25 delivery companies and workers liable for alcohol delivery violations and
26 removes retail liquor licensees' liability once alcohol is transferred to the third-
27 party.

28 Retail alcohol stores and bars and restaurants are currently limited in the amount
29 of revenue they may earn from alcohol delivery. The measure removes those
30 restrictions. Limits on the amount of alcohol that may be offered for delivery or
31 takeout from bars and restaurants remain in law, which are approximately
32 equivalent to 2 bottles of wine, 12 cans of beer, and 1 liter of spirits per order.

*For information on those issue committees that support or oppose the
measures on the ballot at the November 8, 2022, election, go to the
Colorado Secretary of State's elections center web site hyperlink for ballot
and initiative information:*

<http://www.sos.state.co.us/pubs/elections/Initiatives/InitiativesHome.html>

33 **Argument For Proposition ?**

34 1) The delivery of groceries and restaurant meals has become a convenience
35 that Coloradans expect and continue to use. Allowing third-party delivery
36 services to deliver alcohol will let many more stores and restaurants utilize
37 delivery without having to devote the resources to meet burdensome

Legislative Council Draft

1 requirements in current law. As a result, Coloradans will have more options
2 available when supporting stores and restaurants from the comfort of home.

3 **Argument Against Proposition ?**

4 1) The measure expands alcohol delivery options without the safeguards
5 available in a physical store or restaurant that ensure alcohol is not sold to
6 minors. Currently, retail liquor licensees make deliveries using their own
7 trained employees and are liable for any violation. Under this measure,
8 retailers are not liable once alcohol leaves their premises, and enforcement of
9 third-party alcohol delivery laws is expected to be more difficult as a result.

10 **Fiscal Impact for Proposition ?**

11 **State revenue and spending.** The measure increases costs in the Department
12 of Revenue by an estimated \$120,000 and 1.2 FTE per year, paid for by
13 equivalent revenue from delivery permit fees. The department requires
14 additional administrative and enforcement staff to process applications and
15 conduct delivery compliance checks. Exact licensing fee revenue to the state will
16 depend on the number of applicants and the fee schedule set by the department.

17 **Local government.** Any impact to local liquor licensing authorities is expected
18 to be minimal, as the third-party delivery permitting will be administered by the
19 state licensing authority. To the extent that local jurisdictions increase
20 enforcement, workload and costs will increase.

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20 enforcement, workload and costs will increase.

Last Draft Comments from Interested Parties

Initiative 122 Third-Party Delivery of Alcohol Beverages

Alex Mooney, representing DoorDash:

The comments submitted by Alex Mooney are provided as Attachment A.

Mark Grueskin, representing himself:

I believe 121 draft is acceptable.

As to 122 draft, though, the current draft omits key aspects that will affect voters after implementation:

- 122 expressly defines technology companies as market facilitators, exempts them from having to get any license or permit, and exempts them from liability when alcohol ordered on their platform is delivered to a minor.
- These businesses use gig workers, who are independent contractors and not employees.
- Only those gig workers would have to get a permit, and only they - not the companies they work for that make these transactions possible - would be liable when alcohol is delivered to a minor.

I hope you will take those points into consideration re: 122. Thank you!

Mark



August 12, 2022

VIA EMAIL: DeliveryAlcoholBeverages2022.ga@state.co.us

RE: Ballot Initiative 122 – Blue Book Analysis Third Draft

Dear Legislative Council Staff:

DoorDash, Inc. (“DoorDash”) respectfully submits the following comments for your consideration to the Third Draft (“Draft”) of the Blue Book analysis of Ballot Initiative 122 (the “Initiative”):

Draft Pg. 2, Lines 27-29 :“Retail alcohol stores and bars and restaurants are currently limited in the amount of revenue they may earn from alcohol delivery and are required to have a physical location in the state. This measure removes these restrictions.”

