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

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