

State Report

Colorado

This state report is excerpted from:

The 2013 Report to Congress on the Prevention and Reduction of Underage Drinking

submitted to Congress by The U.S. Department of Health and Human Services.

To obtain more information and a copy of the full Report to Congress go to:

<https://www.stopalcoholabuse.gov>



Colorado

State Profile and Underage Drinking Facts*

State Population: 5,116,796
Population Ages 12–20: 568,000

	Percentage	Number
Ages 12–20		
Past-Month Alcohol Use	31.7	180,000
Past-Month Binge Alcohol Use	17.9	102,000
Ages 12–14		
Past-Month Alcohol Use	9.7	18,000
Past-Month Binge Alcohol Use	2.5	5,000
Ages 15–17		
Past-Month Alcohol Use	28.7	56,000
Past-Month Binge Alcohol Use	16.9	33,000
Ages 18–20		
Past-Month Alcohol Use	57.8	105,000
Past-Month Binge Alcohol Use	35.2	64,000
Alcohol-Attributable Deaths (under 21)		74
Years of Potential Life Lost (under 21)		4,492
	Percentage of All Traffic Fatalities	Number
Traffic Fatalities, 15- to 20-Year-Old Drivers with BAC > 0.01	16.0	11

* See Appendix C for data sources.

Laws Addressing Minors in Possession of Alcohol

Underage Possession of Alcohol

Possession is prohibited with the following exception(s):

- Private location AND
- Parent/guardian

Note: Colorado's exception requires the knowledge and consent of the owner of the private property when minors possess alcohol (in addition to the consent and presence of a parent or guardian).

Underage Consumption of Alcohol

Consumption is prohibited with the following exception(s):

- Private location AND
- Parent/guardian

Note: Colorado's exception requires the knowledge and consent of the owner of the private property when minors consume alcohol (in addition to the consent and presence of a parent or guardian).

Internal Possession by Minors

Internal possession is prohibited with the following exception(s):

- Private location AND
- Parent/guardian

Note: Colorado's exception requires the knowledge and consent of the owner of the private property when minors possess or consume alcohol (in addition to the consent and presence of a parent or guardian).

Underage Purchase of Alcohol

Purchase is prohibited and there is NO ALLOWANCE for youth purchase for law enforcement purposes

False Identification for Obtaining Alcohol

Provision(s) Targeting Minors

- Use of a false ID to obtain alcohol is a criminal offense.
- Penalty may include driver's license suspension through a judicial procedure.

Note: In Colorado, the license revocation period for a first conviction of obtaining or attempting to obtain an alcoholic beverage by misrepresentation of age is 24 hours of public service, if ordered by the court, or 3 months.

Provision(s) Targeting Suppliers

- It is a criminal offense to lend, transfer, or sell a false ID.

Provisions Targeting Retailers

- Licenses for drivers under age 21 are easily distinguishable from those for drivers age 21 and older.
- Retailers are permitted to seize apparently false IDs.

- Specific affirmative defense—the retailer inspected the false ID and came to a reasonable conclusion based on its appearance that it was valid.
- Retailer has the authority to detain a minor suspected of using a false ID in connection with the purchase of alcohol.

Laws Targeting Underage Drinking and Driving

BAC Limits: Youth (Underage Operators of Noncommercial Motor Vehicles)

- BAC limit: 0.02
- BAC level at or above the limit is per se (conclusive) evidence of a violation
- Applies to drivers under age 21

Loss of Driving Privileges for Alcohol Violations by Minors (“Use/Lose Laws”)

Use/lose penalties apply to minors under age 21.

Type(s) of Violation Leading to Driver’s License Suspension, Revocation, or Denial

- Underage purchase
- Underage possession
- Underage consumption

Authority To Impose Driver’s License Sanction

- Mandatory

Length of Suspension/Revocation

- Minimum: Not specified
- Maximum: 90 days

Graduated Driver’s License

Learner Stage

- Minimum entry age: 15
- Minimum learner stage period: 12 months
- Minimum supervised driving requirement: 50 hours—10 of which must be at night

Intermediate Stage

- Minimum age: 16
- Unsupervised night driving
 - Prohibited after: 12 a.m.
 - No primary enforcement of the night-driving rule
- Passenger restrictions exist: For first 6 months, no passengers under 21 unless immediate family member; second 6 months, only one passenger under 21 who is not immediate family
 - No primary enforcement of the passenger-restriction rule

