

**Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

PREAMENDED

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

LLS NO. 20-0057.01 Jennifer Berman x3286

HOUSE BILL 20-1001

HOUSE SPONSORSHIP

Mullica and Larson,

SENATE SPONSORSHIP

Bridges and Priola,

House Committees

Health & Insurance
Finance

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING NICOTINE PRODUCT REGULATION.**

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>.)

Sections 1 through 8 of the bill raise the minimum age of a person to whom cigarettes, tobacco products, and nicotine products (products) may be sold from 18 years of age to 21 years of age.

Under current law, if a minor purchases or attempts to purchase any one of the products, the minor may be convicted of a class 2 petty offense subject to a \$100 fine. In addition to raising the minimum age from 18 years of age to 21 years of age, section 1 also repeals the criminal penalty for purchasing or attempting to purchase the products as a minor.

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

Section 7 also prohibits a retailer from permitting a person under 18 years of age to sell or participate in the sale of products.

Section 8 also increases the minimum number of compliance checks required of each retail location at which the products are sold to 2 per year or at least the minimum number annually required by federal regulation, whichever number is greater.

Section 9 requires every retailer of the products in the state, on and after July 1, 2021, to be licensed. The liquor enforcement division (division) of the department of revenue is charged with licensing retailers and coordinating with local authorities on retail location compliance checks and investigations of complaints about retailers.

Section 10 prohibits: New retail locations at which products are sold from being located within 500 feet of a school; retail locations that sell electronic smoking device products from advertising those products in a manner that is visible from outside the retail location; and delivery of products directly to consumers.

Section 11 governs enforcement of the licensing requirements.

Section 12 adjusts the fine amounts for violating the prohibition against selling products to minors from a maximum fine for a fifth or subsequent violation within 24 months of \$1,000 to \$15,000 to a maximum fine for a fourth or subsequent violation in 36 months of \$1,000 to \$15,000. Additionally, the division must prohibit a retailer who commits a second or subsequent violation within 36 months from selling products at the retail location where the violation occurred for a specified period of time, starting with at least 7 days for a second violation within 36 months, to at least 30 days for a third violation within 36 months, and finally for up to 3 years for a fourth or subsequent violation within 36 months.

Additionally, section 12 establishes fines for selling or offering to sell products without a valid state license on or after July 1, 2021, with the amount of fines ranging from \$1,000 for a first violation to \$3,000 for a third or subsequent violation. If a person sells or offers to sell products without a valid state license at least 3 times in a 36-month period, the person is not eligible to apply for a state license for 3 years thereafter.

Section 12 also adjusts the period within which a subsequent violation of the prohibition against selling products from a vending machine or the requirement to display a warning at the retail location is subject to an increased fee from 24 months to 36 months. Further, section 12 also applies the same fine structure as exists for selling products from a vending machine or failing to display the requisite warning to a violation of the prohibition against allowing a person under 18 years of age to sell or participate in the sale of products.

Sections 13 through 17 make conforming amendments.

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

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

4 **18-13-121. Furnishing cigarettes, tobacco products, or nicotine**
5 **products to persons under twenty-one years of age.** (1) (a) A person
6 shall not give, sell, distribute, dispense, or offer for sale a cigarette,
7 tobacco product, or nicotine product to any person who is under ~~eighteen~~
8 TWENTY-ONE years of age.

9 (b) Before giving, selling, distributing, dispensing, or offering to
10 sell to an individual any cigarette, tobacco product, or nicotine product,
11 a person shall request from the individual and examine a
12 government-issued photographic identification that establishes that the
13 individual is ~~eighteen~~ TWENTY-ONE years of age or older. ~~except that, in~~
14 ~~face-to-face transactions, this requirement is waived if the individual~~
15 ~~appears older than thirty years of age.~~

16 (d) It is an affirmative defense to a prosecution under ~~paragraph~~
17 ~~(a) of this subsection (1)~~ SUBSECTION (1)(a) OF THIS SECTION that the
18 person furnishing the cigarette, tobacco product, or nicotine product was
19 presented with and reasonably relied upon a document that identified the
20 individual receiving the cigarette, tobacco product, or nicotine product as
21 being ~~eighteen~~ TWENTY-ONE years of age or older.

