

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 is regulated by both the state and federal
7 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 constitution relating
12 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20 U.S. Constitution repealed liquor prohibition.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 licensed
25 drinking establishments are required by law to offer food or meals. Referendum N
26 removes the constitutional provisions that address the manufacture, sale, and
27 distribution of alcoholic beverages within Colorado and the prohibition on saloons.

28 **Arguments For**

29 1) The constitutional restrictions relating to alcoholic beverages are no longer
30 necessary, and removing these provisions does not affect the legislature's authority to
31 continue to regulate alcoholic beverages within the state. Further, the quality of
32 alcoholic beverages is regulated by the federal government, so the problem of impure
33 alcoholic beverages in this country does not exist as it did when Colorado became a
34 state.

1 **Arguments 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 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.