License Stage

- Minimum age to lift restrictions: 17

Laws Targeting Alcohol Suppliers

Furnishing Alcohol to Minors

Furnishing is prohibited with the following exception(s):

- Private location AND
- Parent/guardian

Compliance Check Protocols

Age of Decoy

- Minimum: 18
- Maximum: 20

Appearance Requirements

- Age-appropriate appearance with no age enhancements

ID Possession

- Discretionary

Verbal Exaggeration of Age

- Prohibited

Decoy Training

- Not specified

Penalty Guidelines for Sales to Minors

- Time period/conditions: 1 year
- First offense: Written warning to up to 15-day license suspension—accepting fine in lieu of 15 days of suspension is discretionary
- Second offense: 25-day suspension, 10 days served and 15 held in abeyance
- Third offense: 44-day suspension, 20 served and 24 held in abeyance
- 4th offense: 45-day or more license suspension or license revocation

Note: Lists of aggravating and mitigating factors are provided. Responsible alcohol vendors may receive a warning on the first offense.

Responsible Beverage Service

Voluntary Beverage Service Training

- The law does not specify on- or off-sale establishments.
- The law does not specify new or existing outlets.

Incentive for Training

- Mitigation of fines or other administrative penalties for sales to minors.

Note: No person shall be employed to serve alcohol beverages or provide security within a “common consumption area,” that is, an area designed as a common area in an “entertainment district” approved by the local licensing authority that uses physical barriers to close the area to motor vehicle traffic and limit pedestrian access, unless the server has completed the server and seller training program established by the director of liquor enforcement. An “entertainment district” is a designated area within a municipality with no more than 100 acres containing at

least 20,000 feet of premises licensed as a tavern, hotel and restaurant, brew pub, retail gaming tavern, or vintner’s restaurant when the district is created.

Minimum Ages for Off-Premises Sellers

- Beer: 21
- Wine: 21
- Spirits: 21

Note: Although employees must be at least 21 years old to sell malt, vinous, or spirituous liquors in a retail liquor store, employees at least 18 years old may sell fermented malt beverages containing not more than 3.2 percent alcohol by weight in establishments where fermented malt beverages are sold at retail in containers for off-premises consumption.

Minimum Ages for On-Premises Sellers

- Beer: 18 for both servers and bartenders
- Wine: 18 for both servers and bartenders
- Spirits: 18 for both servers and bartenders

Condition(s) That Must Be Met in order for an Underage Person To Sell Alcoholic Beverages

- Manager/supervisor is present.

Note: Persons under 21 years old employed to sell or dispense malt, vinous, or spirituous liquors must be supervised by another person who is on premise and has attained 21 years of age.

Distance Limitations for New Alcohol Outlets Near Universities and Schools

Colleges and Universities

Limitations on outlet siting:

- Off-premises outlets: Yes—within 500 feet
- On-premises outlets: Yes—within 500 feet
- Alcohol products: Beer, wine, spirits

Primary and Secondary Schools

Prohibitions against outlet siting:

- Off-premises outlets: Yes—within 500 feet
- On-premises outlets: Yes—within 500 feet
- Alcohol products: Beer, wine, spirits

Dram Shop Liability

Statutory liability exists subject to the following conditions:

- Limitations on damages: \$280,810 per person
- Limitations on elements/standards of proof: Knowledge of underage status

Social Host Liability Laws

Statutory liability exists subject to the following conditions:

- Limitations on damages: \$280,810 per person
- Limitations on elements/standards of proof: Knowledge of underage status

Host Party Laws

No state-imposed liability for hosting underage drinking parties

Retailer Interstate Shipments of Alcohol

Retailer interstate shipments are prohibited for all types of beverages.

Direct Sales/Shipments of Alcohol by Producers

Direct sales/shipments from producers to consumers are permitted for wine with the following restrictions:

Age Verification Requirements

- Common carrier must verify age of recipient.

State Approval/Permit Requirements

- Producer/shipper must obtain state permit.

Reporting Requirement

- Producer must record/report purchaser's name.