22 ~~(2) (a) A person who is under eighteen years of age and who~~
23 ~~purchases or attempts to purchase any cigarettes, tobacco products, or~~
24 ~~nicotine products commits a class 2 petty offense and, upon conviction~~
25 ~~thereof, shall be punished by a fine of one hundred dollars; except that,~~
26 ~~following a conviction or adjudication for a first offense under this~~
27 ~~subsection (2), the court in lieu of the fine may sentence the person to~~

1 ~~participate in a tobacco education program. The court may allow a person~~
2 ~~convicted under this subsection (2) to perform community service and be~~
3 ~~granted credit against the fine and court costs at the rate of five dollars for~~
4 ~~each hour of work performed for up to fifty percent of the fine and court~~
5 ~~costs.~~

6 ~~(b) It is not an offense under paragraph (a) of this subsection (2)~~
7 ~~if the person under eighteen years of age was acting at the direction of an~~
8 ~~employee of a governmental agency authorized to enforce or ensure~~
9 ~~compliance with laws relating to the prohibition of the sale of cigarettes,~~
10 ~~tobacco products, or nicotine products to minors.~~

11 (3) (a) Nothing in this section prohibits a statutory or home rule
12 municipality, county, or city and county from enacting an ordinance or
13 resolution that prohibits ~~a minor from purchasing~~ THE SALE OF any
14 cigarettes, tobacco products, or nicotine products TO PERSONS UNDER
15 TWENTY-ONE YEARS OF AGE or imposes requirements more stringent than
16 provided in this section.

17 (b) A STATUTORY OR HOME RULE MUNICIPALITY, COUNTY, OR CITY
18 AND COUNTY SHALL NOT ENACT AN ORDINANCE OR RESOLUTION THAT
19 ESTABLISHES A MINIMUM AGE TO PURCHASE CIGARETTES, TOBACCO
20 PRODUCTS, OR NICOTINE PRODUCTS THAT IS UNDER TWENTY-ONE YEARS
21 OF AGE.

22 **SECTION 2.** In Colorado Revised Statutes, 25-14-204, **amend**
23 (2)(b) and (3) as follows:

24 **25-14-204. General smoking restrictions.** (2) A cigar-tobacco
25 bar:

26 (b) Shall prohibit entry by any person under ~~eighteen~~
27 TWENTY-ONE years of age and shall display signage in at least one

1 conspicuous place and at least four inches by six inches in size stating:
2 "Smoking allowed. ~~Children~~ PERSONS under ~~eighteen~~ TWENTY-ONE years
3 of age may not enter."

4 (3) A retail tobacco business:

5 (a) Shall prohibit entry by any person under ~~eighteen~~ TWENTY-ONE
6 years of age; and

7 (b) Shall display signage in at least one conspicuous place and at
8 least four inches by six inches in size stating either:

9 (I) "Smoking allowed. ~~Children~~ PERSONS under ~~eighteen~~
10 TWENTY-ONE years of age may not enter."; or

11 (II) In the case of a retail tobacco business that desires to allow
12 the use of ESDs but not other forms of smoking on the premises, "Vaping
13 allowed. ~~Children~~ PERSONS under ~~eighteen~~ TWENTY-ONE years of age
14 may not enter."

15 **SECTION 3.** In Colorado Revised Statutes, 25-14-208.5, **amend**
16 (2) introductory portion, (2)(a), and (2)(b) as follows:

17 **25-14-208.5. Violations relating to signage and admission of**
18 **persons under twenty-one years of age - limitation on fines.**

19 (2) Notwithstanding subsection (1) of this section, ~~no~~ A fine for a
20 violation of section 25-14-204 (2) or (3) shall NOT be imposed upon a
21 person that can establish as an affirmative defense that, prior to the date
22 of the violation, ~~it~~ THE PERSON:

23 (a) Had adopted and enforced a written policy against allowing
24 persons under ~~eighteen~~ TWENTY-ONE years of age to enter the premises;

25 (b) Had informed ~~its~~ THE PERSON'S employees of the applicable
26 laws regarding the prohibition ~~of~~ AGAINST persons under ~~eighteen~~
27 TWENTY-ONE years of age ~~to enter or remain~~ ENTERING OR REMAINING in

1 areas where smoking is permitted;

2 **SECTION 4.** In Colorado Revised Statutes, 25-14-301, **amend**
3 (2) and (4); and **repeal** (3)(b) as follows:

4 **25-14-301. Sale of cigarettes, tobacco products, or nicotine**
5 **products to persons under twenty-one years of age prohibited -**
6 **definitions.** (2) (a) ~~Possession~~ THE SALE of a cigarette or tobacco product
7 by TO a person who is under ~~eighteen~~ TWENTY-ONE years of age is
8 prohibited.

