



# 23-171, Large Entertainment Facility Substance-Free Seating Requirement

Senator Priola &  
Representative  
deGruy Kennedy

## Bill Summary

This bill would establish a requirement that 4% of seating at large entertainment facilities (7,000+ seats) must be designated and enforced as substance-free seating. Methodology of enforcement would be left to the complete discretion of the impacted facility. The bill would also impose a penalty for facilities that do not comply with this requirement. This penalty may consist of a refusal or denial of an alcohol beverage license renewal or initial license issuance and other forms of license-related discipline.

## Issue Origin

Given the medical, social, and economic pitfalls associated with substance-abuse in Colorado, establishing sections of seating at entertainment venues for substance-free individuals is an effective method of destigmatizing and supporting the sober community. This community incorporates not only individuals in recovery for substance abuse, but also those who cannot drink due to medical circumstances, minors, pregnant persons, and any others that choose not to use any substance including drinking alcohol. The bill establishes an avenue for sober people to access entertainment events without the risk of confronting alcohol, marijuana, cigarettes, and ESDs.

## The Colorado Impact

This bill has the potential to influence Coloradans by:

- Reducing the influence of substance-use on minors and children (including second-hand smoke)
- De-stigmatizing attending entertainment events sober
- Ensuring a safe space for those who's health is threatened by the presence of substances
- Encouraging safe-driving practices outside of event venues
- Curbing widespread excessive/binge drinking at events
- Opening the concessions market to non-alcoholic beverages

## Changes in Statute

ADDS - 25-14-204 General smoking restrictions

- Smoking any substance in a substance-free section is prohibited

AMENDS - 25-14-205 Exceptions to smoking restrictions

- Restrictions only applies to the outdoor areas of businesses provided in section 44-8-103

ADDS - 44-3-301 Licensing in general

- If amended in committee, after April 1, 2027, entertainment venue liquor licenses will not be issued/renewed if the (applicable) venue does not offer a substance-free section in compliance with the bill
- Failure of applicable entertainment venues to offer a substance-free section is grounds for suspension, revocation, or fine on a liquor licensee

INCLUDES - provision that the original event ticket and any resale of that ticket shall include the condition that the ticketed seating is within the boundaries of a substance-free section

## Statewide Objectives



Colorado's Statewide Strategic Plan for Substance Use Recovery: **Equip Communities with Recovery Support**



2020 Colorado Attorney General Alcohol Task Force Report: **Equip Communities with Recovery Support**

## Impacted Venue Capacities

Venue	Capacity
Empower Stadium	76,125
Coors Field	50,398
Folsom Field	50,183
Falcon Stadium	46,692
Canvas Stadium	41,000
Dick's Sporting Goods Park	27,000
Ball Arena	20,000
Fiddler's Green	18,000
Denver Colesium	10,200
Red Rocks Amphitheater	9,545
Southwest Motors Event Center	8,225
World Arena	7,343



# 23-171, Large Entertainment Facility Substance-Free Seating Requirement

Senator Priola &  
Representative  
deGruy Kennedy

## History of Substance-Free Seating

- What is "Section Yellow"?

Section Yellow is a term used to define a section of an entertainment venue occupied by a community-driven group of sober individuals. These sections are often delineated by a yellow balloon.

- Jam Bands

The Wharf Rats is the original "section yellow" group composed of sober fans of the Grateful Dead. Beginning in the early 1980s, the group attended shows together and host sober-lifestyle meetings beforehand. Following the model of the Wharf Rats, at least 9 additional section yellow groups evolved in the 1990s.

- NFL Stadiums

Section Yellow expanded outside of the music industry when Lambeau Field approved the presence of a sober group at Green Bay Packers games. There are now section yellow groups at 14 additional NFL stadiums.

## Substance Abuse in Colorado

### What is Excessive Drinking?

- Binge Drinking
- Underage Drinking
- Heavy Drinking
- Drinking by Pregnant Persons

**7** deaths per day are attributed to excessive drinking

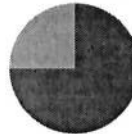
**5** billion dollars of economic cost in Colorado is due to excessive drinking

### What is Binge Drinking?

- Women - 4+ drinks consumed on one occasion
- Men - 5+ drinks consumed on one occasion
- 1 in 5 adults binge drink... 7 drinks per episode... 4 episodes per month



54% of excessive drinking deaths are due to binge drinking...  
**1,300 deaths/year**



75% of excessive drinking economic costs are due to binge drinking...  
**\$2.7 billion in economic cost**