DoorDash Comment: The Initiative does not make any changes to requirements that alcohol retail stores, bars, and restaurants have a physical location in the state. This statement incorrectly suggests the Initiative would erode long-established guardrails of Colorado's three-tier system by claiming that physical location requirements would be removed. While it is true that the Initiative would remove limits on the amount of revenue that certain liquor-licensed businesses may earn from alcohol delivery, nothing in the Initiative removes existing statutory and regulatory requirements that such liquor-licensed businesses have a physical location in Colorado to receive an alcohol license from the Liquor Enforcement Division and local licensing authorities. To be sure, Colorado has extensive state and local licensing processes for physical retail premises and the Initiative does not seek to make any changes to those processes. The Initiative also does not remove requirements that alcohol retailers must obtain alcohol from Licensed Colorado wholesalers. See *generally* C.R.S. §§ [44-3-301](#) (state and local licensing requirements); [44-3-304](#) (state licensing process); [44-3-309](#) (local licensing authority); [44-3-409](#) ¶(a)(II), (2)(a)(I) (liquor stores); [44-3-410](#) ¶(a)(I), (2)(a)(I) (liquor-licensed drug stores); [44-3-413](#) ¶(a) (restaurants); [44-4-107](#) ¶ (beer retailers).

DoorDash asks that the Draft be amended as follows:

DoorDash

303 2nd Street,
8th floor, South Tower
San Francisco, CA 94107
alex.mooney@doordash.com



“Retail alcohol stores and bars and restaurants are currently limited in the amount of revenue they may earn from alcohol delivery ~~and are required to have a physical location in the state.~~ This measure removes these restrictions.”

Draft Pg. 2, Lines 24-26 :“The measure also removes retail liquor licensees’ liability for alcohol delivery violations once alcohol is transferred to third-party delivery employees.”

DoorDash Comment: DoorDash is concerned this statement suggests that no entity will be liable for an alcohol delivery violation once the retail liquor licensee has transferred the alcohol to a third-party delivery service. On the contrary, third-party delivery services will be held liable by the Liquor Enforcement Division for alcohol delivery violations. See *Initiative, Section 9*.

DoorDash asks that the Draft be amended as follows:

“The measure also makes third-party delivery services liable for alcohol delivery violations and removes retail liquor licensees’ liability for alcohol delivery violations once alcohol is transferred to third-party delivery employees.”

Thank you for your consideration of these comments. I am happy to discuss any questions you may have.

Sincerely,

Alex Mooney
Legislative Policy Advisor

DoorDash

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8th floor, South Tower
San Francisco, CA 94107
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Initiative #122
Third-Party Delivery of Alcohol Beverages
Contact List

Interested Party	Organization Name	Email Address
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Amy Attwood	Attwood Public Affairs	amy@amyattwood.com
Grier Bailey	CWPMA	gbailey@cwpmma.org
Rachel Bender	Colorado Municipal League	rbender@cml.org
Natasha Berwick	New Era Colorado	natasha@neweracolorado.org
Melissa Blake	Brownstein Hyatt Farber Schreck	mkblake@bhfs.com
Alex Carlson	Colorado Governor's Office	alex.carlson@state.co.us
	Colorado Wine Industry Development	
Doug Caskey	Board/CDA	doug.caskey@state.co.us
Mary Lou Chapman	Rocky Mountain Food Industry Association	rmfoodindustry@gmail.com
Christy Chase	Office of Legislative Legal Services	christy.chase@state.co.us
James Coleman	Office of Sen. James Coleman	colemanforcolorado@gmail.com
Nick Coltrain	Denver Post	ncoltrain@denverpost.com
Bryce Cooke	Governor's Office	bryce.cooke@state.co.us
Kirsten Crawford	Town of Breckenridge	kirstenc@townofbreckenridge.com
Kyra deGruy Kennedy	Young Invincibles	kyra.degruy@younginvincibles.org
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Amber Egbert		amber.egbert@state.co.us
Adam Eichberg	Headwaters Strategies	adam@headwatersstrategies.com
Cathy Eslinger		Cathy.eslinger@state.co.us
		catherinedeslinger@gmail.com
Steve Findley		steve@cobeer.com
Joan Andrew Green Turner	J. Andrew Green & Assoc., Inc.	joangreen@me.com
Mark Grueskin	Recht Kornfeld	mark@rklawpc.com
Micki Hackenberger	Husch Blackwell Strategies	mickih@hbstrategies.us
Robert Hunt	Molson Coors beverage company	robert.hunt@molsoncoors.com
Josette Jaramillo	CO AFLCIO	jjaramillo@coafclcio.org
Cathy Kipp	Colorado House of Representatives	cathy.kipp.house@state.co.us
Andrea Kuwik		kuwik@bellpolicy.org
Meghan Lopez	KMGH	meghan.lopez@thedenverchannel.com
John Magnino	Colorado Secretary of State's Office	john.magnino@coloradosos.gov
Annie Marcinek	PolicySmith LLC	marcinek.annia@gmail.com
Patrick Maroney	Maroney Consulting Services LLC	patrick@maroneyconsulting.com
Rich Mauro	DRCOG	rmauro@drcog.org
Mike McGinnis	Fraternal Order of Eagles	mike_mcginis@outlook.com
Allison McGrath		alli.m.mcgrath@gmail.com

