

Be it Enacted by the People of the State of Colorado:

SECTION 1: In the constitution of the State of Colorado, **amend** section 15 of article XVIII ~~to add subsections (2)-(5)~~ as follows:

Section 15. State minimum wage rate.

(1) Effective January 1, 2017, Colorado's minimum wage is increased to \$9.30 per hour and is increased annually by \$0.90 each January 1 until it reaches \$12 per hour effective January 2020, and thereafter is adjusted annually for cost of living increases, as measured by the Consumer Price Index used for Colorado. This minimum wage shall be paid to employees who receive the state or federal minimum wage. No more than \$3.02 per hour in tip income may be used to offset the minimum wage of employees who regularly receive tips.

(2) NOTWITHSTANDING SUBSECTION (1) OF THIS SECTION, AND EFFECTIVE JANUARY 1, 2023:

(~~Aa~~) ~~THE~~ THE MINIMUM WAGE FOR EMPLOYEES OF A CHAIN RETAILER THAT SELLS ALCOHOL, ~~AS DEFINED IN THIS SECTION~~, SHALL NOT BE LESS THAN \$20.00 PER HOUR, EXCLUSIVE OF ANY EMPLOYEE BENEFITS, OVERTIME COMPENSATION, REIMBURSEMENT FOR EXPENSES INCURRED BY THE EMPLOYEE, AND TIPS OR GRATUITIES GIVEN BY ~~CUSTOMERS~~ PURCHASERS OF ALCOHOL FOR THE EMPLOYEE'S PROVISION OF SERVICES; AND

(~~Bb~~) ~~THE~~ THE MINIMUM WAGE FOR EMPLOYEES OF A PERSON PROVIDING ~~THIRD~~ PARTY THIRD-PARTY ALCOHOL DELIVERY SERVICE SHALL NOT BE LESS THAN \$20.00 PER HOUR, EXCLUSIVE OF ANY EMPLOYEE BENEFITS, OVERTIME COMPENSATION, REIMBURSEMENT FOR EXPENSES INCURRED BY THE EMPLOYEE, AND TIPS OR GRATUITIES GIVEN BY ~~CUSTOMERS~~ PURCHASERS OF ALCOHOL FOR THE EMPLOYEE'S PROVISION OF SERVICES;

(~~Cc~~) ~~THE~~ THE MINIMUM WAGE FOR ALL INDEPENDENT CONTRACTORS WHO PROVIDE ~~THIRD~~ PARTY THIRD-PARTY ALCOHOL DELIVERY SERVICE SHALL NOT BE LESS THAN \$24.00 PER HOUR EXCLUSIVE OF ANY BENEFITS, OVERTIME COMPENSATION, REIMBURSEMENT FOR EXPENSES INCURRED BY THE ~~EMPLOYEE~~ INDEPENDENT CONTRACTOR, AND TIPS OR GRATUITIES GIVEN BY ~~CUSTOMERS~~ PURCHASERS OF ALCOHOL FOR THE ~~EMPLOYEE'S~~ INDEPENDENT CONTRACTOR'S PROVISION OF SERVICES.

(3) THE MINIMUM WAGE RATES SPECIFIED IN SUBSECTION (2) OF THIS SECTION SHALL BE INCREASED ANNUALLY, BEGINNING JANUARY 1, 2024, FOR COST OF LIVING INCREASES, AS MEASURED BY THE CONSUMER PRICE INDEX USED FOR COLORADO.

(4) NO CHAIN RETAILER OR OTHER PERSON THAT PROVIDES OR GIVES ~~CONSUMERS~~ PURCHASERS OF ALCOHOL ACCESS TO AN ALCOHOL DELIVERY SERVICE, AND SUCH ~~SERVICE-CHAIN RETAILER~~

EMPLOYS, OR ENGAGES AS INDEPENDENT CONTRACTORS, NATURAL PERSONS TO MAKE DELIVERIES OF ALCOHOL, SHALL RETAIN ANY PORTION OF GRATUITIES OR TIPS GIVEN BY CUSTOMERS PURCHASERS OF ALCOHOL FOR SUCH NATURAL PERSONS.

