

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:

(A) 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 FOR THE EMPLOYEE’S PROVISION OF SERVICES; AND

(B) THE MINIMUM WAGE FOR EMPLOYEES OF A PERSON PROVIDING 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 FOR THE EMPLOYEE’S PROVISION OF SERVICES;

(C) THE MINIMUM WAGE FOR ALL INDEPENDENT CONTRACTORS WHO PROVIDE 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, AND TIPS OR GRATUITIES GIVEN BY CUSTOMERS FOR THE EMPLOYEE’S PROVISION OF SERVICES.

(3) THE MINIMUM WAGE RATES SPECIFIED IN SUBSECTION (2) OF THIS SECTION SHALL BE INCREASED ANNUALLY 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 ACCESS TO AN ALCOHOL DELIVERY SERVICE, AND SUCH SERVICE EMPLOYS, OR ENGAGES AS INDEPENDENT CONTRACTORS, NATURAL PERSONS TO MAKE DELIVERIES OF ALCOHOL, SHALL RETAIN ANY PORTION OF GRATUITIES OR TIPS GIVEN BY CUSTOMERS FOR SUCH NATURAL PERSONS.

(5) FOR PURPOSES OF SUBSECTIONS (2) THROUGH (5) OF THIS SECTION:

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

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

(C) “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, AT LEAST A PORTION OF WHICH IS DERIVED BY SELLING ALCOHOL.

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

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

(F) “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.

(G) “THIRD PARTY ALCOHOL DELIVERY SERVICE” MEANS THE TRANSFER OF POSSESSION OR CONTROL, 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 WHO PURCHASES AT RETAIL.

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