Initiative #122
Third-Party Delivery of Alcohol Beverages
Contact List (Cont.)

Interested Party	Organization Name	Email Address
N. Menten	self on some issues (also a board director for the Taxpayer's Bill of Rights Foundation)	coloradoengaged@gmail.com
Dylan Mitchell	Michael Best Strategies	dsmitchell@michaelbeststrategies.com
Meredith Moon	OSPB	meredith.moon@state.co.us
Sara Moore	Colorado Dragon Boat dba Colorado Dragon Boat Festival	sara@cdbf.org
Nellie Moran	Colorado State Senate	nellie.moran.senate@gmail.com
Natalie Mullis		natalie.mullis@state.co.us natmullis@gmail.com
Amber Paris	Colorado Technical University	ent.para.util@gmail.com
Andrew Quarm	RNDC	andrew.quarm@rndc-usa.com
Hanni Raley	The Arc of Aurora	hraleay@thearcofaurora.org
Bill Ray		bill@wr-communications.com
Erin Reynolds		erin.reynolds@state.co.us
Sonia Riggs	Colorado Restaurant Association	sriggs@corerestaurant.org
Connie Rivera Fowler	The Ballot Initiative Strategy Center	corrine@ballot.org
Tyler Rudd	Wine Institute	trudd@wineinstitute.org
Robert Runco	Runco & Proffitt, P.C.	rrunco@runprolaw.com
Anthony Ryerson	Fios Capital	tryerson@fioscapital.net
Julia Scanlan	Aponte & Busam Public Affairs	jscanlan@aponte-busam.com
Robert Sheesley	Colorado Municipal League	rsheesley@cml.org
Cathy Shull	Pro 15	cathy@pro15.org
Christian Smith	Young Invincibles	christian.smith@younginvincibles.org
Laruen Snyder	Mental Health Colorado	lsnyder@mentalhealthcolorado.org
Carrie Sorenson Hackenberger	Husch Blackwell Strategies	chackenberger@hbstrategies.us
Sarah Staron	Young Invincibles	sarah.staron@younginvincibles.org
Mollie Steinemann	Colorado Restaurant Association	msteinemann@corerestaurant.org
Michelle Stone-Principato	DOR-Liquor Enforcement Division	michelle.stone-principato@state.co.us
Jaelyn Terwey	Colorado Municipal League	jterwey@cml.org
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Cameron Vigil	Young Invincibles	Cameron.Vigil@younginvincibles.org
Steven Ward	Maven	sward@mavenlawgroup.com
Kachina Weaver	Weaver Strategies	kachina@weaverstrategies.com
Kent Wilson	Target	kent.wilson@target.com

Initiative 122
Third-Party Delivery of Alcohol Beverages

1 Ballot Title:

2 Shall there be a change to the Colorado Revised Statutes concerning authorization for the third-
3 party delivery of alcohol beverages, and, in connection therewith, allowing retail establishments
4 licensed to sell alcohol beverages for on-site or off-site consumption to deliver all types of alcohol
5 beverages to a person twenty-one years of age or older through a third-party delivery service that
6 obtains a delivery service permit; prohibiting the delivery of alcohol beverages to a person who is
7 under 21 years of age, is intoxicated, or fails to provide proof of identification; removing the limit
8 on the percentage of gross sales revenues a licensee may receive from alcohol beverage
9 deliveries; and allowing a technology services company, without obtaining a third-party delivery
10 service permit, to provide software or a digital network application that connects consumers and
11 licensed retailers for the delivery of alcohol beverages?