### Substance Abuse Treatment Admissions

	Alcohol	Marijuana
2009	13,266	6,871
2018	14,784	5,387
%Change	+10.27%	(21.6%)

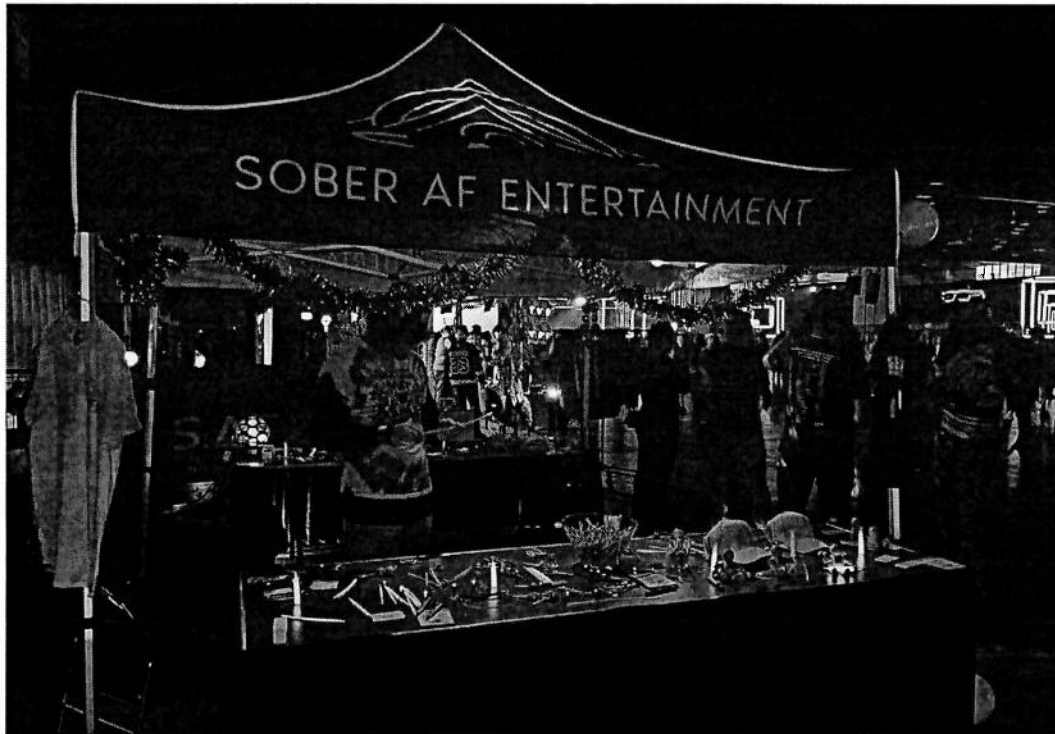
### Driving Under the Influence

- 2019 --> Colorado prosecutors filed 26,165 cases with at least one DUI charge
- 2021 --> At least 255 lives were lost on Colorado roads in accidents involving an impaired driver
- Since 2019 --> there has been a 44% increase in the number of fatalities involving an impaired driver

Questions? Contact Lacey Hays: [lacey@thekylegroup.com](mailto:lacey@thekylegroup.com); 303.775.9069

# Colorado Senator Wants Sober Sections Required at Sports and Entertainment Venues

THOMAS MITCHELL WESTWORD MARCH 9, 2023 10:57AM



If approved, Colorado would be the first state in the country to require substance-free seating at entertainment venues. **Courtesy of Sober AF Entertainment**

A bill introduced at the Colorado Legislature would require official sober seating sections at large entertainment venues like **Coors Field** and **Red Rocks Amphitheatre**.

State Senator Kevin Priola, the sponsor of **Senate Bill 23-171**, wants to see substance-free sections — where alcohol, tobacco, vaping and other substances would be explicitly prohibited — at entertainment venues that seat 7,000 or more people, including college stadiums. If his proposal passes, those facilities would have to reserve at least 4 percent of their seats for alcohol- and substance-free seating, or risk losing their liquor licenses.

"I've paid a lot of attention to the movement toward mocktails at bars. It was my hope to standardize the process across the state and normalize sobriety at some spaces," Priola says. "We don't want to be acrimonious in this proposal. We want something that works for the sports teams, the venues and the entertainment providers, but we also want something that works for families and people who are substance-free."

Pointing to a **bump in sober lifestyles among young people** and alcohol-free months such as Dry January and Sober October, Priola notes that there should be enough people to fill the seats in such sections.