Shipping Label Statement Requirements

- Contains alcohol
- Recipient must be 21

Keg Registration

Not required

Alcohol Pricing Policies

Home Delivery

- Beer: Permitted—state permit required
- Wine: Permitted—state permit required
- Spirits: Permitted—state permit required

Alcohol Tax

- Beer (5 percent alcohol): Specific excise tax is \$0.08 per gallon.
- Wine (12 percent alcohol): Specific excise tax is \$0.32 per gallon.
- Spirits (40 percent alcohol): Specific excise tax is \$2.28 per gallon.

Drink Specials

No law

Wholesale Pricing

Pricing restrictions exist.

Beer (5 percent alcohol)

- Minimum markup/Maximum discount: Yes—no sales below cost
- Retailer credit: Restricted—30 days maximum

Wine (12 percent alcohol)

- Minimum markup/Maximum discount: Yes—no sales below cost
- Retailer credit: Restricted —30 days maximum

Spirits (40 percent alcohol)

- Minimum markup/Maximum discount: Yes—no sales below cost
- Retailer credit: Restricted—30 days maximum

Colorado State Survey Responses

State Agency Information	
<i>Agency with primary responsibility for enforcing underage drinking laws:</i> Liquor Enforcement Division, Colorado Department of Revenue	
<i>Methods by which local and state enforcement agencies coordinate their efforts to enforce laws prohibiting underage drinking:</i> The state holds cooperative enforcement operations with local law enforcement agencies conducting compliance checks and special event patrols. The state also conducts training for local law enforcement.	
Enforcement Strategies	
<i>State law enforcement agencies use:</i>	
Cops in Shops	No
Shoulder Tap Operations	No
Party Patrol Operations or Programs	Yes
Underage Alcohol-Related Fatality Investigations	No
<i>Local law enforcement agencies use:</i>	
Cops in Shops	Yes
Shoulder Tap Operations	Yes
Party Patrol Operations or Programs	Yes
Underage Alcohol-Related Fatality Investigations	Yes
<i>State has a program to investigate and enforce direct sales/shipment laws</i>	Yes
Primary state agency responsible for enforcing laws addressing direct sales/shippments of alcohol to minors	Liquor Enforcement Division, Colorado Dept. of Revenue
Such laws are also enforced by local law enforcement agencies	No
Enforcement Statistics	
<i>State collects data on the number of minors found in possession</i>	Yes
Number of minors found in possession by state law enforcement agencies	464
Number pertains to the 12 months ending	12/31/2011
Data include arrests/citations issued by local law enforcement agencies	No
<i>State conducts underage compliance checks/decoy operations² to determine if alcohol retailers are complying with laws prohibiting sales to minors</i>	Yes
Data are collected on these activities	Yes
Number of licensees checked for compliance by state agencies	1,867
Number of licensees that failed state compliance checks	280
Numbers pertain to the 12 months ending	12/31/2011
<i>Local agencies conduct underage compliance checks/decoy operations to determine if alcohol retailers are complying with laws prohibiting sales to minors</i>	Yes
Data are collected on these activities	Yes
Number of licensees checked for compliance by local agencies	1,509
Number of licensees that failed local compliance checks	107
Numbers pertain to the 12 months ending	12/31/2011
Sanctions	
<i>State collects data on fines imposed on retail establishments that furnish minors</i>	Yes
Number of fines imposed by the state ³	205
Total amount in fines across all licensees	\$160,738
Numbers pertain to the 12 months ending	12/31/2011
<i>State collects data on license suspensions imposed on retail establishments specifically for furnishing minors</i>	Yes
Number of suspensions imposed by the state ⁴	263
Total days of suspensions across all licensees	4,349
Numbers pertain to the 12 months ending	12/31/2011

State collects data on license revocations imposed on retail establishments specifically for furnishing minors	Yes
Number of license revocations imposed ⁵	2
Numbers pertain to the 12 months ending	12/31/2011
Additional Clarification	
None given	

¹ Or having consumed or purchased per state statutes.

² Underage compliance checks/decoy operations to determine whether alcohol retailers are complying with laws prohibiting sales to minors.

³ Does not include fines imposed by local agencies.

⁴ Does not include suspensions imposed by local agencies.

⁵ Does not include revocations imposed by local agencies.