12 Text of Measure:

13 *Be it enacted by the People of the State of Colorado:*

14 SECTION 1: Declaration

15 The People of the State of Colorado hereby find and declare that Article 3 of Title 44, Colorado
16 Revised Statutes, known as the “Colorado Liquor Code,” shall be amended to permit, beginning
17 March 1, 2023, the home delivery of alcohol sales made by licensed retailers through third-party
18 home delivery service providers.

SECTION 2: In Colorado Revised Statutes, **add** 44-3-911.5 as follows:

19 44-3-911.5 Third-party delivery of alcohol beverages.

20 (1) NOTWITHSTANDING ANY LAW OR RULE TO THE CONTRARY, A DELIVERY SERVICE PERMITTEE, OR AN
21 EMPLOYEE OR INDEPENDENT CONTRACTOR OF A DELIVERY SERVICE PERMITTEE IN COMPLIANCE WITH
22 THE PROVISIONS OF THIS ARTICLE 3 OR ARTICLE 4 OF THIS TITLE 44, MAY TRANSPORT AND DELIVER
23 ALCOHOL BEVERAGES FROM AN OFF-PREMISES RETAILER LICENSED PURSUANT TO THIS ARTICLE 3 OR
24 ARTICLE 4 OF THIS TITLE 44, OR FROM A RETAILER LICENSEE LICENSED FOR ON PREMISES
25 CONSUMPTION PURSUANT TO THIS ARTICLE 3, TO A PERSON IN THE STATE WHO IS AT LEAST TWENTY-
26 ONE YEARS OF AGE. THE HOLDER OF A LICENSE LISTED IN THIS SUBSECTION (1) MUST APPLY FOR AND
27 TO HOLD A DELIVERY SERVICE PERMIT AS A PRIVILEGE SEPARATE FROM ITS EXISTING LICENSE IN ORDER
28 TO USE INDEPENDENT CONTRACTORS FOR DELIVERY. AN OFF-PREMISES RETAILER LICENSED
29 PURSUANT TO THIS ARTICLE 3 OR ARTICLE 4 OF THIS TITLE 44 IS NOT REQUIRED TO OBTAIN A DELIVERY
30 SERVICE PERMIT IF THE DELIVERY IS MADE BY AN EMPLOYEE OF THE LICENSEE WHO IS AT LEAST
31 TWENTY-ONE YEARS OF AGE AND WHO IS USING A VEHICLE OWNED OR LEASED BY THE LICENSEE TO
32 MAKE THE DELIVERY. A RETAILER LICENSEE LICENSED FOR ON PREMISES CONSUMPTION PURSUANT TO
33 THIS ARTICLE 3 IS NOT REQUIRED TO OBTAIN A DELIVERY SERVICE PERMIT IF THE DELIVERY IS MADE BY
34 AN EMPLOYEE OF THE LICENSEE WHO IS AT LEAST TWENTY-ONE YEARS OF AGE IN ACCORDANCE WITH
35 THE PROVISIONS OF SECTION 44-3-911.

1 (2) ANY INDIVIDUAL, LIMITED LIABILITY COMPANY, CORPORATION, OR PARTNERSHIP THAT IS REGISTERED
2 TO DO BUSINESS IN THIS STATE, REGARDLESS OF THE RESIDENCY OR DOMICILE OF THE INDIVIDUAL,
3 ENTITY, OR OWNERS OF THE ENTITY, MAY APPLY TO THE STATE LICENSING AUTHORITY FOR AND BE ISSUED
4 A DELIVERY SERVICE PERMIT THAT AUTHORIZES THE PERMITTEE TO DELIVER ALCOHOL BEVERAGES FROM
5 A LICENSEE PERMITTED FOR DELIVERY BY SECTION (1) OF THIS
6 SECTION, TO A PERSON IN THE STATE WHO IS AT LEAST TWENTY-ONE YEARS OF AGE.

