



Legislation Details (With Text)

File #: 20-539 **Version:** 2 **Name:**
Type: Ordinance **Status:** Mayor's Office
File created: 9/14/2020 **In control:** City Council
On agenda: **Final action:** 10/27/2020

Title: Ordinance No. 20-75 creating a new Section 213 (Unlawful Transfer of Tobacco and Tobacco Products) of Part 2 (Other Dangerous Weapons and Substances) of Article 7 (Dangerous Weapons and Substances) of Chapter 9 (Public Offenses) of the Code of the City of Colorado Springs 2001, as amended, pertaining to the unlawful transfer of tobacco and tobacco products and providing penalties for the violation thereof

Presenter:
Tom Strand, City Councilmember
Marc Smith, Corporate Division Chief and Legislative Counsel, Office of the City Attorney

Sponsors:

Indexes:

Code sections:

Attachments: 1. Tobacco_Possession_Transfer_ORD-2020-09-15-clean.pdf, 2. Signed Ordinance 20-75.pdf

Date	Ver.	Action By	Action	Result
10/27/2020	1	City Council	finally passed	Pass
10/13/2020	1	City Council	approved on first reading	Pass
9/21/2020	1	Council Work Session	referred	

Ordinance No. 20-75 creating a new Section 213 (Unlawful Transfer of Tobacco and Tobacco Products) of Part 2 (Other Dangerous Weapons and Substances) of Article 7 (Dangerous Weapons and Substances) of Chapter 9 (Public Offenses) of the Code of the City of Colorado Springs 2001, as amended, pertaining to the unlawful transfer of tobacco and tobacco products and providing penalties for the violation thereof

Presenter:

Tom Strand, City Councilmember
Marc Smith, Corporate Division Chief and Legislative Counsel, Office of the City Attorney

Summary:

This ordinance makes it unlawful to knowingly dispense, sell, distribute, or transfer any tobacco or tobacco product to any person under the age of twenty-one (21).

Background:

This ordinance was requested by City Council to bring the City Code into alignment with state law as described in the staff report on a companion item (please see the staff report for file no. 19-731 for detailed background). This new section of Chapter 9 of the City Code makes it unlawful to knowingly dispense, sell, distribute, or transfer any tobacco or tobacco product to any person under the age of twenty-one (21). The ordinance also contains an affirmative defense that is included in the state law.

The affirmative defense may be utilized upon a showing of the use of and reliance upon an appropriate government-issued identification. Per the City Council's request at its August 10, 2020 Work Session, staff has removed a provision making it unlawful for a person under the age of twenty-one (21) years to possess tobacco or tobacco products. The ordinance also provides for the general penalty listed in the City Code to apply to this offense. Council could, in its discretion, reduce the penalty for this offense.

Previous Council Action:

N/A

Financial Implications:

N/A

City Council Appointed Board/Commission/Committee Recommendation:

N/A

Stakeholder Process:

N/A

Alternatives:

Council could choose not to adopt the ordinance and rely on state law regarding tobacco distribution to people under twenty-one (21) years of age.

Proposed Motion:

Adopt an ordinance creating a new Section 213 (Unlawful Transfer of Tobacco and Tobacco Products) of Part 2 (Other Dangerous Weapons and Substances) of Article 7 (Dangerous Weapons and Substances) of Chapter 9 (Public Offenses) of the Code of the City of Colorado Springs 2001, as amended, pertaining to the unlawful transfer of tobacco and tobacco products and providing penalties for the violation thereof.

An ordinance adopting a new section in Chapter 9 of the City Code making it unlawful to knowingly dispense, sell, distribute, or transfer any tobacco or tobacco product to any person under the age of twenty-one (21) and providing penalties for the violation thereof.