

State Report

Colorado

This document is excerpted from:

The December 2015 Report to Congress on the Prevention and Reduction of Underage Drinking



Colorado

State Profile and Underage Drinking Facts*

State Population: 5,268,367
 Population Ages 12–20: 580,000

	Percentage	Number
Ages 12–20		
Past-Month Alcohol Use	27.1	157,000
Past-Month Binge Alcohol Use	15.0	87,000
Ages 12–14		
Past-Month Alcohol Use	6.2	13,000
Past-Month Binge Alcohol Use	1.9	4,000
Ages 15–17		
Past-Month Alcohol Use	22.9	44,000
Past-Month Binge Alcohol Use	12.3	24,000
Ages 18–20		
Past-Month Alcohol Use	54.2	100,000
Past-Month Binge Alcohol Use	32.1	59,000
Alcohol-Attributable Deaths (under 21)		61
Years of Potential Life Lost (under 21)		3,715
	Percentage of All Traffic Fatalities	Number
Traffic Fatalities, 15- to 20-Year-Old Drivers with BAC > 0.01	40	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.

Provision(s) targeting suppliers

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

Provision(s) 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.

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.

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, of which 10 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 passenger under 21 who is not an immediate family member unless accompanied by driver’s parent or guardian; second 6 months, only one passenger under 21 who is not an immediate family member unless accompanied by driver’s parent or guardian
 - No primary enforcement of the passenger-restriction rule

License stage

- Minimum age to lift restrictions: 17

Laws Targeting Alcohol Suppliers

Furnishing of 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

- Not specified

Decoy training

- Not specified

Penalty Guidelines for Sales to Minors

- Time period/conditions: 1 year
- First offense: Written warning up to 15-day license suspension. Licensee may pay a fine in lieu of up to 14 days of suspension.
- Second offense: 5- to 30-day license suspension. Licensee may pay fine in lieu of suspension, or suspension may be held in abeyance if no fine was paid or suspension served at time of first offense.
- Third offense: 20- to 45-day license suspension.
- Fourth offense: 45-day or more license suspension or license revocation.

Note: List of aggravating and mitigating factors is provided. A 2-year time period is allowed for the fourth offense. All penalties are for compliance check violations only.

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

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 are required to be supervised by another person who is on premise and has attained the age of 21.

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 requirements

- Producer must record/report purchaser’s name.

Shipping label statement requirements

- Contains alcohol
- Recipient must be 21

Keg Registration

Registration is not required.

Home Delivery

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

Alcohol Pricing Policies

Alcohol Tax

Beer (5 percent alcohol)

- Specific excise tax: \$0.08 per gallon

Wine (12 percent alcohol)

- Specific excise tax: \$0.32 per gallon

Spirits (40 percent alcohol)

- Specific excise tax: \$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	
Enforcement Strategies	
<i>State law enforcement agencies use:</i>	
Cops in Shops	Yes
Shoulder Tap Operations	No
Party Patrol Operations or Programs	Yes
Underage Alcohol-Related Fatality Investigations	Yes
<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/shipments of alcohol to minors	Liquor Enforcement, 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	566
Number pertains to the 12 months ending	12/31/2013
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 retail licensees in state ³	10,296
Number of licensees checked for compliance by state agencies (including random checks)	3,010
Number of licensees that failed state compliance checks	380
Numbers pertain to the 12 months ending	12/31/2013
Compliance checks/decoy operations conducted at on-sale, off-sale, or both retail establishments	Both on- and off-sale establishments
<i>State conducts random underage compliance checks/decoy operations</i>	
	Yes
Number of licensees subject to random state compliance checks/decoy operations	3,010
Number of licensees that failed random state compliance checks	380
<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	No
Number of licensees checked for compliance by local agencies	Not applicable
Number of licensees that failed local compliance checks	Not applicable
Numbers pertain to the 12 months ending	Not applicable

