



## Legislation Text

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**File #:** 19-731, **Version:** 5

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Ordinance No. 20-74 amending Section 102 (Definitions), Section 105 (Prohibition on Sale of Cigarettes or tobacco products in vending machines), and Section 106 (Tobacco Product Placement) of Part 1 (No Smoking in Public Places or Workplaces Except in Those Areas Designated for Smoking) of Article 6 (Public Health and Sanitation - No Smoking in Public Places) of Chapter 6 (Neighborhood Vitality/Community Health) of the Code of the City of Colorado Springs 2001, as amended, pertaining to limitations on tobacco products in vending machines and tobacco product placement and providing penalties for the violation thereof

**Presenter:**

Tom Strand, City Councilmember

Marc Smith, Corporate Division Chief and Legislative Counsel, City Attorney's Office

**Summary:**

Council requested City staff report back on the impacts of raising the tobacco minimum legal sales age to 21 and consideration of a tobacco retailer license.

**Background:**

UPDATE FOR SEPTEMBER 21, 2020 COUNCIL WORK SESSION: At the August 10, 2020 Council Work Session, City Council discussed at length several draft ordinances regarding raising the minimum age to purchase tobacco products to twenty-one (21) years of age. Following that Work Session, staff re-drafted several ordinances including the attached ordinance revising Chapter 6 regarding tobacco placement, vending machines, and raising the minimum purchase age to twenty-one (21) years old. These ordinance changes bring the City Code into alignment with HB-20-1001 which was passed by the state General Assembly earlier in 2020.

INFORMATION FOR AUGUST 10, 2020 COUNCIL WORK SESSION: On March 9, 2020 City Council heard a presentation from El Paso County Public Health representatives and Dr. Edward Maynard concerning this subject.

On July 14, 2020 Governor Jared S. Polis signed HB 20-1001 into law. First, the new law raises the minimum age to purchase to 21 years of age for alignment with 2019 Federal law, and repeals the criminal penalty for purchasing or attempting to purchase the product as a minor.

The law requires every retailer who sells or offers to sell cigarettes, tobacco products, or nicotine products in the State to be licensed by the Liquor Enforcement Division (LED) of the Colorado Department of Revenue on and after July 1, 2021, and also requires a minimum of two compliance audits/checks on each licensee by the State. After July 1, 2021, any new tobacco retailer must not be within 500 feet of a school. Additionally, the law requires the State to promulgate rules regarding enforcement, delivery permits, fees and application processes for large operators, and coordination and collaboration with local authorities on compliance audits.

The law does not require a local government to impose local licensing requirement, however if a local government does choose to impose licensing, it must be at least as stringent as the State licensing requirements.

As requested by Council, draft ordinances to update City Code to raise the minimum age to sell, transfer, provide, and possess tobacco and nicotine products from 18 years of age to 21 years of age are attached to this agenda item.

**Previous Council Action:**

This item first appeared on the March 9, 2020 City Council Work Session agenda. City Council directed City staff to research and report back to Council. Following the August 10, 2020 Work Session, City staff redrafted the ordinances to bring the City Code into alignment with state law.

**Financial Implications:**

N/A

**City Council Appointed Board/Commission/Committee Recommendation:**

N/A

**Stakeholder Process:**

N/A

**Alternatives:**

City Council could choose not to adopt the proposed amendments and rely on state law regarding tobacco enforcement.

**Proposed Motion:**

Adopt an ordinance amending Section 102 (Definitions), Section 105 (Prohibition on Sale of Cigarettes or Tobacco Products in Vending Machines), and Section 106 (Tobacco Product Placement) of Part 1 (No Smoking in Public Places or Workplaces Except in Those Areas Designated for Smoking) of Article 6 (Public Health and Sanitation - No Smoking in Public Places) of Chapter 6 (Neighborhood Vitality/Community Health) of the Code of the City of Colorado Springs 2001, as amended, pertaining to limitations on tobacco products in vending machines and tobacco product placement and providing penalties for the violation thereof.

An ordinance amending sections 102, 105 and 106 of Part 1 of Article 6 of the Code of the City of Colorado Springs 2001, as amended, pertaining to limitations on tobacco products in vending machines and tobacco product placement and providing penalties for the violation thereof.