

**Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 14-0866.01 Kristen Forrestal x4217

HOUSE BILL 14-1263

HOUSE SPONSORSHIP

McCann and Gerou, Court

SENATE SPONSORSHIP

Kefalas and King,

House Committees

Health, Insurance, & Environment
Finance
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE PROHIBITION OF TOBACCO TRANSACTIONS FOR**
102 **PERSONS UNDER TWENTY-ONE YEARS OF AGE.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

The bill prohibits anyone from giving, selling, distributing, or offering for sale cigarettes or tobacco products to anyone who is under 21 years of age. The bill prohibits anyone who is under 21 years of age from purchasing or possessing cigarettes or tobacco products. The bill makes an exception for anyone who was born on or before June 30, 1996.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **amend** 18-13-121 (1)
3 (a), (1) (b), (1) (d), (2), and (3) as follows:

4 **18-13-121. Furnishing cigarettes or tobacco products to**
5 **minors.** (1) (a) A person shall not give, sell, distribute, or offer for sale
6 to any person who is under ~~eighteen~~ TWENTY-ONE years of age any
7 cigarettes or tobacco products; EXCEPT THAT A PERSON MAY GIVE, SELL,
8 DISTRIBUTE, OR OFFER FOR SALE CIGARETTES OR TOBACCO PRODUCTS TO
9 A PERSON WHO WAS BORN ON OR BEFORE **DECEMBER 31, 1996.**

10 (b) Before selling to any individual any cigarette or tobacco
11 product, a person shall request from the individual and examine a
12 government-issued photographic identification that establishes that the
13 individual is ~~eighteen years of age or older~~ TWENTY-ONE YEARS OF AGE
14 OR OLDER OR BORN ON OR BEFORE **DECEMBER 31, 1996;** except that, in
15 face-to-face transactions, this requirement shall be waived if the
16 individual appears older than thirty years of age.

17 (d) It ~~shall be~~ IS an affirmative defense to a prosecution under
18 paragraph (a) of this subsection (1) that the person furnishing the cigarette
19 or tobacco product was presented with and reasonably relied upon a
20 document that identified the individual receiving the cigarette or tobacco
21 product as being ~~eighteen years of age or older~~ TWENTY-ONE YEARS OF
22 AGE OR OLDER OR BORN ON OR BEFORE **DECEMBER 31, 1996.**

23 (2) (a) Any person who is under ~~eighteen~~ TWENTY-ONE years of
24 age, ~~and~~ UNLESS THE PERSON WAS BORN ON OR BEFORE **DECEMBER 31,**
25 1996, who purchases or attempts to purchase any cigarettes or tobacco
26 products commits a class 2 petty offense and, upon conviction thereof,

1 shall be punished by a fine of one hundred dollars; except that, following
2 a conviction or adjudication for a first offense under this subsection (2),
3 the court in lieu of the fine may sentence the person to participate in a
4 tobacco education program. The court may allow a person convicted
5 under this subsection (2) to perform community service and be granted
6 credit against the fine and court costs at the rate of five dollars for each
7 hour of work performed for up to fifty percent of the fine and court costs.

8 (b) It ~~shall~~ IS not ~~be~~ an offense under paragraph (a) of this
9 subsection (2) if the person ~~under eighteen years of age~~ was acting at the
10 direction of an employee of a governmental agency authorized to enforce
11 or ensure compliance with laws relating to the prohibition of the sale of
12 cigarettes and tobacco products to ~~minors~~ PERSONS UNDER TWENTY-ONE
13 YEARS OF AGE.

14 (3) Nothing in this section ~~shall be construed to prohibit any~~
15 PROHIBITS A statutory or home-rule municipality from enacting an
16 ordinance that prohibits a person under ~~eighteen~~ TWENTY-ONE years of
17 age from purchasing any cigarettes or tobacco products or imposes
18 requirements more stringent than provided in this section.

19 **SECTION 2.** In Colorado Revised Statutes, 24-35-502, **amend**
20 (4) as follows:

21 **24-35-502. Definitions.** As used in this part 5, unless the context
22 otherwise requires:

23 (4) "Minor" means a person under ~~eighteen~~ TWENTY-ONE years of
24 age.

25 **SECTION 3.** In Colorado Revised Statutes, 24-35-503, **amend**
26 (1) and (3) as follows:

27 **24-35-503. Sale of cigarettes or tobacco products to minors or**

1 **in vending machines prohibited - warning sign - small quantity sales**
2 **prohibited.** (1) (a) ~~No~~ A retailer shall NOT sell or permit the sale of
3 cigarettes or tobacco products to a minor; except that it ~~shall~~ IS not be a
4 violation if the retailer establishes that the person selling the cigarette or
5 tobacco product was presented with and reasonably relied upon a
6 photographic identification that identified the person purchasing the
7 cigarette or tobacco product as being ~~eighteen~~ TWENTY-ONE years of age
8 or older.