7 (3) IN ORDER TO RECEIVE A DELIVERY SERVICE PERMIT, AN APPLICANT SHALL:

8 (a) PROVIDE TO THE STATE LICENSING AUTHORITY A SAMPLE CONTRACT THAT THE APPLICANT INTENDS
9 TO ENTER INTO WITH A LICENSEE LISTED IN SUBSECTION (1) OF THIS SECTION FOR THE DELIVERY OF
10 ALCOHOL BEVERAGES. COMPLIANCE WITH THIS SUBSECTION (3)(a) SHALL NOT BE REQUIRED IN THE
11 EVENT A LICENSEE LISTED IN SUBSECTION (1) OF THIS SECTION, OR AN ENTITY UNDER COMMON
12 OWNERSHIP WITH SUCH LICENSEE, IS THE APPLICANT FOR THE DELIVERY SERVICE PERMIT.

13 (b) SUBMIT TO THE STATE LICENSING AUTHORITY AN OUTLINE OF AN INTERNAL OR EXTERNAL
14 CERTIFICATION PROGRAM FOR DELIVERY SERVICE PERSONNEL OR CONTRACTORS THAT ADDRESSES
15 TOPICS SUCH AS IDENTIFYING UNDERAGE PERSONS, INTOXICATED PERSONS, AND FAKE OR ALTERED
16 IDENTIFICATION; AND

17 (c) SUBMIT PROOF OF A GENERAL LIABILITY INSURANCE POLICY IN AN AMOUNT NO LESS THAN ONE
18 MILLION DOLLARS (\$1,000,000) PER OCCURRENCE.

19 (4) A DELIVERY SERVICE PERMITTEE:

20 (a) MAY, THROUGH ITS EMPLOYEES OR INDEPENDENT CONTRACTORS, DELIVER ALCOHOL BEVERAGES
21 FOR ANY OFF-PREMISES RETAILER PERMITTED FOR DELIVERY BY SUBSECTION (1) OF THIS SECTION, FOR
22 THE PURPOSE OF DELIVERING ALCOHOL BEVERAGES.

23 (b) MAY, THROUGH ITS EMPLOYEES OR INDEPENDENT CONTRACTORS, DELIVER ALCOHOL BEVERAGES
24 FOR ANY LICENSEE LICENSED FOR ON PREMISES CONSUMPTION PURSUANT TO THIS ARTICLE 3, WHICH
25 MAY INCLUDE ALCOHOL BEVERAGES BY THE DRINK. SUCH DELIVERIES SHALL BE MADE IN ACCORDANCE
26 WITH THE PROVISIONS OF SECTION 44-3-911, EXCEPT FOR SUBSECTION 44-3-911(3)(d).

27 (c) MAY USE ITS OWN EMPLOYEES OR INDEPENDENT CONTRACTORS WHO ARE AT LEAST TWENTY-ONE
28 YEARS OF AGE TO DELIVER SUCH ALCOHOL BEVERAGES, IF ALL DELIVERY AGENTS COMPLETE A
29 CERTIFICATION PROGRAM THAT MEETS THE STANDARDS ESTABLISHED BY THE STATE LICENSING
30 AUTHORITY.

31 (d) MAY FACILITATE ORDERS BY TELEPHONE, INTERNET, OR BY OTHER ELECTRONIC MEANS FOR THE
32 SALE AND DELIVERY OF ALCOHOL BEVERAGES UNDER THIS SECTION. THE FULL AMOUNT OF EACH
33 ORDER SHALL BE HANDLED IN A MANNER THAT GIVES THE LICENSEE CONTROL OVER THE ULTIMATE
34 RECEIPT OF THE PAYMENT FROM THE CONSUMER.

35 (e) MAY DELIVER ALCOHOL BEVERAGES ANY TIME DURING WHICH THE LICENSEE IS LAWFULLY ALLOWED
36 TO SELL ALCOHOL BEVERAGES.

1 (f) SHALL VERIFY, AT THE TIME OF DELIVERY, IN ACCORDANCE WITH SUBSECTION 44-3901(11), THAT
2 THE PERSON RECEIVING THE DELIVERY OF MALT, VINOUS, OR SPIRITUOUS LIQUORS IS AT LEAST
3 TWENTY-ONE YEARS OF AGE.