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

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

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

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

19 (II) ~~Owens or has custody of cigarettes or tobacco products; or~~

20 (III) ~~Has cigarettes or tobacco products within his or her~~
21 ~~immediate presence and control.~~

22 (4) (a) Nothing in this section prohibits a statutory or home rule
23 municipality, county, or city and county from enacting an ordinance or
24 resolution that prohibits the ~~possession~~ SALE of cigarettes, tobacco
25 products, or nicotine products by ~~a minor~~ TO A PERSON UNDER
26 TWENTY-ONE YEARS OF AGE or imposes requirements more stringent than
27 provided in this section.

1 (b) A STATUTORY OR HOME RULE MUNICIPALITY, COUNTY, OR CITY
2 AND COUNTY SHALL NOT ENACT AN ORDINANCE OR RESOLUTION THAT
3 ESTABLISHES A MINIMUM AGE TO PURCHASE CIGARETTES, TOBACCO
4 PRODUCTS, OR NICOTINE PRODUCTS THAT IS UNDER TWENTY-ONE YEARS
5 OF AGE.

6 **SECTION 5.** In Colorado Revised Statutes, 30-15-401, **amend**
7 (1.5) as follows:

8 **30-15-401. General regulations - definitions.** (1.5) In addition
9 to any other powers, the board of county commissioners has the power to
10 adopt a resolution or an ordinance to:

11 (a) Regulate the possession or ~~purchasing~~ SALE of cigarettes,
12 tobacco products, or nicotine products, as defined by section 18-13-121
13 (5), ~~by TO a minor or to regulate the sale of cigarettes, tobacco products,~~
14 ~~or nicotine products to minors; and~~ CONSISTENT WITH SECTION 18-13-121
15 (3);

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

19 (c) LICENSE OR OTHERWISE REGULATE THE SALE OF CIGARETTES,
20 TOBACCO PRODUCTS, OR NICOTINE PRODUCTS.

21 **SECTION 6.** In Colorado Revised Statutes, **amend** 44-7-102 as
22 follows:

23 **44-7-102. Definitions.** As used in this article 7, unless the context
24 otherwise requires:

25 (1) "Cigarette, tobacco product, or nicotine product" has the same
26 meaning as provided in section ~~18-13-121~~ 18-13-121 (5).

27 (2) (a) "DISTRIBUTOR" MEANS A PERSON WHO SELLS OR

1 DISTRIBUTES CIGARETTES, TOBACCO PRODUCTS, OR NICOTINE PRODUCTS
2 TO LICENSED RETAILERS IN THIS STATE.

3 (b) "DISTRIBUTOR" INCLUDES A "DISTRIBUTOR" OR "DISTRIBUTING
4 SUBCONTRACTOR" AS THOSE TERMS ARE DEFINED IN SECTION 39-28.5-101.

5 ~~(2)~~(3) "Division" means the division of liquor enforcement within
6 the department.

7 (4) "ELECTRONIC SMOKING DEVICE" HAS THE MEANING SET FORTH
8 IN SECTION 25-14-203 (4.5).

9 ~~(3)~~ (5) "Hearing officer" means a person designated by the
10 executive director to conduct hearings held pursuant to section 44-7-105.

11 (6) "LOCAL AUTHORITY" MEANS THE GOVERNING BODY OF A
12 LOCAL GOVERNMENT OR ANY AUTHORITY DESIGNATED BY A MUNICIPAL OR
13 COUNTY CHARTER, MUNICIPAL ORDINANCE, OR COUNTY RESOLUTION TO
14 REGULATE RETAILERS.

15 (7) "LOCAL GOVERNMENT" MEANS A STATUTORY OR HOME RULE
16 MUNICIPALITY, COUNTY, OR CITY AND COUNTY.

17 ~~(4)~~ (8) "Minor" means a person under ~~eighteen~~ TWENTY-ONE years
18 of age.

19 (9) "NEW RETAIL LOCATION" MEANS A RETAIL LOCATION IN THE
20 STATE AT WHICH CIGARETTES, TOBACCO PRODUCTS, OR NICOTINE
21 PRODUCTS WERE NOT SOLD BEFORE THE EFFECTIVE DATE OF THIS
22 SUBSECTION (9).

