

Referendum N Obsolete Constitutional Provisions Relating to Alcohol Beverages

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

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

4 **Summary and Analysis**

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

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

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19 repealed liquor prohibition.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

28 **Argument For**

29 1) The constitutional restrictions relating to alcohol beverages are outdated, no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

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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.