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Legislative Council Staff  
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*Be it Enacted by the People of the State of Colorado:*

**SECTION 1:** In Colorado Revised Statutes, **add** section 44-3-108 as follows:

**44-3-108. STATE MINIMUM WAGE RATE FOR EMPLOYEES AND INDEPENDENT CONTRACTORS OF CHAIN RETAILERS PROVIDING ALCOHOL DELIVERY SERVICES.**

(1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY AND EFFECTIVE JANUARY 1, 2023:

(A) THE MINIMUM WAGE FOR EMPLOYEES OF A CHAIN RETAILER THAT SELLS ALCOHOL 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 SUCH SERVICES;

(B) THE MINIMUM WAGE FOR EMPLOYEES OF ANY 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 SUCH SERVICES;

(C) THE MINIMUM WAGE FOR INDEPENDENT CONTRACTORS PROVIDING 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 INDEPENDENT CONTRACTOR, AND TIPS OR GRATUITIES GIVEN BY CUSTOMERS FOR THE INDEPENDENT CONTRACTOR'S PROVISION OF SUCH SERVICES.

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

(3) NO CHAIN RETAILER OR OTHER PERSON THAT PROVIDES OR GIVES CONSUMERS ACCESS TO AN ALCOHOL DELIVERY SERVICE, USING EMPLOYEES OR INDEPENDENT CONTRACTORS TO MAKE DELIVERIES OF ALCOHOL, SHALL RETAIN ANY PORTION OF GRATUITIES OR TIPS GIVEN BY CUSTOMERS FOR SUCH EMPLOYEES OR SUCH INDEPENDENT CONTRACTORS.

(4) FOR PURPOSES 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

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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 GENERATES 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 OF 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 act shall take effect on January 1, 2023.