

**First Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 13-0412.01 Christy Chase x2008

SENATE BILL 13-054

SENATE SPONSORSHIP

Brophy,

HOUSE SPONSORSHIP

Priola,

Senate Committees
State, Veterans, & Military Affairs

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE ABILITY OF AN ESTABLISHMENT LICENSED TO SELL**
102 **ALCOHOL BEVERAGES FOR ON-PREMISES CONSUMPTION TO**
103 **SERVE AN ALCOHOL BEVERAGE TO AN ADULT UNDER**
104 **TWENTY-ONE YEARS OF AGE WHEN THE UNDERAGE PERSON'S**
105 **PARENT PURCHASES THE ALCOHOL BEVERAGE FOR THE**
106 **UNDERAGE PERSON.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

Current law prohibits a person under 21 years of age (underage person) from possessing or consuming alcohol unless:

- ! The underage person is legally present on private property with the knowledge and consent of the property owner; and
- ! The parent or legal guardian of the underage person is present on the property and consents to the possession or consumption by the underage person.

Additionally, an underage person may possess or consume alcohol for religious, educational, or medical purposes. The "Colorado Liquor Code" also prohibits a person from selling, serving, or delivering an alcohol beverage to an underage person.

The bill permits a restaurant or other establishment licensed to sell alcohol for on-premises consumption to serve, and an underage person to consume on the licensed premises, an alcohol beverage if the underage person's parent or legal guardian who is at least 21 years of age purchases the alcohol beverage for the underage person and accompanies the underage person while he or she is consuming the alcohol beverage. If the licensed establishment reasonably relies on documentation or other representation of the parent or legal guardian relationship, and the person purchasing the alcohol beverages is not, in fact, the parent or legal guardian of the underage person, that reliance and alcohol beverage sale is not grounds for revocation or suspension of the establishment's liquor license.

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

2 **SECTION 1.** In Colorado Revised Statutes, 12-47-901, **amend**
3 (1) (a.5) (I), (1) (b), and (1) (c); and **add** (1) (a.5) (III) as follows:

4 **12-47-901. Unlawful acts - exceptions.** (1) Except as provided
5 in section 18-13-122, C.R.S., it is unlawful for any person:

6 (a.5) (I) To sell, serve, give away, dispose of, exchange, or deliver
7 or permit the sale, serving, giving, or procuring of any alcohol beverage
8 to or for any person under the age of twenty-one years, EXCEPT AS
9 PERMITTED IN SUBPARAGRAPH (III) OF THIS PARAGRAPH (a.5).

10 (III) (A) A PERSON LICENSED PURSUANT TO THIS ARTICLE TO SELL
11 ALCOHOL BEVERAGES FOR CONSUMPTION ON THE LICENSED PREMISES MAY
12 SERVE AN ALCOHOL BEVERAGE TO A PERSON WHO IS AT LEAST EIGHTEEN

1 BUT UNDER TWENTY-ONE YEARS OF AGE IF THE UNDERAGE PERSON IS
2 ACCOMPANIED BY A PARENT OR LEGAL GUARDIAN WHO IS AT LEAST
3 TWENTY-ONE YEARS OF AGE AND THE PARENT OR LEGAL GUARDIAN OF
4 THE UNDERAGE PERSON PURCHASES THE ALCOHOL BEVERAGE.

5 (B) THE LICENSEE MAY REQUEST PROOF OF THE PARENT OR LEGAL
6 GUARDIAN RELATIONSHIP WHEN THE AGE DIFFERENCE BETWEEN THE
7 UNDERAGE PERSON AND THE PARENT OR LEGAL GUARDIAN IS LESS THAN
8 SIXTEEN YEARS. IF THE PERSON PURCHASING THE ALCOHOL BEVERAGE IS
9 NOT, IN FACT, THE PARENT OR LEGAL GUARDIAN OF THE UNDERAGE
10 PERSON BUT THE LICENSEE REASONABLY RELIED ON THE PROOF OF THE
11 RELATIONSHIP OR THE REPRESENTATION OF THE PERSON PURCHASING THE
12 ALCOHOL BEVERAGE THAT HE OR SHE IS THE UNDERAGE PERSON'S PARENT
13 OR LEGAL GUARDIAN, THE LICENSEE'S RELIANCE ON THAT PROOF OR
14 REPRESENTATION AND THE SALE OF AN ALCOHOL BEVERAGE TO A PERSON
15 WHO IS NOT THE UNDERAGE PERSON'S PARENT OR LEGAL GUARDIAN IS NOT
16 GROUNDS FOR REVOCATION OR SUSPENSION OF THE PERSON'S LICENSE.