(5) ~~FOR PURPOSES OF~~ AS USED IN SUBSECTIONS (2) THROUGH (5) OF THIS SECTION:

(~~Aa~~) “ALCOHOL” MEANS ALL FORMS OF ~~ALCOHOLIC~~ ALCOHOL BEVERAGES OF BEER, WINE, AND SPIRITUOUS LIQUORS SOLD AT RETAIL IN SEALED CONTAINERS TO PURCHASERS FOR OFF-PREMISES CONSUMPTION, ~~AT RETAIL TO CONSUMERS~~, AND TRANSFERRED FROM THE RETAILER TO THE ~~CONSUMER-PURCHASER~~ BY MEANS OF THE CHAIN RETAILER’S EMPLOYEES OR INDEPENDENT CONTRACTORS OR BY MEANS OF A ~~THIRD-PARTY~~ THIRD-PARTY ALCOHOL DELIVERY SERVICE.

(~~Bb~~) “ALCOHOL DELIVERY SERVICE” MEANS THE PHYSICAL TRANSFER OF ALCOHOL; ~~WHETHER DELIVERY OCCURS OFF OF THE LICENSED PREMISES~~ TO A PERSON OFF OF THE LICENSED PREMISES OR TO A PHYSICAL LOCATION DESIGNATED BY A PURCHASER IN ANY MANNER INCLUDING DELIVERY FACILITATED THROUGH A TECHNOLOGICAL, TELEPHONIC, OR ANY OTHER MEANS USED FOR ORDERING SUCH ALCOHOL.

(~~cc~~) “CHAIN RETAILER” MEANS ANY PERSON OR GROUP OF PERSONS THAT HAS AN INTEGRATED COMMERCIAL RELATIONSHIP AND, TOGETHER, GENERATE IN THE STATE OF COLORADO AT LEAST ONE HUNDRED MILLION DOLLARS OF GROSS REVENUE ANNUALLY, AT LEAST A PORTION OF WHICH IS DERIVED BY SELLING ALCOHOL.

(~~dd~~) “EMPLOYEE” MEANS A PERSON PROVIDING ALCOHOL DELIVERY SERVICES, BASED ON A WRITTEN OR ORAL EMPLOYMENT AGREEMENT.

(~~ee~~) “INDEPENDENT CONTRACTOR” MEANS A PERSON PROVIDING ALCOHOL DELIVERY SERVICES WITHOUT A WRITTEN OR ORAL EMPLOYMENT AGREEMENT.

(~~ff~~) “PERSON” MEANS AN INDIVIDUAL, CORPORATION, LIMITED LIABILITY COMPANY, JOINT VENTURE, PARTNERSHIP, UNINCORPORATED ASSOCIATION, GROUP OF PERSONS UNDER A COMMON OWNERSHIP STRUCTURE, GROUP OF PERSONS USING THE SAME TRADE NAME, OR ANY LEGAL OR COMMERCIAL ENTITY.

(~~gg~~) “RETAILER” MEANS A PERSON AUTHORIZED UNDER COLORADO LAW TO SELL ANY ALCOHOL BEVERAGE AT RETAIL.

(~~h~~) “~~THIRD-PARTY~~ THIRD-PARTY ALCOHOL DELIVERY SERVICE” MEANS THE TRANSFER OF POSSESSION OR CONTROL OF ALCOHOL, MADE BY A PERSON OTHER THAN AN EMPLOYEE OR INDEPENDENT CONTRACTOR PERFORMING SERVICES AT THE DIRECTION OF A CHAIN RETAILER, WHERE SUCH TRANSFER OF ALCOHOL IS MADE TO OR FOR A ~~CONSUMER-PURCHASER OF ALCOHOL~~ WHO PURCHASES THE ALCOHOL AT RETAIL.

SECTION 2: Effective date. This amendment to the Constitution shall take effect on January 1, 2023.