

Referendum N
Obsolete Constitutional Provisions Relating to Alcoholic Beverages

1 **Referendum N proposes amending the Colorado Constitution to:**

- 2 ♦ remove provisions related to the regulation of alcoholic beverages from two
3 sections of the constitution.

4 **Summary and Analysis**

5 ***Current regulation of alcoholic beverages in Colorado.*** The manufacture,
6 distribution, and sale of alcoholic beverages are regulated by both the state and
7 federal government. The federal government regulates the manufacture and import of
8 alcoholic beverages to ensure the content is safe and the labeling is accurate.
9 Colorado law regulates such things as standards of health, cleanliness, purity, quality,
10 storage, and transportation of alcoholic beverages that are manufactured, distributed,
11 and sold in the state. Referendum N repeals two sections of the state constitution
12 relating to alcoholic beverages.

13 ***Impure or tainted alcoholic beverages.*** Referendum N repeals language in the
14 state constitution that requires the state legislature to prohibit importing,
15 manufacturing, and selling impure alcoholic beverages. This language was part of the
16 original constitution that was adopted in 1876.

17 ***Regulation of alcoholic beverages.*** Prior to national liquor prohibition in 1919,
18 Colorado adopted a constitutional amendment prohibiting the manufacture and import
19 of alcoholic beverages, beginning in 1916. In 1933, the 21st Amendment to the
20 U.S. Constitution repealed liquor prohibition. Around the same time, an amendment to
21 the Colorado Constitution required the state to regulate the manufacture, sale, and
22 distribution of all alcoholic beverages within Colorado, and it prohibited the state
23 legislature from passing laws that allow citizens to establish saloons. Saloons existed
24 before 1916 and were strictly for consuming alcoholic beverages; current law requires
25 licensed drinking establishments to offer food or meals. Referendum N removes the
26 constitutional provisions that address the manufacture, sale, and distribution of
27 alcoholic beverages within Colorado. It also removes the constitutional prohibition on
28 saloons, allowing the state legislature to determine whether to permit the
29 establishment of saloons in the future.

30 **Argument For**

31 1) The constitutional restrictions relating to alcoholic beverages are outdated and
32 no longer necessary. Removing these provisions does not affect the legislature's
33 authority to regulate alcoholic beverages within the state. Further, the quality of
34 alcoholic beverages has been regulated by the federal government since the early
35 1900s, so the problem of impure alcoholic beverages does not exist as it did when
36 Colorado became a state.

1 **Argument Against**

2 1) Referendum N repeals provisions of the constitution that have historical
3 significance and reflect an interesting period in Colorado's history. Removing them
4 may diminish the historical character of the constitution and make research of
5 repealed constitutional provisions and state laws more difficult.

6 **Estimate of Fiscal Impact**

7 Referendum N is not expected to affect state or local revenues or expenditures.