

## L. Value of Labor

### 1. Definitions for purposes of this subsection (L):

- a. “Deliver” or “delivering” is the act of a supplier bringing and unloading its alcohol beverage product from its delivery vehicle onto the portion of the retailer’s licensed premises or permitted retail warehouse storage location that is not accessible to the public.
  - i. If a retailer does not have a non-public area conducive to delivery, a supplier may, at the discretion of the retailer, unload its alcohol beverage product on any portion of the retail premises floor.
  - ii. “Deliver” or “delivering” does not include a wholesaler bringing and unloading its alcohol beverage product from a permitted retail warehouse storage location to a retailer’s licensed premises.
- b. “Merchandise” or “merchandising” is the act of a supplier organizing, constructing, maintaining, or stocking a temporary display of alcohol beverage product or alcohol beverage product promotional materials, including alcohol beverage product signs, consumer advertising specialties, or point-of-sale advertising, within the retailer’s licensed premises, for the purpose of increasing product visibility to consumers.
  - i. A temporary display for the purposes of subsection (L) of this Regulation, shall be any display item that showcases a supplier’s alcohol beverage product that is not incorporated into the retailer’s permanent shelving or refrigerated units; and that is only merchandised by the supplier for the duration of a promotion that cannot exceed sixty (60) days.
  - ii. A supplier is prohibited from materially disturbing another supplier’s alcohol beverage product while merchandising at a retailer’s premises, unless the in-state seller of the competing products has been given 72 hours written notice, during normal and customary business hours, and is not present at the time so designated for merchandising.
- c. “Price stamp” or “price stamping” is the act of a supplier affixing the retail price of its alcohol beverage product to its respective shelf, refrigerator, or any other similar location within the retailer’s licensed premises.
- d. “Rotate” or “rotating” is the act of a supplier moving its alcohol beverage product from the rear to the front of any shelf, refrigerator, or similar location within the retailer’s licensed premises.
- e. [Placeholder for definition of “service” or “servicing”, as will apply to on-premises]

- f. “Stock” or “stocking” is the act of a supplier placing or replenishing its alcohol beverage product on any shelf, refrigerator, or similar location that is not a temporary display within the retailer’s licensed premises.
2. In a supplier’s sole discretion, a supplier may perform labor, as allowed by a retailer and only as described in subsection (1)(a) and (1)(b) of this regulation, at no cost to any off-premises retailer, or the off-premises portion of any fermented malt beverage retailer licensed for consumption on and off the licensed premises.
3. [Placeholder for allowances to be granted to on-premises retailers and on-premises portion of on/off; will mirror (3) above]
4. A supplier is prohibited from providing to a retailer, and a retailer is prohibited from requiring from a supplier, any acts of labor other than those acts described in subsections (2) and (3) of this Regulation. Such prohibited acts of labor shall include, but are not limited to:
  - i. Cleaning, repairing, or otherwise maintaining the retailer’s inside or outside premises;
  - ii. Operating the retailer’s powered mechanical equipment;
  - iii. Performing inventory for the retailer’s records.
5. A supplier is prohibited from materially disturbing another supplier’s alcohol beverage product while performing the acts of labor described in subsection (1) of this regulation, except as provided in subsection (1)(b)(ii) above.
6. A supplier is prohibited from providing any labor to a retailer at no cost or conducting an on-site sales promotion pursuant to subsection (B) of this Regulation, for the purpose of altering or influencing a retailer’s product selection.
7. A retailer is prohibited from requiring a supplier to provide any labor to the retailer or to conduct an on-site sales promotion pursuant to subsection (B) of this regulation, as an express or implied condition of the delivery, purchase, or future purchases between the supplier and the retailer.
8. A representative, employee, or agent of one of the following suppliers licensed by the state licensing authority may, at no cost to the retailer, pour or serve only its own alcohol beverage products as part of a tasting held pursuant to section 44-3-301(10), C.R.S.
  - a. Wholesaler;
  - b. Brew pub;
  - c. Distillery pub;

d. Manufacturer;

e. Importer;

f. Limited winery; or

g. Vintner's restaurant.