Underage Drinking Prevention Programs Operated or Funded by the State: Programs SPECIFIC TO Underage Drinking	
Persistent Drunk Driver	
Number of youth served	225,435
Number of parents served	No data
Number of caregivers served	No data
Numbers pertain to the 12 months ending	06/30/2011
Program has been evaluated	Yes
Evaluation report is available	No
URL for evaluation report	Not applicable
URL for more program information:	
http://www.colorado.gov/cs/Satellite?blobcol=urldata&blobheadername1=Content-Disposition&blobheadername2=Content-Type&blobheadervalue1=inline%3B+filename%3D%22Prevention+Program+Profile.pdf%22&blobheadervalue2=application%2Fpdf&blobkey=id&blobtable=MungoBlobs&blobwhere=1251694238324&ssbinary=true	
<p>Program description: Pursuant to legislation passed in 1998, penalties were increased for high blood alcohol concentration (BAC) and repeat driving under the influence (DUI) offenders. Referred to as the Persistent Drunk Driver (PDD) Act of 1998, this legislation defined the PDD program and created the PDD Cash Fund, which is funded by a surcharge imposed on convicted driving while alcohol impaired (DWAI)/DUI offenders. Monies in the PDD fund are subject to annual appropriation by the general assembly, with the scope of their use stipulated by statute. Overall, the primary purpose of the fund is to support programs intended to prevent persistent drunk driving or intended to educate the public, with particular emphasis on the education of young drivers, regarding the dangers of persistent drunk driving.</p> <p>Authorizing legislation/grant: C.R.S 42-3-303, et seq. (House Bill 98-1334) sponsors Hopper/Hagedorn.</p> <p>Population served: Programs, practices, and approaches cover a wide range of prevention activities including collaboration with local organizations; conducting educational programs for young people, parents, enforcement officials, community and business leaders, healthcare providers, school personnel, and others; promoting governmental and voluntary policies to promote alcohol-free activities for citizens; and restricted access to alcoholic beverages.</p>	

Underage Drinking Prevention Programs Operated or Funded by the State: Programs RELATED TO Underage Drinking	
Law Enforcement Assistance Funds	
URL for more program information: http://www.colorado.gov/cs/Satellite?blobcol=urldata&blobheadname1=Content-Disposition&blobheadname2=Content-Type&blobheadvalue1=inline%+filename%3D%22Law+Enforcement+Assistance+Fund.pdf%22&blobheadvalue2=application%2Fpdf&blobkey=id&blobtable=MungoBlobs&blobwhere=1251694205887&ssbinary=true	
Program description: The Law Enforcement Assistance Fund (LEAF) increases the capacity for comprehensive impaired driving education and underage drinking prevention at the local level.	
Authorizing legislation/grant: CRS 43-4-401 et seq. allocates a portion of funds to the Colorado Department of Human Services, Division of Behavioral Health. These dollars are used to establish a statewide program for the prevention of driving after drinking, including educating the public about the problems of driving after drinking, preparing and disseminating educational materials dealing with the effects of alcohol and drugs on driving behavior, and preparing and disseminating educational curriculum materials for use at all levels of school.	
Population served: Across Colorado, individuals, organizations, and community coalitions are actively engaged in broad-based and coordinated activities designed to reduce underage access to alcohol and to prevent impaired driving. These programs, practices, and approaches cover a wide range of prevention activities including collaboration with local organizations; conducting educational programs for young people, parents, enforcement officials, community and business leaders, healthcare providers, school personnel, and others; and promoting governmental and voluntary policies to promote alcohol-free activities for citizens and to restrict access to alcoholic beverages for underage persons.	

