

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

PREAMENDED

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

LLS NO. 16-0935.01 Jennifer Berman x3286

HOUSE BILL 16-1150

HOUSE SPONSORSHIP

Conti, Lawrence, Singer, Windholz

SENATE SPONSORSHIP

(None),

House Committees

Local Government

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING A CLARIFICATION OF THE PROHIBITION AGAINST THE**
102 **POSSESSION OF NICOTINE PRODUCTS BY PERSONS UNDER**
103 **EIGHTEEN YEARS OF AGE BY EXPLICITLY ALLOWING A COUNTY**
104 **TO ENACT ITS OWN PROHIBITION.**

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 clarifies that a county may enact an ordinance or resolution prohibiting a person who is under 18 years of age from possessing cigarettes, tobacco products, or nicotine products.

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, 25-14-301, **amend**
3 (2), (3), and (4) as follows:

4 **25-14-301. Possession of cigarettes, tobacco products, or**
5 **nicotine products by a person under eighteen prohibited - definitions.**

6 (2) (a) Possession of a cigarette, ~~or~~ tobacco product, OR NICOTINE
7 PRODUCT by a person who is under eighteen years of age is prohibited.

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, AND NICOTINE PRODUCTS to minors.

13 (3) As used in this section, unless the context otherwise requires:

14 (a) "Cigarette" ~~shall have the same meaning as set forth in section~~
15 ~~39-28-202 (4), C.R.S.~~

16 (b) "Possession" means that a person:

17 (I) Has or holds any amount of cigarettes, ~~or~~ tobacco products, OR
18 NICOTINE PRODUCTS anywhere on his or her person;

19 (II) Owns or has custody of cigarettes, ~~or~~ tobacco products, OR
20 NICOTINE PRODUCTS; or

21 (III) Has cigarettes, ~~or~~ tobacco products, OR NICOTINE PRODUCTS
22 within his or her immediate presence and control.

23 (c) "CIGARETTE, tobacco product, OR NICOTINE PRODUCT" ~~shall~~
24 ~~have~~ the same meaning as set forth in section 18-13-121 (5), C.R.S.

25 (4) Nothing in this section ~~shall be construed to prohibit any~~
26 PROHIBITS A statutory or home rule municipality OR COUNTY from

1 enacting an ordinance OR RESOLUTION that prohibits the possession of
2 cigarettes, ~~or~~ tobacco products, OR NICOTINE PRODUCTS by a person who
3 is under eighteen years of age or imposes requirements more stringent
4 than provided in this section.

5 **SECTION 2.** In Colorado Revised Statutes, 30-15-401, **amend**
6 (1.5) as follows:

7 **30-15-401. General regulations - definitions.** (1.5) In addition
8 to any other powers, the board of county commissioners has the power to
9 adopt a resolution or an ordinance prohibiting ~~minors~~ A PERSON WHO IS
10 UNDER EIGHTEEN YEARS OF AGE from possessing cigarettes, ~~or~~ tobacco
11 products, OR NICOTINE PRODUCTS as defined by section ~~39-28.5-101 (5)~~
12 18-13-121 (5), C.R.S.

13 **SECTION 3. Act subject to petition - effective date.** This act
14 takes effect at 12:01 a.m. on the day following the expiration of the
15 ninety-day period after final adjournment of the general assembly (August
16 10, 2016, if adjournment sine die is on May 11, 2016); except that, if a
17 referendum petition is filed pursuant to section 1 (3) of article V of the
18 state constitution against this act or an item, section, or part of this act
19 within such period, then the act, item, section, or part will not take effect
20 unless approved by the people at the general election to be held in
21 November 2016 and, in such case, will take effect on the date of the
22 official declaration of the vote thereon by the governor.