23 ~~(5)~~ (10) "Retailer" means THE OWNER OR OPERATOR OF a business
24 of any kind at a specific location that sells cigarettes, tobacco products,
25 or nicotine products to a user or consumer.

26 (11) "SCHOOL" HAS THE MEANING SET FORTH IN SECTION 44-3-103
27 (50).

1 (12) "STATE LICENSE" MEANS A LICENSE ISSUED BY THE DIVISION
2 IN ACCORDANCE WITH SECTION 44-7-104.5.

3 (13) (a) "WHOLESALER" MEANS A PERSON ENGAGED IN THE
4 WHOLESALE DISTRIBUTION OF CIGARETTES, TOBACCO PRODUCTS, OR
5 NICOTINE PRODUCTS IN THIS STATE.

6 (b) "WHOLESALER" INCLUDES A "WHOLESALER" AND "WHOLESALE
7 SUBCONTRACTOR" AS THOSE TERMS ARE DEFINED IN SECTION 39-28-101.

8 **SECTION 7.** In Colorado Revised Statutes, 44-7-103, **amend** (1),
9 (2), and (3); and **add** (4.5) as follows:

10 **44-7-103. Sale of cigarettes, tobacco products, or nicotine**
11 **products to persons under twenty-one years of age or in vending**
12 **machines prohibited - warning sign - small quantity sales prohibited.**

13 (1) ~~No~~ A retailer shall NOT sell or permit the sale of cigarettes, tobacco
14 products, or nicotine products to a minor; except that it is not a violation
15 if the retailer establishes that the person selling the cigarette, tobacco
16 product, or nicotine product was presented with and reasonably relied
17 upon a photographic identification that identified the person purchasing
18 the cigarette, tobacco product, or nicotine product as being ~~eighteen~~
19 TWENTY-ONE years of age or older.

20 (2) ~~No~~ A retailer shall NOT sell or offer to sell any cigarettes,
21 tobacco products, or nicotine products by use of a vending machine or
22 ~~other coin-operated machine; except that cigarettes may be sold at retail~~
23 ~~through vending machines only in A LICENSED GAMING ESTABLISHMENT,~~
24 ~~AS DEFINED IN SECTION 44-30-103 (18).~~

25 ~~(a) Factories, businesses, offices, or other places not open to the~~
26 ~~general public;~~

27 ~~(b) Places to which minors are not permitted access; or~~

1 **44-7-104. Enforcement authority - designation of agency -**
2 **coordination - sharing of information - rules.** (3) (b) (I) EACH YEAR,
3 the division shall perform, CAUSE TO BE PERFORMED, OR COORDINATE
4 WITH A LOCAL AUTHORITY IN THE PERFORMANCE OF at least TWO
5 COMPLIANCE CHECKS AT EACH RETAIL LOCATION AT WHICH CIGARETTES,
6 TOBACCO PRODUCTS, OR NICOTINE PRODUCTS ARE SOLD OR AT LEAST the
7 minimum number of ~~random inspections of businesses that sell cigarettes,~~
8 ~~tobacco products, or nicotine products at retail as~~ ANNUAL COMPLIANCE
9 CHECKS required by federal regulations, WHICHEVER IS GREATER. THE
10 DIVISION SHALL PERFORM A COMPLIANCE CHECK BY ENGAGING A PERSON
11 UNDER TWENTY-ONE YEARS OF AGE TO ENTER A RETAIL LOCATION TO
12 PURCHASE CIGARETTES, TOBACCO PRODUCTS, OR NICOTINE PRODUCTS.

13 (II) IF A COMPLIANCE CHECK OF A RETAIL LOCATION PERFORMED
14 PURSUANT TO SUBSECTION (3)(b)(I) OF THIS SECTION REVEALS A
15 VIOLATION OF THIS ARTICLE 7, THE DIVISION, OR A LOCAL AUTHORITY IN
16 COORDINATION WITH THE DIVISION PURSUANT TO SECTION 44-7-104.5
17 (4)(c) SHALL CONDUCT AN ADDITIONAL COMPLIANCE CHECK OF THE
18 RETAIL LOCATION WITHIN THREE TO SIX MONTHS AFTER THE COMPLIANCE
19 CHECK AT WHICH THE VIOLATION WAS DISCOVERED.