The bill, introduced February 27, would impact thirteen venues across Colorado: **Ball Arena, Canvas Stadium, Coors Field, the Denver Coliseum, Dick's Sporting Goods Park, Empower Field at Mile High, Fiddler's Green Amphitheatre, Folsom Field, Falcon Stadium, Levitt Pavilion, Red Rocks Amphitheatre, Southwest Motors Event Center and Broadmoor World Arena.**

"These venues are publicly funded, too, so I think they should cater to all lifestyles of Colorado," Priola adds. If approved, the bill would be the first piece of legislation in the country to require substance-free seating at entertainment venues, he says.

Sober organizations are already creating their own sections at music festivals and sporting events. **Sober AF Entertainment** founder Duke Rumely started his Colorado-based organization in 2018 after his children were stranded at a Red Rocks concert because the drivers of their rides were alternately intoxicated on weed brownies and ecstasy. He soon began crafting bulk-ticket deals with entertainment and sporting venues, creating entire substance-free sections. Since its start, Sober AF has attended 161 events across 22 states, Rumely says; it has ongoing relationships with the Colorado Avalanche, Colorado Rockies and Denver Nuggets, as well as annual music festivals Decadence and Global Dance Festival.

"Baseball represents a beer and a hotdog, so it's a tough sell to change that to a Coke and a hot dog. I can see how this looks controversial, but we are really trying to make a difference for this generation of kids every year who are lost to addiction and overdose," says Rumely, who supports the bill. "I've got friends who won't go a Denver Broncos game because of whiskey-drunk Baltimore Ravens fans. I've personally been to a Broncos game where someone threw up in the section, and it ruined it for everyone."

Around half of the teams in the NFL have set up substance-free seating sections, according to Rumely, and venues around the country have adopted sober seating for certain events. At Coors Field, for example, lower section 342 is a designated family section, with no alcohol allowed there.

Under the Colorado proposal, the 4 percent requirement can't be met with just seats in the nosebleeds, with language calling for the sober seats to be dispersed throughout the venue so that multiple viewpoints are available.

Priola admits that he's not entirely sure how venues would distribute sober sections throughout a facility while still ensuring that the seating is substance-free, or even what the state would consider "substance-free." It could be a row, multiple rows, an entire section or something else.

"We left that flexibility to venues and teams. The only real caveat is that they can't put all the seats in the upper corner of the venue," Priola explains. "Empower Field has over 76,000 seats, so that would only be just over 3,000 seats [there]. And there's nothing that precludes them from doing more, so if they wanted to round out a section by going over [4 percent], they could."

The sections would be marked with signage, and venue staffers would be responsible for enforcing the rules. Visitors caught with alcohol or other substances would be disciplined by the venue, with no criminal penalty attached.

Priola's proposal would specifically ban tobacco and marijuana from such sections, too, even though both products are prohibited from virtually all seating areas at Colorado venues. "They are illegal," he says, "but my experience is that the public doesn't always realize that. I've seen things smoked and vaped in public facilities that aren't legal. In my opinion, this is just another layer."

"I don't believe venues are going to lose any revenue, because I think 4 percent or more of people are already there not drinking, but it will require some extra manpower," Rumely says. "We're trying to help

the venues be sober-friendly, not judicial or punitive. I would imagine that the pushback will be from the alcohol companies, the venues who have to hire a few more workers, and those managing the resale of those tickets, but I think it's very fixable with time."

The reselling of tickets is just one of the challenges; the issue of reassigning season ticket holders to sober sections is another issue that bill supporters expect to face.

The Denver Broncos and **Anschutz Entertainment Group** declined to comment on the bill. The Colorado Rapids, Colorado Rockies and **Kroenke Sports & Entertainment**, which owns the Colorado Avalanche, Denver Nuggets, Ball Arena and Dick's Sporting Goods Park, did not respond to *Westword* requests for comment.

Priola says that his office has contacted Colorado's sports and entertainment industry players, too, but hasn't gotten much of a response. "We've reached out to them and had a stakeholder call weeks ago," he notes. "The striking thing is we've gotten little to no feedback, because we wanted to adjust the proposal before it was introduced to try to work with them."

The first hearing before the Senate Finance Committee has not yet been scheduled. If the proposal makes it all the way to the governor's desk and is signed into law, it would take effect in 2026.

## Group creating a 'SAFE' space for those in recovery at concerts, sporting events

A growing number of Coloradans want to keep the fun of sporting events and concerts but skip the intoxication, and they're now asking lawmakers to advance the cause.

By: Rob Harris

*Posted at 7:53 PM, Mar 08, 2023 and last updated 10:22 PM, Mar 08, 2023*

DENVER — For many, sporting events and concerts go hand in hand with drinking and drug use. A growing number of Coloradans, though, want to keep the party but skip the intoxication, and they're now asking lawmakers to advance the cause.

