

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 24-0227.01 Yelana Love x2295

SENATE BILL 24-022

SENATE SPONSORSHIP

Mullica,

HOUSE SPONSORSHIP

Brown and Velasco,

Senate Committees
Local Government & Housing

House Committees

A BILL FOR AN ACT

101 CONCERNING AN EXPANSION OF THE ABILITY OF A BOARD OF COUNTY
102 COMMISSIONERS TO REGULATE TOBACCO PRODUCTS.

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://leg.colorado.gov>.)

The bill allows a board of county commissioners to adopt an ordinance or resolution to:

- Regulate the distribution of cigarettes, tobacco products, or nicotine products; and
- Prohibit the distribution or sale of cigarettes, tobacco products, or nicotine products, including flavored

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

cigarettes, flavored tobacco products, or flavored nicotine products.

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

2 **SECTION 1.** In Colorado Revised Statutes, 30-15-401, **amend**
3 (1.5) as follows:

4 **30-15-401. General regulations - definitions.** (1.5) (a) In
5 addition to any other powers, the board of county commissioners has the
6 power to adopt a resolution or an ordinance to:

7 (a) (I) Regulate the DISTRIBUTION, possession, or sale of
8 cigarettes, tobacco products, or nicotine products ~~as defined by section~~
9 ~~18-13-121 (5)~~; to a minor consistent with section 18-13-121 (3);

10 (b) (II) Limit smoking, as defined in section 25-14-203 (16), in
11 any manner that is no less restrictive than the limitations set forth in the
12 "Colorado Clean Indoor Air Act", part 2 of article 14 of title 25; ~~and~~

13 (c) (III) License or otherwise regulate the DISTRIBUTION OR sale
14 of cigarettes, tobacco products, or nicotine products; AND

15 (IV) PROHIBIT THE DISTRIBUTION OR SALE OF CIGARETTES,
16 TOBACCO PRODUCTS, OR NICOTINE PRODUCTS, INCLUDING PROHIBITING
17 THE SALE OF ANY OR ALL FLAVORED CIGARETTES, FLAVORED TOBACCO
18 PRODUCTS, OR FLAVORED NICOTINE PRODUCTS.

19 (b) AS USED IN THIS SUBSECTION (1.5):

20 (I) "CIGARETTE, TOBACCO PRODUCT, OR NICOTINE PRODUCT" HAS
21 THE SAME MEANING AS SET FORTH IN SECTION 18-13-121 (5).

22 (II) "FLAVORED CIGARETTE, FLAVORED TOBACCO PRODUCT, OR
23 FLAVORED NICOTINE PRODUCT" MEANS ANY CIGARETTE, TOBACCO
24 PRODUCT, OR NICOTINE PRODUCT THAT IMPARTS A:

25 (A) TASTE OR SMELL, OTHER THAN THE TASTE OR SMELL OF

1 TOBACCO, DISTINGUISHABLE BY AN ORDINARY CONSUMER EITHER PRIOR
2 TO OR DURING THE CONSUMPTION OF A CIGARETTE, TOBACCO PRODUCT, OR
3 NICOTINE PRODUCT, INCLUDING ANY TASTE OR SMELL RELATING TO FRUIT,
4 MENTHOL, MINT, WINTERGREEN, CHOCOLATE, COCOA, VANILLA, HONEY,
5 MOLASSES, OR ANY CANDY, DESSERT, ALCOHOLIC BEVERAGE, HERB, OR
6 SPICE; OR

7 (B) COOLING OR NUMBING SENSATION DISTINGUISHABLE BY AN
8 ORDINARY CONSUMER DURING THE CONSUMPTION OF A CIGARETTE,
9 TOBACCO PRODUCT, OR NICOTINE PRODUCT.

10 (c) THE FOLLOWING CONDUCT OF A RETAILER; A MANUFACTURER
11 OF A CIGARETTE, TOBACCO PRODUCT, OR NICOTINE PRODUCT; OR AN
12 EMPLOYEE OR AGENT OF A RETAILER OR MANUFACTURER OF A CIGARETTE,
13 TOBACCO PRODUCT, OR NICOTINE PRODUCT CREATES A REBUTTABLE
14 PRESUMPTION THAT A CIGARETTE, TOBACCO PRODUCT, OR NICOTINE
15 PRODUCT IS A FLAVORED CIGARETTE, FLAVORED TOBACCO PRODUCT, OR
16 FLAVORED NICOTINE PRODUCT:

17 (I) MAKING A PUBLIC STATEMENT OR CLAIM THAT THE CIGARETTE,
18 TOBACCO PRODUCT, OR NICOTINE PRODUCT IMPARTS A TASTE OR SMELL
19 OTHER THAN TOBACCO OR IMPARTS A COOLING OR NUMBING SENSATION,
20 SUCH AS BY DESCRIBING THE PRODUCT AS "CHILL", "ICE", "FRESH",
21 "ARCTIC", OR "FROST";

22 (II) USING TEXT OR IMAGES, OR BOTH, ON THE LABELING OR
23 PACKAGING OF THE CIGARETTE, TOBACCO PRODUCT, OR NICOTINE
24 PRODUCT TO EXPLICITLY OR IMPLICITLY INDICATE THAT THE PRODUCT
25 IMPARTS A TASTE OR SMELL OTHER THAN TOBACCO OR IMPARTS A
26 COOLING OR NUMBING SENSATION; OR

27 (III) TAKING ACTION DIRECTED TO CONSUMERS THAT WOULD BE

1 REASONABLY EXPECTED TO CAUSE CONSUMERS TO BELIEVE THE
2 CIGARETTE, TOBACCO PRODUCT, OR NICOTINE PRODUCT IMPARTS A TASTE
3 OR SMELL OTHER THAN TOBACCO OR IMPARTS A COOLING OR NUMBING
4 SENSATION.

5 **SECTION 2. Applicability.** This act applies to conduct occurring
6 on or after the effective date of this act.

7 **SECTION 3. Safety clause.** The general assembly finds,
8 determines, and declares that this act is necessary for the immediate
9 preservation of the public peace, health, or safety or for appropriations for
10 the support and maintenance of the departments of the state and state
11 institutions.