20 (4) In order to enforce laws relating to the prohibition of the sale
21 of cigarettes, tobacco products, or nicotine products to minors, the
22 department of revenue ~~may share information on~~ SHALL MAINTAIN AND
23 PUBLISH ON THE DIVISION'S PUBLIC WEBSITE the identification and ~~address~~
24 BUSINESS ADDRESSES of STATE-LICENSED retailers that sell cigarettes,
25 tobacco products, or nicotine products AND MAY SHARE THE LIST OR
26 INFORMATION INCLUDED IN THE LIST with any state OR LOCAL agency
27 responsible for the enforcement of laws relating to the prohibition of the

1 sale of cigarettes, tobacco products, or nicotine products to minors.

2 (5) (a) TO ENSURE THE PROTECTION OF PUBLIC HEALTH, THE
3 EXECUTIVE DIRECTOR SHALL PROMULGATE RULES CONCERNING THE
4 DIVISION'S ENFORCEMENT OF THIS ARTICLE 7, INCLUDING RULES:

5 (I) TO SET NECESSARY AND REASONABLE FEE AMOUNTS THAT:

6 (A) WILL COVER THE COST OF ENFORCEMENT AND
7 ADMINISTRATION, BUT THE TOTAL AMOUNT OF FEES MUST NOT EXCEED
8 THE TOTAL COST OF THE LICENSING PROGRAM, EXCEPT IN ACCORDANCE
9 WITH ANY ADJUSTMENTS MADE PURSUANT TO SUBSECTION (5)(a)(I)(B) OF
10 THIS SECTION; AND

11 (B) MAY BE ADJUSTED IN ACCORDANCE WITH CHANGES IN THE
12 UNITED STATES DEPARTMENT OF LABOR BUREAU OF LABOR STATISTICS
13 CONSUMER PRICE INDEX FOR DENVER-AURORA-LAKEWOOD FOR ALL
14 ITEMS AND URBAN CONSUMERS, OR ITS SUCCESSOR INDEX; ■

15 (II) IN ACCORDANCE WITH SUBSECTIONS (2) AND (3)(b) OF THIS
16 SECTION, REGARDING THE NUMBER AND MANNER OF COMPLIANCE CHECKS
17 OF RETAIL LOCATIONS THAT THE DIVISION SHALL PERFORM, CAUSE TO BE
18 PERFORMED, OR COORDINATE WITH A LOCAL AUTHORITY IN THE
19 PERFORMANCE OF EACH YEAR. THE RULES MUST ENSURE THAT ANY
20 COORDINATION BETWEEN THE DIVISION AND A LOCAL AUTHORITY ON THE
21 PERFORMANCE OF COMPLIANCE CHECKS SATISFIES FEDERAL
22 REQUIREMENTS.

23 (III) TO ENSURE THAT COMPLAINTS RECEIVED BY THE DIVISION
24 ARE FORWARDED TO THE APPROPRIATE LOCAL AUTHORITY AND THAT
25 COMPLAINTS RECEIVED BY THE LOCAL AUTHORITY ARE FORWARDED TO
26 THE DIVISION FOR THE TIMELY INVESTIGATION INTO AND ACTION TAKEN
27 ON THE COMPLAINTS.

1 (b) THE EXECUTIVE DIRECTOR MAY PROMULGATE RULES
2 AUTHORIZING A PERSON TO APPLY FOR A TEMPORARY STATE LICENSE AND
3 REQUIRING THE PAYMENT OF A TEMPORARY STATE LICENSE FEE. IF THE
4 EXECUTIVE DIRECTOR PROMULGATES SUCH RULES, THE RULES MUST
5 SPECIFY THAT THE TEMPORARY STATE LICENSE REMAINS IN EFFECT FOR NO
6 MORE THAN THIRTY DAYS AND IS NOT RENEWABLE.

7 (c) IN PROMULGATING RULES PURSUANT TO THIS SUBSECTION (5),
8 THE EXECUTIVE DIRECTOR MAY CONSULT WITH THE DEPARTMENT OF
9 HUMAN SERVICES, THE DEPARTMENT OF PUBLIC HEALTH AND
10 ENVIRONMENT, LOCAL GOVERNMENTS, AND ANY OTHER STATE OR LOCAL
11 AGENCIES THE EXECUTIVE DIRECTOR DEEMS APPROPRIATE.

