

HB1076\_L.007

## HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Health & Insurance.HB19-1076 be amended as follows:

1 Amend printed bill, page 7, before line 21 insert:

2 "SECTION 7. In Colorado Revised Statutes, 25-14-208, amend  
3 (3) as follows:

4 **25-14-208. Unlawful acts - penalty - disposition of fines and**  
5 **surcharges.** (3) EXCEPT AS OTHERWISE PROVIDED IN SECTION  
6 25-14-208.5, a person who violates this part 2 is guilty of a class 2 petty  
7 offense and, upon conviction thereof, shall be punished by a fine not to  
8 exceed two hundred dollars for a first violation within a calendar year, a  
9 fine not to exceed three hundred dollars for a second violation within a  
10 calendar year, and a fine not to exceed five hundred dollars for each  
11 additional violation within a calendar year. Each day of a continuing  
12 violation shall be deemed a separate violation.

13 **SECTION 8.** In Colorado Revised Statutes, add 25-14-208.5 as  
14 follows:

15 **25-14-208.5. Signage violations - limitation on fines.** (1) FOR  
16 A VIOLATION OF SECTION 25-14-204 (2), THE PENALTY SHALL BE AS  
17 FOLLOWS:

18 (a) A WRITTEN WARNING FOR A FIRST VIOLATION COMMITTED  
19 WITHIN A TWENTY-FOUR-MONTH PERIOD; AND

20 (b) FINES AS SPECIFIED IN SECTION 25-14-208 (3) FOR A SECOND OR  
21 SUBSEQUENT VIOLATION WITHIN A TWENTY-FOUR-MONTH PERIOD.

22 (2) NOTWITHSTANDING SUBSECTION (1) OF THIS SECTION, NO FINE  
23 FOR A VIOLATION OF SECTION 25-14-204 (2) SHALL BE IMPOSED UPON A  
24 PERSON THAT CAN ESTABLISH AS AN AFFIRMATIVE DEFENSE THAT, PRIOR  
25 TO THE DATE OF THE VIOLATION, IT:

26 (a) HAD ADOPTED AND ENFORCED A WRITTEN POLICY AGAINST  
27 ALLOWING PERSONS UNDER EIGHTEEN YEARS OF AGE TO ENTER THE  
28 PREMISES;

29 (b) HAD INFORMED ITS EMPLOYEES OF THE APPLICABLE LAWS  
30 REGARDING THE PROHIBITION OF PERSONS UNDER EIGHTEEN YEARS OF AGE  
31 TO ENTER OR REMAIN IN AREAS WHERE SMOKING IS PERMITTED;

32 (c) REQUIRED EMPLOYEES TO VERIFY THE AGE OF PERSONS ON THE  
33 PREMISES BY WAY OF PHOTOGRAPHIC IDENTIFICATION; AND

34 (d) HAD ESTABLISHED AND IMPOSED DISCIPLINARY SANCTIONS FOR  
35 NONCOMPLIANCE.

36 (3) THE AFFIRMATIVE DEFENSE ESTABLISHED IN SUBSECTION (2)  
37 OF THIS SECTION MAY BE USED ONLY TWICE AT EACH LOCATION WITHIN  
38 ANY TWENTY-FOUR-MONTH PERIOD."

39 Renumber succeeding sections accordingly.