Additional Information Related to Underage Drinking Prevention Programs	
<i>State collaborates with federally recognized Tribal governments in the prevention of underage drinking</i>	Yes
Description of collaboration: Ignacio, CO, a multiethnic community with a Native American presence, has undertaken a 5-year approach affirming a course correction in its prevention strategy. With the Boys and Girls Club (BGC) of the Southern Ute Indian Tribe and the Ignacio School District, Southern Ute Community Action Programs (SUCAP) conducts evidence-based programming covering a younger age group. The BGC Stay Smart program targets youth ages 9 to 11, with a Native Hip Hop adaptation of the Smart Leaders program creating a role for youth ages 12 and older. SUCAP operates Project Venture, an afterschool activity combining classroom concept-building with challenging outdoor activities developed for Native communities. Outreach is based on relationship building with youth in the schools and the Ignacio Teen Center to create a continuum of contacts and dosage along with process and outcome evaluation.	
<i>State has programs to measure and/or reduce youth exposure to alcohol advertising and marketing</i>	Yes
Program description: Corona Insights, on behalf of Peter Webb Public Relations, conducted the following research to aid the development of a social norming campaign for Western State College as part of the PDD program. This research, conducted during the beginning of the fall semester in 2010, worked to identify the current state of student perceptions regarding alcohol use and driving while impaired, actual behavior related to driving under the influence, and awareness of drinking and driving media messages. This survey's goal was to establish a baseline for the 2010–2011 campaign, as well as to continue informing future campaigns.	
<i>State has adopted or developed best practice standards for underage drinking prevention programs</i>	Yes
Best practice standards description: Each funded agency is required to present and follow programs that are evidence based and data driven. They are allowed to choose from many different evidence-based curriculums with the intention of reducing the percentage of underage drinking in their	

particular community. Data are collected from each provider every month. At the end of the fiscal year, evaluation reports with aggregate data will be collected to determine the overall effectiveness of each individual program as well as the underage drinking prevention program as a whole.

Additional Clarification

None given

State Interagency Collaboration

A state-level interagency governmental body/committee exists to coordinate or address underage drinking prevention activities Yes

Committee contact information:

Name: Lisa Finch
E-mail: cheryl.finch@state.co.us
Address: 3824 W. Princeton Circle, Denver, CO 80236
Phone: 303-866-7488

Agencies/organizations represented on the committee:

Colorado Department of Revenue/Division of Motor Vehicles
Colorado Department of Transportation/Office of Transportation Safety
Colorado Judicial Department/Division of Probation Services
Colorado Department of Human Services/Division of Behavioral Health

A website or other public source exists to describe committee activities Yes
URL or other means of access: <http://www.noduicolorado.org>

Underage Drinking Reports

State has prepared a plan for preventing underage drinking in the last 3 years Yes

Prepared by: Prevention Staff
Plan can be accessed via: No data

State has prepared a report on preventing underage drinking in the last 3 years Yes

Prepared by: Colorado Department of Human Services/Division of Behavioral Health Plan
can be accessed via: <http://www.colorado.gov/cs/Satellite?c=Page&childpagename=CDHS-BehavioralHealth%2FCBONLayout&cid=1251581449373&pagename=CBONWrapper>

Additional Clarification

None given

State Expenditures for the Prevention of Underage Drinking

Compliance checks/decoy operations in retail outlets:

Estimate of state funds expended Data unavailable
Estimate based on the 12 months ending Data unavailable

Checkpoints and saturation patrols:

Estimate of state funds expended Data unavailable
Estimate based on the 12 months ending Data unavailable

Community-based programs to prevent underage drinking:

Estimate of state funds expended \$5,574,504
Estimate based on the 12 months ending 06/30/2011

K–12 school-based programs to prevent underage drinking:

Estimate of state funds expended \$2,300,000
Estimate based on the 12 months ending 06/30/2011

Programs targeted to institutes of higher learning:

Estimate of state funds expended \$237,000
Estimate based on the 12 months ending 06/30/2011

<i>Programs that target youth in the juvenile justice system:</i>	
Estimate of state funds expended	Data unavailable
Estimate based on the 12 months ending	Data unavailable
<i>Programs that target youth in the child welfare system:</i>	
Estimate of state funds expended	Data unavailable
Estimate based on the 12 months ending	Data unavailable
<i>Other programs:</i>	
Programs or strategies included:	Not applicable
Estimate of state funds expended	Not applicable
Estimate based on the 12 months ending	Not applicable

Funds Dedicated to Underage Drinking	
<i>State derives funds dedicated to underage drinking from the following revenue streams:</i>	
Taxes	Yes
Fines	Yes
Fees	Yes
Other	Federal funds
<i>Description of funding streams and how they are used:</i>	
The Persistent Drunk Driver Funds are cash funds derived from DUI offenders of all ages. These funds must specifically be used, under legislative mandate, to educate young drivers on the dangers of persistent drunk driving.	
Additional Clarification	
The prevention programs funded through this agency incorporate some element of underage drinking and or drug use. Many of the programs target specific underage populations. It is required for each agency to demonstrate evidence-based outcomes related to underage drinking and all other programs implemented with funds received from Colorado.	