9 (b) THIS SUBSECTION (1) DOES NOT APPLY TO A MINOR WHO WAS
10 BORN ON OR BEFORE **DECEMBER 31, 1996.**

11 (3) Any person who sells or offers to sell any cigarettes or tobacco
12 products shall display a warning sign, as specified in this subsection (3).
13 The warning sign shall be displayed in a prominent place in the building
14 and on any vending or coin-operated machine at all times, shall have a
15 minimum height of three inches and a width of six inches, and shall read
16 as follows:

17 **WARNING**

18 **IT IS ILLEGAL FOR ANY PERSON UNDER**
19 **~~EIGHTEEN~~ TWENTY-ONE YEARS OF AGE TO**
20 **PURCHASE CIGARETTES AND TOBACCO**
21 **PRODUCTS UNLESS THE PERSON WAS BORN ON**
22 **OR BEFORE **DECEMBER 31, 1996,** AND, UPON**
23 **CONVICTION, A \$100.00 FINE MAY BE IMPOSED.**

24 **SECTION 4.** In Colorado Revised Statutes, 24-35-504, **amend**
25 (4) as follows:

26 **24-35-504. Enforcement authority - designation of agency -**
27 **coordination - sharing of information.** (4) In order to enforce laws

1 relating to the prohibition of the sale of cigarettes and tobacco products
2 to persons under ~~eighteen~~ TWENTY-ONE years of age the department of
3 revenue is authorized to share information on the identification and
4 address of retailers that sell cigarettes and tobacco products with any state
5 agency responsible for the enforcement of laws relating to the prohibition
6 of the sale of cigarettes and tobacco products to minors.

7 **SECTION 5.** In Colorado Revised Statutes, 24-35-506, **amend**
8 (2) introductory portion, (2) (a), and (2) (b) as follows:

9 **24-35-506. Limitation on fines.** (2) Notwithstanding ~~the~~
10 ~~provisions of~~ subsection (1) of this section, no fine for a violation of
11 section 24-35-503 (1) shall be imposed upon a retailer that can establish
12 an affirmative defense to the satisfaction of the division or the hearing
13 officer that, prior to the date of the violation, it:

14 (a) Had adopted and enforced a written policy against selling
15 cigarettes or tobacco products to persons under ~~the age of eighteen~~
16 TWENTY-ONE years OF AGE UNLESS THOSE PERSONS WERE BORN ON OR
17 BEFORE **DECEMBER 31, 1996**;

18 (b) Had informed its employees of the applicable laws regarding
19 the sale of cigarettes and tobacco products to persons under ~~the age of~~
20 ~~eighteen~~ TWENTY-ONE years OF AGE UNLESS THOSE PERSONS WERE BORN
21 ON OR BEFORE **DECEMBER 31, 1996**;

22 **SECTION 6.** In Colorado Revised Statutes, 25-14-301, **amend**
23 (1), (2), and (4) as follows:

24 **25-14-301. Possession of cigarettes or tobacco products by a**
25 **minor prohibited - definitions.** (1) This section shall be known and may
26 be cited as the ~~"Teen~~ "Tobacco Use Prevention Act".

27 (2) (a) Possession of a cigarette or tobacco product by a person

1 who is under ~~eighteen~~ TWENTY-ONE years of age is prohibited UNLESS
2 THE PERSON WAS BORN ON OR BEFORE DECEMBER 31, 1996.

3 (b) It ~~shall~~ IS not ~~be~~ an offense under paragraph (a) of this
4 subsection (2) if the person ~~under eighteen years of age~~ was acting at the
5 direction of an employee of a governmental agency authorized to enforce
6 or ensure compliance with laws relating to the prohibition of the sale of
7 cigarettes and tobacco products to minors.

8 (4) Nothing in this section ~~shall be construed to prohibit any~~
9 PROHIBITS A statutory or home rule municipality from enacting an
10 ordinance that prohibits the possession of cigarettes or tobacco products
11 by a person who is under ~~eighteen~~ TWENTY-ONE years of age or imposes
12 requirements more stringent than provided in this section.

13 **SECTION 7. Effective date.** This act takes effect January 1,
14 2015.

15 **SECTION 8. Safety clause.** The general assembly hereby finds,
16 determines, and declares that this act is necessary for the immediate
17 preservation of the public peace, health, and safety.