Sanctions	
<i>State collects data on fines imposed on retail establishments that furnish minors</i>	Yes
Number of fines imposed by the state ⁴	373
Total amount in fines across all licensees	\$401,636
Smallest fine imposed	\$200
Largest fine imposed	\$5,000
Numbers pertain to the 12 months ending	12/31/2013
<i>State collects data on license suspensions imposed on retail establishments specifically for furnishing minors</i>	Yes
Number of suspensions imposed by the state ⁵	53
Total days of suspensions across all licensees	440
Shortest period of suspension imposed (in days)	No data
Longest period of suspension imposed (in days)	21
Numbers pertain to the 12 months ending	12/31/2013
<i>State collects data on license revocations imposed on retail establishments specifically for furnishing minors</i>	Yes
Number of license revocations imposed ⁶	2
Numbers pertain to the 12 months ending	12/31/2013
Additional Clarification	
No data	

¹Or having consumed or purchased per state statutes.

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

³Excluding special licenses such as temporary, seasonal, and common carrier licenses.

⁴Does not include fines imposed by local agencies.

⁵Does not include suspensions imposed by local agencies.

⁶Does not include revocations imposed by local agencies.

Underage Drinking Prevention Programs Operated or Funded by the State	
<i>Substance Abuse Prevention and Treatment Block Grant – Prevention and Reduction of Under 18 Alcohol, Tobacco and Other Drug Use</i>	
Program serves specific or general population	Specific population
Number of youth served	No data
Number of parents served	No data
Number of caregivers served	No data
Program has been evaluated	Yes
Evaluation report is available	No
URL for evaluation report:	Not applicable
URL for more program information:	Not available
Program Description: The Colorado Office of Behavioral Health administers a portion of the federal Substance Abuse Prevention and Treatment (SAPT) Block Grant provided by the Substance Abuse and Mental Health Services Administration (SAMHSA). The Reduction of Under 18 Alcohol, Tobacco and Other Drug Use program is designed to reduce the current alcohol, tobacco, and other drug use rate; prevent early initiation of substance use; promote healthy behavior; and support positive choices in school and communities by youth under age 18 at the local level. Fourteen agencies across Colorado are provided funding to implement evidence-based programs to reduce underage drinking.	
<i>Persistent Drunk Driver (PDD) Program</i>	
Program serves specific or general population	Specific population
Number of youth served	532,239
Number of parents served	No data
Number of caregivers served	No data
Program has been evaluated	Yes
Evaluation report is available	No

URL for evaluation report:	Not applicable																
URL for more program information:	Not available																
<p>Program Description: PDD prevention grants focus on supporting education programs for the general public with particular emphasis on education of young drivers regarding the dangers of persistent drunk driving at the county and local level. The PDD cash fund was established in 1998 by HB 98-1334, known as the “Persistent Drunk Driver Act of 1998.” As a part of the legislation, monies gathered from penalties and fees associated with being convicted of DUI are designated to support education programs for the general public, with emphasis on education of young drivers regarding the dangers of persistent drunk driving. Currently, nine agencies across Colorado receive PDD funding from the Office of Behavioral Health. All nine agencies with the exception of the evaluation contract focus on providing education to young drivers about drunk driving as well as persistent drunk driving.</p>																	
<p>Colorado Prevention Partners for Success (CPPS)</p> <table border="0"> <tr> <td>Program serves specific or general population</td> <td>Specific population</td> </tr> <tr> <td>Number of youth served</td> <td>474,664</td> </tr> <tr> <td>Number of parents served</td> <td>No data</td> </tr> <tr> <td>Number of caregivers served</td> <td>No data</td> </tr> <tr> <td>Program has been evaluated</td> <td>Yes</td> </tr> <tr> <td>Evaluation report is available</td> <td>No</td> </tr> <tr> <td>URL for evaluation report:</td> <td>Not applicable</td> </tr> <tr> <td>URL for more program information:</td> <td>Not available</td> </tr> </table>		Program serves specific or general population	Specific population	Number of youth served	474,664	Number of parents served	No data	Number of caregivers served	No data	Program has been evaluated	Yes	Evaluation report is available	No	URL for evaluation report:	Not applicable	URL for more program information:	Not available
Program serves specific or general population	Specific population																
Number of youth served	474,664																
Number of parents served	No data																
Number of caregivers served	No data																
Program has been evaluated	Yes																
Evaluation report is available	No																
URL for evaluation report:	Not applicable																
URL for more program information:	Not available																
<p>Program Description: Colorado is one of only five states to be awarded the SAMHSA Partnership for Success: State and Community Prevention Performance grant. This program is designed to help reduce statewide substance abuse rates by addressing gaps in current prevention services and increasing the ability to reach out to specific populations or geographic areas with serious, emerging substance abuse problems. CPPS employs a public health model to demonstrate positive statewide change to prevent the onset and reduce progression of underage and binge drinking among Hispanic/Latino high school youth. The Office of Behavioral Health will work with four counties: Adams, Denver, Pueblo, and Weld, over the next 5 years. This program is designed to help reduce statewide substance abuse rates by addressing gaps in current prevention services and increasing the ability to reach out to specific populations or geographic areas with serious, emerging substance abuse problems. The project employs a public health model to demonstrate positive statewide change in underage and binge drinking rates and disparity for high school Latino youth. CPPS will continue to integrate the Strategic Prevention Framework within Colorado’s State Prevention System to ensure measurable and sustainable substance abuse prevention outcomes.</p>																	