4 (g) SHALL REFUSE TO DELIVER ALCOHOL BEVERAGES IF THE RECIPIENT IS UNDER TWENTY-ONE YEARS
5 OF AGE, APPEARS INTOXICATED, OR FAILS TO PROVIDE PROOF OF IDENTIFICATION.

6 (h) MAY NOT DELIVER TO ANY LOCATION LICENSED PURSUANT TO THIS ARTICLE 3, OR ARTICLE 4 OR
7 ARTICLE 5 OF THIS TITLE 44.

8 (i) SHALL BE DEEMED TO HAVE CONSENTED TO THE JURISDICTION OF THE STATE LICENSING AUTHORITY
9 OR ANY LAW ENFORCEMENT AGENCY AND THE COLORADO COURTS CONCERNING ENFORCEMENT OF
10 THIS SECTION AND ANY RELATED LAWS OR RULES.

11 (5) A DELIVERY SERVICE PERMITTEE MAY RENEW ITS PERMIT WITH THE STATE LICENSING AUTHORITY
12 BY MAINTAINING ALL QUALIFICATIONS AND PAYING ANNUALLY A RENEWAL FEE ESTABLISHED BY THE
13 STATE LICENSING AUTHORITY.

14 (6) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO REQUIRE A TECHNOLOGY SERVICES COMPANY
15 TO OBTAIN A DELIVERY SERVICE PERMIT FOR PROVIDING SOFTWARE OR A DIGITAL NETWORK
16 APPLICATION THAT CONNECTS CONSUMERS AND LICENSED RETAILERS FOR THE DELIVERY OF ALCOHOL
17 BEVERAGES FROM THE LICENSED RETAILER BY EMPLOYEES OR OTHER DELIVERY SERVICE PROVIDERS
18 OF THE LICENSED RETAILER. HOWEVER, THE ACT OF CONNECTING CONSUMERS TO LICENSED
19 RETAILERS SHALL SERVE TO GRANT JURISDICTION TO THE STATE OF COLORADO.

20 (7) THERE SHALL BE NO LIMIT TO THE PERCENTAGE OF A LICENSEE'S GROSS ANNUAL REVENUES FROM
21 TOTAL SALES OF ALCOHOL BEVERAGES THAT THE LICENSEE MAY DERIVE FROM ALCOHOL BEVERAGE
22 DELIVERIES.

23 (8) THE STATE LICENSING AUTHORITY MAY ENFORCE THE REQUIREMENTS OF THIS SECTION BY THE
24 SAME ADMINISTRATIVE PROCEEDINGS THAT APPLY TO ALCOHOL BEVERAGE LICENSES OR PERMITS,
25 INCLUDING WITHOUT LIMITATION ANY DISCIPLINARY ACTION APPLICABLE TO THE SELLING LICENSEE, OR
26 THE DELIVERY SERVICE PERMITTEE RESULTING FROM ANY UNLAWFUL SALE TO A MINOR.

27 (9) THE STATE LICENSING AUTHORITY MAY ENFORCE THE REQUIREMENTS OF THIS SECTION AGAINST
28 THE SELLING LICENSEE, DELIVERY SERVICE PERMITTEE, AND ANY EMPLOYEE OR INDEPENDENT
29 CONTRACTOR OF THE DELIVERY SERVICE PERMITTEE, IRRESPECTIVE OF THE STATUS OF ANY DELIVERY
30 SERVICE PERSONNEL AS AN INDEPENDENT CONTRACTOR OR EMPLOYEE. FOR THE LICENSEE'S LICENSE
31 TO BE SUBJECT TO DISCIPLINARY ACTION FOR A VIOLATION OF ALCOHOL LAW DURING DELIVERY, THE
32 LICENSEE MUST EITHER BE THE DELIVERY PERMITTEE OR THE DELIVERY MUST BE MADE BY AN
33 EMPLOYEE OF THE LICENSEE.

