

## CHAPTER 294

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**CRIMINAL LAW AND PROCEDURE**

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**SENATE BILL 04-082**

BY SENATOR(S) Kester, Andrews, Chlouber, and Tupa;  
also REPRESENTATIVE(S) Paccione, Berry, Borodkin, Carroll, Cerbo, Garcia, Hoppe, Madden, Marshall, McFadyen, Plant,  
Weissmann, and Young.

**AN ACT**

**CONCERNING THE AUTHORIZATION OF CERTAIN PERSONS TO TASTE ALCOHOL BEVERAGES IN THE  
COURSE OF POST-SECONDARY EDUCATIONAL PROGRAMS INVOLVING THE CULINARY ARTS.**

*Be it enacted by the General Assembly of the State of Colorado:*

**SECTION 1.** 18-13-122 (3), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

**18-13-122. Illegal possession or consumption of ethyl alcohol by an underage person.** (3) It shall be an affirmative defense to the offense described in subsection (2) of this section that the ethyl alcohol was possessed or consumed by a person under twenty-one years of age under the following circumstances:

(c) THE PERSON IS A STUDENT WHO:

(I) TASTES BUT DOES NOT IMBIBE AN ALCOHOL BEVERAGE ONLY WHILE UNDER THE DIRECT SUPERVISION OF AN INSTRUCTOR WHO IS AT LEAST TWENTY-ONE YEARS OF AGE AND EMPLOYED BY A POST-SECONDARY SCHOOL;

(II) IS ENROLLED IN A UNIVERSITY OR A POST-SECONDARY SCHOOL ACCREDITED OR CERTIFIED BY AN AGENCY RECOGNIZED BY THE UNITED STATES DEPARTMENT OF EDUCATION, A NATIONALLY RECOGNIZED ACCREDITING AGENCY OR ASSOCIATION, OR THE "PRIVATE OCCUPATIONAL EDUCATION ACT OF 1981", ARTICLE 59 OF TITLE 12, C.R.S.;

(III) IS PARTICIPATING IN A CULINARY ARTS, FOOD SERVICE, OR RESTAURANT MANAGEMENT DEGREE PROGRAM; AND

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

(IV) TASTES BUT DOES NOT IMBIBE THE ALCOHOL BEVERAGE FOR INSTRUCTIONAL PURPOSES AS A PART OF A REQUIRED COURSE IN WHICH THE ALCOHOL BEVERAGE, EXCEPT THE PORTION THE STUDENT TASTES, REMAINS UNDER THE CONTROL OF THE INSTRUCTOR.

**SECTION 2.** 12-47-801, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**12-47-801. Civil liability - legislative declaration.** (4.5) AN INSTRUCTOR OR ENTITY THAT COMPLIES WITH SECTION 18-13-122 (3) (c), C.R.S., SHALL NOT BE LIABLE FOR CIVIL DAMAGES RESULTING FROM THE INTOXICATION OF A MINOR DUE TO THE MINOR'S UNAUTHORIZED CONSUMPTION OF ALCOHOL BEVERAGES DURING INSTRUCTION IN CULINARY ARTS, FOOD SERVICE, OR RESTAURANT MANAGEMENT PURSUANT TO SECTION 18-13-122 (3) (c), C.R.S.

**SECTION 3. Effective date.** This act shall take effect July 1, 2004.

**SECTION 4. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 27, 2004