Additional Underage Drinking Prevention Programs Operated or Funded by the State	
No data	
URL for more program information: No data	
Program description: No data	
Additional Clarification	
No data	

Additional Information Related to Underage Drinking Prevention Programs	
<p><i>State collaborates with federally recognized tribal governments in the prevention of underage drinking</i></p> <p>Description of collaboration: The Southern Ute Community Action Program (SUCAP), located in Ignacio, CO, is part of the Southern Ute Reservation in southwest Colorado. Ignacio is a multiethnic community with a strong Native American population. The Boys and Girls Club of the Southern Ute Indian Tribe and the Ignacio school district use evidence-based practices targeting youth ages 9 to 17. Under the Office of Behavioral Health Block Grant funding, SUCAP operates a teen center that continually offers education and alternative activities aimed at youth underage drinking and other substance use. SUCAP programs are culturally relevant to the Southern Ute Tribal requirements and combine classroom activities with outdoor excursions developed for Native American communities. Outreach is based on relationship-building with youth in the schools and teen center to create a continuum of contacts and dosage.</p>	Yes
<p><i>State has programs to measure and/or reduce youth exposure to alcohol advertising and marketing</i></p> <p>Program description: Not applicable</p>	No
<p><i>State has adopted or developed best practice standards for underage drinking prevention programs</i></p> <p>Agencies/organizations that established best practices standards:</p> <p>Federal agency(ies): SAMHSA</p> <p>Agency(ies) within your state: Colorado Department of Human Services, Office of Behavioral Health</p> <p>Nongovernmental agency(ies):</p> <p>Other:</p> <p>Best practice standards description: The Strategic Prevention Framework (SPF) uses a five-step planning process to guide states, jurisdictions, tribes, and communities in selection, implementation, and evaluation of effective, culturally appropriate, and sustainable prevention activities. The SPF process promotes youth development, reduces risk-taking behaviors, builds assets and resilience, and prevents problem behaviors across the life span of the programs.</p> <p>The idea behind the SPF is to use findings from public health research along with evidence-based prevention programs to build capacity and sustainable prevention. This, in turn, promotes resilience and decreases risk factors in individuals, families, and communities.</p> <p>SPF steps require states, territories, federally recognized tribes and tribal organizations, and communities to systematically:</p> <ol style="list-style-type: none"> 1. Assess their prevention needs based on epidemiological data 2. Build their prevention capacity 3. Develop a strategic plan 4. Implement effective community prevention programs, policies, and practices 5. Evaluate their efforts for outcomes <p>The SPF is built on a community-based risk and protective factors approach to prevention. Also, there is a series of guiding principles that can be utilized at the federal, state or tribal, and community levels.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>No</p> <p>No</p>
Additional Clarification	
No data	
State Interagency Collaboration	
<p><i>A state-level interagency governmental body/committee exists to coordinate or address underage drinking prevention activities</i></p> <p>Committee contact information:</p> <p>Not applicable</p>	No