They call themselves Sober AF Entertainment, or SAFE for short. Founder Duke Rumely said leaning into the “edge” (Sober AF) was important to show they could have a good time without using substances.

“When people show up, they are just kind of blown away, like, ‘Look, there really is a community out there having the time of their life, but they’re doing it sober,’” Rumely said.

Rumely was inspired to create SAFE as his kids entered their teenage years. Having been in recovery for decades himself, he understood the pressure that social settings like concerts and sporting events can create. He wanted to create an atmosphere that was fun, fresh and peer pressure free.

Today, you’ll see them in the crowds of Denver Nuggets games, Colorado Rockies games and music festivals, at times with hundreds in their ranks. The group is a mix of people in recovery, supportive family and friends, and others who simply want to “take a night off” from drinking, as Rumely puts it.

Tickets are bought in bulk for a discount, making them affordable. Their tailgate parties often include food and a live DJ.

“Being sober, I didn’t want to be in places where alcohol was so prevalent,” said Taylor Corley, who serves as DJ at SAFE events and is in recovery himself. “I really got into the events

because I finally found a safe haven — ‘safe,’ no pun intended — to go with like-minded people to just have a good time.”

SAFE has seen support from venues in the way of ticket discounts and rooms for rent. Now, it is taking its message to lawmakers, looking for statewide recognition in Colorado.

The group is pushing a bill in the state legislature this session that would require venues with 7,000 seats or more to designate 4% of its seating as “substance-free.”

“It’s imperative to have a space where people can go and not feel pressured to drink or even be around drinking,” Corley said. “When I was in early recovery, I thought I was never going to have fun again. I thought I was never going to be able to go to a concert again, never going to be able to go to a sporting event. And it limited me. So I think it’s going to be a big eye opener if the bill gets passed, just how many people are out there wanting to be sober or at least be around sober people.”

The bill has been introduced in the Senate Finance committee and has two sponsors, but doesn’t yet have a hearing set. Members of SAFE hope that it gets a chance, and believe it would make a real difference in the lives of those in recovery. Either way, they vow to keep pushing for sobriety visibility.

“There is so much stigma regarding somebody not drinking,” Rumely said. “If there was a substance-free area at all venues, that would be terrific. And I think it would help the next generation be able to have fun, learn how to have fun sober, and that’s what we’re looking to do is kind of change the stigma on what it’s like to have fun sober.”



LOCAL NEWS

# Colorado could become the first state to have mandated sober sections at big venues

BY OLIVIA YOUNG

MARCH 9, 2023 / 4:29 PM / CBS COLORADO

Colorado could become the first state to have mandated sober sections. This would apply to the state's largest music and sports venues.

Colorado nonprofit Sober A.F. Entertainment sets up sober sections and tailgates at music festivals, concerts, and sports games.

"It is a great need and a great want is what we figured out," said founder Duke Rumely.

Such a great need that Sober A.F. is now working with state lawmakers on a bill requiring substance free seating at large venues. SB23-171 would mandate all venues with over 7,000 seats provide at least 4% of seating as a substance-free zone. That would affect 13 venues statewide.

The bill would require marked sections, where use of alcohol, marijuana, vapes, and tobacco would be banned. Venues that don't comply could risk losing their liquor license.

"It was music to my ears! Because it's something that I've thought about for a while," said Vince Huseman. Huseman is six years sober and directs the music program for sober activity community The Phoenix.

"At the beginning of my recovery, it was a barrier for me. I was afraid to surround myself with drugs and alcohol so I would stay away from music venues, from sporting events, where I knew I'd be surrounded by that," Huseman said.

Huseman says sober sections are key in helping recovering addicts get back to their favorite activities.

"I think this bill could really help to support people to get back out to the music and the sporting events that they really enjoy so much," Huseman said.

But the sections aren't just for those battling addiction.

"Maybe they're in recovery like myself, or maybe they're just reevaluating their relationship with alcohol, or simply trying to show their kids drinking doesn't have to be a part of having fun," Huseman said.

It's an effort to be inclusive, and keep people safe amid a fentanyl crisis and high overdose rates.

"This is the least expensive, least intrusive way to really support this community which needs our support," said Rumely.

Rumely says the bill would require no government funding. It goes in front of the senate finance committee in the next few weeks, if passed would take effect in 2027.

Rumely says some venues have had concerns about enforcing the bill, but no one has publicly come out against it.