17 (b) To obtain or attempt to obtain any alcohol beverage by
18 misrepresentation of age or by any other method in any place where
19 alcohol beverages are sold when ~~such~~ THE person is under twenty-one
20 years of age. THIS PARAGRAPH (b) DOES NOT PRECLUDE A PERSON WHO IS
21 AT LEAST EIGHTEEN BUT UNDER TWENTY-ONE YEARS OF AGE FROM
22 OBTAINING AN ALCOHOL BEVERAGE IN THE MANNER DESCRIBED IN
23 SUBPARAGRAPH (III) OF PARAGRAPH (a.5) OF THIS SUBSECTION (1).

24 (c) To possess alcohol beverages in any store, in any public place,
25 including public streets, alleys, roads, or highways, or upon property
26 owned by the state of Colorado or any subdivision thereof, or inside
27 vehicles while upon the public streets, alleys, roads, or highways when

1 ~~such~~ THE person is under twenty-one years of age. THIS PARAGRAPH (c)
2 DOES NOT PREVENT A PERSON WHO IS AT LEAST EIGHTEEN BUT UNDER
3 TWENTY-ONE YEARS OF AGE FROM POSSESSING AN ALCOHOL BEVERAGE IN
4 AN ESTABLISHMENT LICENSED FOR ON-PREMISES CONSUMPTION IF THE
5 ALCOHOL BEVERAGE WAS OBTAINED IN THE MANNER DESCRIBED IN
6 SUBPARAGRAPH (III) OF PARAGRAPH (a.5) OF THIS SUBSECTION (1).

7 **SECTION 2.** In Colorado Revised Statutes, 18-13-122, **amend**
8 (2) (a); and **add** (4.7) as follows:

9 **18-13-122. Illegal possession or consumption of ethyl alcohol**
10 **by an underage person - definitions - adolescent substance abuse**
11 **prevention and treatment fund - legislative declaration.** (2) (a) Except
12 as described by section 18-1-711 and ~~subsection~~ SUBSECTIONS (4.5) AND
13 (4.7) of this section, a person under twenty-one years of age who
14 possesses or consumes ethyl alcohol anywhere in the state of Colorado
15 commits illegal possession or consumption of ethyl alcohol by an
16 underage person. Illegal possession or consumption of ethyl alcohol by
17 an underage person is a strict liability offense.

18 (4.7) A PERSON WHO IS AT LEAST EIGHTEEN BUT UNDER
19 TWENTY-ONE YEARS OF AGE IS IMMUNE FROM CRIMINAL PROSECUTION
20 UNDER THIS SECTION IF HE OR SHE ESTABLISHES THAT:

21 (a) HIS OR HER PARENT OR LEGAL GUARDIAN PURCHASED ETHYL
22 ALCOHOL FOR THE UNDERAGE PERSON AT AN ESTABLISHMENT LICENSED
23 UNDER ARTICLE 47 OF TITLE 12, C.R.S., TO SELL ALCOHOL BEVERAGES FOR
24 CONSUMPTION ON THE LICENSED PREMISES;

25 (b) HIS OR HER PARENT OR LEGAL GUARDIAN ACCOMPANIED THE
26 UNDERAGE PERSON WHILE HE OR SHE POSSESSED OR CONSUMED ETHYL
27 ALCOHOL AT THE ESTABLISHMENT LICENSED TO SELL ALCOHOL

1 BEVERAGES FOR ON-PREMISES CONSUMPTION; AND

2 (c) THE UNDERAGE PERSON'S PARENT OR LEGAL GUARDIAN WAS AT
3 LEAST TWENTY-ONE YEARS OF AGE AT THE TIME THE UNDERAGE PERSON
4 POSSESSED OR CONSUMED ETHYL ALCOHOL.

5 **SECTION 3. Act subject to petition - effective date.** This act
6 takes effect at 12:01 a.m. on the day following the expiration of the
7 ninety-day period after final adjournment of the general assembly (August
8 7, 2013, if adjournment sine die is on May 8, 2013); except that, if a
9 referendum petition is filed pursuant to section 1 (3) of article V of the
10 state constitution against this act or an item, section, or part of this act
11 within such period, then the act, item, section, or part will not take effect
12 unless approved by the people at the general election to be held in
13 November 2014 and, in such case, will take effect on the date of the
14 official declaration of the vote thereon by the governor.