<i>Agencies/organizations represented on the committee:</i> Not applicable	
<i>A website or other public source exists to describe committee activities</i> URL or other means of access: Not applicable	No data

Underage Drinking Reports	
<i>State has prepared a plan for preventing underage drinking in the last 3 years</i> Prepared by: Colorado Department of Human Services, Office of Behavioral Health, Prevention and Intervention Plan can be accessed via: Not available	Yes
<i>State has prepared a report on preventing underage drinking in the last 3 years</i> Prepared by: Not applicable Plan can be accessed via: Not applicable	Not sure
Additional Clarification	
No data	

State Expenditures for the Prevention of Underage Drinking	
<i>Compliance checks in retail outlets:</i>	
Estimate of state funds expended	\$0
Estimate based on the 12 months ending	12/31/2013
<i>Checkpoints and saturation patrols:</i>	
Estimate of state funds expended	Data not available
Estimate based on the 12 months ending	Data not available
<i>Community-based programs to prevent underage drinking:</i>	
Estimate of state funds expended	No data
Estimate based on the 12 months ending	6/30/2013
<i>K–12 school-based programs to prevent underage drinking:</i>	
Estimate of state funds expended	\$1,931,559
Estimate based on the 12 months ending	6/30/2013
<i>Programs targeted to institutes of higher learning:</i>	
Estimate of state funds expended	\$33,649
Estimate based on the 12 months ending	6/30/2013
<i>Programs that target youth in the juvenile justice system:</i>	
Estimate of state funds expended	Data not available
Estimate based on the 12 months ending	Data not available
<i>Programs that target youth in the child welfare system:</i>	
Estimate of state funds expended	Data not available
Estimate based on the 12 months ending	Data not available
<i>Other programs:</i>	
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 government grant funds	Yes
<i>Description of funding streams and how they are used:</i>	
<p>Persistent Drunk Driver funds: Pursuant to legislation passed in 1998, penalties were increased for high BAC and repeat DUI offenders. Referred to as the Persistent Drunk Driver Act of 1998, this legislation defined the PDD and created the PDD Cash Fund, which is funded by a surcharge imposed on convicted DWAI/DUI offenders. Monies in the PDD fund are subject to annual</p>	

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 that are intended to deter persistent drunk driving or intended to educate the public, with particular emphasis on education of young drivers regarding the dangers of persistent drunk driving. In recent years the scope of the fund was expanded to include assisting indigent DUI offenders with the cost of required treatment or intervention services.

Colorado Partnership for Success funds: Colorado is one of only four states to be awarded the SAMHSA Partnership for Success: State and Community Prevention Performance grant. This program is designed to help reduce statewide substance abuse rates by addressing gaps in current prevention services and increasing the ability to reach out to specific populations or geographic areas with serious, emerging substance abuse problems. The other three states are Connecticut, Illinois, and Tennessee. CPPS funds are used to help reduce statewide substance abuse rates by addressing gaps in current prevention services and increasing the ability to reach out to specific populations or geographic areas with serious, emerging substance abuse problems. CPPS employs a public health model to demonstrate positive statewide change in underage and binge drinking rates and disparity for high school Latino youth. CPPS will continue to integrate the Strategic Prevention Framework within Colorado's State Prevention System to ensure measurable and sustainable substance abuse prevention outcomes.

Block Grant funds: A portion of the state Substance Abuse Prevention and Treatment Block Grant funds, awarded by the Federal government agency Substance Abuse and Mental Health Services Administration (SAMHSA), are allocated for the prevention and reduction of under 18 alcohol, tobacco and other drug use. These particular block grant funds are used to reduce the current alcohol, tobacco and other drug use rate, prevent early initiation of substance use, promote healthy behavior, and support positive choices in school and communities by youth under age 18 at the local level.

Additional Clarification

No data