## Sober seating bill for Colorado sports, concert venues would set national precedent

Co-sponsors State Sen. Kevin Priola and Rep. Chris deGruy Kennedy say the market is deeply underserved

By **JOHN WENZEL** | [jwenzel@denverpost.com](mailto:jwenzel@denverpost.com) | The Denver Post

PUBLISHED: March 13, 2023 at 6:00 a.m. | UPDATED: March 13, 2023 at 1:26 p.m.

State legislators plan to vote on a bill this week that would require “substance-free seating” for Colorado sporting events and concerts at venues with more than 7,000 seats, including stadiums, arenas and amphitheaters.

Senate Bill 23-171, introduced Feb. 27 by Colorado Sen. Kevin Priola and Rep. Chris deGruy Kennedy, would require venues such as Ball Arena, Coors Field, Red Rocks Amphitheatre and Empower Field at Mile High to offer 4% of their audience capacity as “substance free seating,” where alcohol, tobacco and other substances would be banned. The bill addresses the need for families and people in addiction recovery to have substance-free spaces, Priola said Friday, and is part of a growing national movement toward such spaces. The bill would set a national precedent as the first of its type in the country, although some sports stadiums — including Coors Field — already offer small, alcohol-free sections for families.

“There’s a growing (sober) community and segment of the market that isn’t being represented,” Priola said. “In the U.S., 9% of people at any one time are trying to recover from addiction, and if you add in families that don’t want a bunch of people partaking around them, 4% is completely reasonable.” If passed, failure to comply with the bill would be “basis for refusal or denial of an alcohol beverage license renewal or initial license issuance and other forms of license-related discipline,” according to the bill’s text.

Priola has been working with sports teams and venues owners to build support for the bill, and has people lined up to endorse it at a hearing later this week, he said. The bill would take effect in 2026, giving teams, venues and promoters time to work with season ticket holders who might be affected, as well as other legal and logistical concerns. Colorado’s Liquor Enforcement Division declined to comment on the proposed bill, saying that the state would weigh in only if it passes. Denver-based concert promoter AEG Presents Rocky Mountains also declined to comment on the potential effect on ticket prices and seating layouts.

Complicating the bill is the fact that most Colorado sports and concert venues maintain sponsorship deals with liquor and beer companies. In addition, beer, liquor and wine consumption is up year-over-year in Colorado as of 2020, according to data from the Beverage Information Group and Park Street Analyses.

The Colorado Department of Revenue also showed a general upward trend in liquor excise taxes since 2016, according to a recent report. The bill would have unintended negative consequences for Colorado restaurants and bars, according to Colin Larson, director of government affairs at the Colorado Restaurant Association.

“While we applaud the underlying goal of supporting people in recovery, this bill would create an unreasonable and unsustainable situation for independent food-and-beverage vendors with stadium locations, endangering their businesses and their employees’ livelihoods,” he said in a statement provided to The Denver Post. “This bill would punish these operators for circumstances outside of their control, as they have no way to police where customers go after they purchase an alcohol beverage in a stadium setting,” Larson said. “The unintended consequences here put stadium employees and vendors at great disadvantage, opening the door for customer complaints and lost revenue.”

The bill would not affect off-premise alcohol consumption or sales, according to its language. But it would still represent a further decaying of the state’s liquor industry, said Chris Fine, executive director of the Colorado Licensed Beverage Association.

“We deal with off-premise sales and mom-and-pop liquor stores, but I know that addressing addiction is a big passion project of Senator Priola,” Fine said. “However, we did just see billions of out-of-state dollars come in trying to eradicate our industry (in relation to wine sales at grocery stores, which began March 1), so this would just be another eroding effect.”

Priola said the bill’s bar may seem high, but that public-health campaigns against cigarettes, vaping and other addictive substances have succeeded in the past, and that his bill has the same potential.

“I’ve done a lot with opioid legislation and on other substance-related committees, and what I’ve learned in that time — especially working with the CU Anschutz Medical Center — is that alcohol-use disorder is the biggest one out there. It just happens to be the most socially acceptable.”

Walking through magnetometers and undergoing other rigorous security checks at public events seemed draconian 20 years ago, Priola said, and now it’s standard. People can be re-trained. But taking his own kids to sporting events and seeing unruly, substance-driven behavior also inspired the bill, Priola said.

He acknowledged the enforcement would be complicated, and that passage is likely an uphill battle, given the lack of response from liquor-industry players. He said he’ll introduce it as many times as necessary until it passes.

“There already mechanisms at venues to report issues with rowdy attendees, and this would piggyback on that,” he said. “But I think large entertainment venues, most of which are publicly funded, could look at this as a market opportunity to serve a broader customer base.”