

Tobacco Retail Licensing

Identifies the sellers of tobacco products, including e-cigarettes

Reduces access and visibility

Prevents sales to minors

Colorado is one of only 12 states that do not require a license to sell tobacco products



Tobacco 21 and Licensing are Effective

Youth in communities with strong tobacco retail license requirements were 33% less likely to start smoking and 26% less likely to start vaping

Where communities have raised the age to 21, teen tobacco use and vaping have decreased by 25 to 45%

Licensing and tobacco 21 make it harder for kids to obtain tobacco products from older friends and family

Enforcement has been weak



In Colorado and other states, studies have shown that youth under the age of 18 who attempt to buy tobacco products are successful more than half the time

FDA enforcement of tobacco sales to minors in Colorado Springs, 2011-2019

On average, compliance checks have been conducted less than once a year

Only 6.5% of retailers received a warning for sales to minors

Less than 1 in 5 of those with repeat violations were issued a civil monetary penalty, usually only \$200

No retailer was issued a no-sale order, even those with 3 or 4 warnings

The New Federal Tobacco 21 Law

As of December 20, 2019, Federal law prohibits retailers from selling tobacco products, including e-cigarettes, to anyone under the age of 21

It will take at least 9 months for FDA rules to be developed and finalized implementing this change

Even with the new federal law, local governments should continue to implement Tobacco 21 and strong enforcement

HB 20-1001:

A Proposed Colorado Tobacco Law

Would make tobacco 21 and retail licensing part of Colorado State Law

Would explicitly allow and support local tobacco laws and enforcement

Would remove the fine for underage purchase

Would not go into effect until July 1, 2021

Proposed Colorado Springs Ordinance: Strong Local Enforcement of Tobacco 21

Tobacco products are broadly defined, and made to include all vaping products and devices

Compliance checks will be conducted at least 2 times a year

A follow-up check will be conducted within 45 days after any violation

Every violation results in immediate penalties for the seller in the form of suspension of the license and/or a fine

Proposed Colorado Springs Ordinance: Strong penalties for selling to minors

First violation: License suspended for 7 days

Second violation within a three-year period:
License suspended for 30 days

Third violation: License suspended for 1 year

Fourth violation: License revoked, and Licensee
ineligible to apply for another License for 2 years

With every violation, a fine may be imposed

Targeting tobacco sales, not purchase

The proposed Colorado Springs ordinance will penalize the retail seller, not the underage purchaser or sales clerk

Laws targeting the purchaser are not as effective as those penalizing the seller, are difficult to enforce, and unfairly punish and criminalize youth, especially minority youth

Minors using tobacco products should receive counseling and help with quitting, through school or a health care provider

Proposed Colorado Springs Ordinance: Specifics to be decided

The initial license fee, and annual renewal fee: the license fee should cover the cost of enforcement and administration

The department charged with enforcement

The fine for each violation

Whether to restrict the location of tobacco retailers regarding proximity to schools and other youth activity centers

The timing of implementation

Local Examples: Manitou Springs and Fountain

This month, Manitou Springs passed a Tobacco 21 and Retail Licensing ordinance similar to the one Colorado Springs is considering

Several years ago, Fountain enacted Tobacco Retail Licensing. The Police Chief is here to tell you about their experience.