34 (10) THE STATE LICENSING AUTHORITY SHALL PROMULGATE RULES AS NECESSARY FOR THE PROPER
35 DELIVERY OF ALCOHOL BEVERAGES AS PERMITTED BY THIS SECTION.

36 **SECTION 3:** In Colorado Revised Statutes, 44-3-409, **repeal** (3)(a)(II) and (3)(a)(IV) as
37 follows:

38 **44-3-409. Retail liquor store license - rules.**

1 (3)(a) A person licensed to sell at retail who complies with this subsection (3) and rules
2 promulgated pursuant to this subsection (3) may deliver malt, vinous, and spirituous liquors to a
3 person of legal age if:

4 ~~(3)(a)(II) The delivery is made by an employee of the licensed retail liquor store who is at least
5 twenty one years of age and who is using a vehicle owned or leased by the licensee to make the
6 delivery;~~

7 ~~(3)(a)(IV) The retail liquor store derives no more than fifty percent of its gross annual revenues
8 from total sales of malt, vinous, and spirituous liquors from the sale of malt, vinous, and spirituous
9 liquors that the retail liquor store delivers.~~

10 **SECTION 4:** In Colorado Revised Statutes, 44-3-410, **repeal** (3)(a)(II) and (3)(a)(IV) as follows:

11 **44-3-410. Liquor-licensed drugstore license - multiple licenses permitted -requirements -**
12 **rules.**

13 (3)(a) A liquor-licensed drugstore licensee who complies with this subsection (3) and rules
14 promulgated pursuant to this subsection (3) may deliver malt, vinous, and spirituous liquors to a
15 person of legal age if:

16 ~~(3)(a)(II) The delivery is made by an employee of the liquor licensed drugstore who is at least
17 twenty one years of age and who is using a vehicle owned or leased by the licensee to make the
18 delivery;~~

19 ~~(3)(a)(IV) The liquor licensed drugstore derives no more than fifty percent of its gross annual
20 revenues from total sales of malt, vinous, and spirituous liquors from the sale of malt, vinous, and
21 spirituous liquors that the liquor licensed drugstore delivers.~~

22 **SECTION 5:** In Colorado Revised Statutes, 44-3-911, **repeal** (2)(c), (3)(b), and (7) as follows:

23 **44-3-911. Takeout and delivery of alcohol beverages - permit - on-premises consumption**
24 **licenses - requirements and limitations - rules - definition - repeal.**

25 (2) To sell and deliver an alcohol beverage or to allow a customer to remove an alcohol beverage
26 from the licensed premises as either is authorized under subsection (1) of this section, the
27 licensee must:

28 ~~(c) Derive no more than fifty percent of its gross annual revenues from total sales of food and
29 alcohol beverages from the sale of alcohol beverages through takeout orders and that the
30 licensee delivers; except that:~~

31 ~~(I) This subsection (2)(c) does not apply if the governor has declared a disaster emergency under
32 part 7 of article 33.5 of title 24; or~~

33 ~~(II) This subsection (2)(c) does not apply to a sales room at a premises licensed under section 44
34 3-402 or 44-3-407; and~~

1 ~~(3)(b) Be an employee of the licensee who is twenty one years of age or older;~~

2 ~~(7) This section is repealed, effective July 1, 2025.~~

3 **SECTION 6:** In Colorado Revised Statutes, 44-4-107 **repeal** (6)(a)(II) and (IV) as follows:

4 **44-4-107. Local licensing authority - application - fees - definitions - rules.**

5 6(a) A person licensed under subsection (1)(a) of this section who complies with this subsection
6 (6) and rules promulgated under this subsection (6) may deliver fermented malt beverages in
7 sealed containers to a person of legal age if:

8 ~~(II) The delivery is made by an employee of the fermented malt beverage retailer who is at least
9 twenty one years of age and who is using a vehicle owned or leased by the licensee to make the
10 delivery;~~

11 ~~(IV) The fermented malt beverage retailer derives no more than fifty percent of its gross annual
12 revenues from total sales of fermented malt beverages from the sale of fermented malt beverages
13 that the fermented malt beverage retailer delivers.~~

14 **SECTION 7.** Effective date. This act takes effect March 1, 2023.