12 **SECTION 9.** In Colorado Revised Statutes, **add 44-7-104.5** as
13 follows:

14 **44-7-104.5. License required - fees - rules - repeal.**

15 (1) (a) (I) ON OR AFTER JULY 1, 2021, A RETAILER DOING BUSINESS IN
16 THIS STATE SHALL NOT SELL OR OFFER FOR SALE CIGARETTES, TOBACCO
17 PRODUCTS, OR NICOTINE PRODUCTS IN THIS STATE WITHOUT FIRST
18 OBTAINING A STATE LICENSE AS A RETAILER FROM THE DIVISION.

19 (II) A STATE LICENSE IS VALID FOR ONE YEAR AND MAY BE
20 RENEWED BY APPLICATION IN THE FORM AND MANNER PRESCRIBED BY THE
21 DIVISION AND BY PAYMENT OF A FEE SET BY RULE PURSUANT TO SECTION
22 44-7-104 (5)(a)(I).

23 (b) AN OWNER OF MULTIPLE RETAIL LOCATIONS IN THE STATE AT
24 WHICH CIGARETTES, TOBACCO PRODUCTS, OR NICOTINE PRODUCTS ARE
25 SOLD OR OFFERED FOR SALE MUST APPLY FOR A SEPARATE STATE LICENSE
26 FOR EACH RETAIL LOCATION. IF THE EXECUTIVE DIRECTOR WISHES TO
27 AUTHORIZE AN OWNER OF MULTIPLE RETAIL LOCATIONS IN THE STATE TO

1 APPLY SIMULTANEOUSLY FOR STATE LICENSES FOR EACH RETAIL LOCATION
2 OWNED BY SUBMITTING A JOINT APPLICATION, THE EXECUTIVE DIRECTOR
3 MAY ESTABLISH BY RULE:

4 (I) THE PROCESS BY WHICH THE OWNER MAY APPLY FOR STATE
5 LICENSES FOR MULTIPLE RETAIL LOCATIONS IN A JOINT APPLICATION; AND

6 (II) A JOINT APPLICATION FEE.

7 (2) (a) EXCEPT AS PROVIDED IN SUBSECTION (4)(b) OF THIS
8 SECTION, THE DIVISION SHALL APPROVE OR DENY A STATE LICENSE
9 APPLICATION WITHIN SIXTY DAYS AFTER RECEIVING THE APPLICATION. THE
10 DIVISION MAY DENY AN APPLICATION ONLY FOR GOOD CAUSE. IF THE
11 DIVISION DENIES AN APPLICATION, THE DIVISION SHALL INFORM THE
12 APPLICANT IN WRITING OF THE REASONS FOR THE DENIAL, AND THE
13 APPLICANT, WITHIN FOURTEEN DAYS AFTER RECEIVING THE WRITTEN
14 DENIAL, MAY REQUEST THAT A HEARING BE HELD ON THE MATTER IN
15 ACCORDANCE WITH SECTION 44-7-105.

16 (b) (I) IF A RETAILER THAT SOLD OR OFFERED TO SELL CIGARETTES,
17 TOBACCO PRODUCTS, OR NICOTINE PRODUCTS AT A RETAIL LOCATION IN
18 THE STATE BEFORE JULY 1, 2021, HAS APPLIED FOR A STATE LICENSE FROM
19 THE DIVISION AND PAID THE STATE LICENSE FEE ON OR BEFORE JULY 1,
20 2021, THE RETAILER MAY CONTINUE TO SELL OR OFFER TO SELL
21 CIGARETTES, TOBACCO PRODUCTS, OR NICOTINE PRODUCTS ON OR AFTER
22 JULY 1, 2021, WITHOUT A STATE LICENSE DURING THE PENDENCY OF THE
23 DIVISION'S REVIEW OF THE RETAILER'S STATE LICENSE APPLICATION.

24 (II) THIS SUBSECTION (2)(b) IS REPEALED, EFFECTIVE JULY 1, 2022.

25 (3) (a) UPON OBTAINING A STATE LICENSE FROM THE DIVISION FOR
26 A RETAIL LOCATION, A RETAILER SHALL CONSPICUOUSLY DISPLAY THE
27 STATE LICENSE AT THE RETAIL LOCATION.

1 (b) (I) STATE LICENSES ARE NOT TRANSFERABLE. IF A LICENSEE
2 CEASES TO BE A RETAILER AT A RETAIL LOCATION BY REASON OF
3 DISCONTINUATION, SALE, OR TRANSFER OF THE LICENSEE'S BUSINESS, THE
4 LICENSEE SHALL NOTIFY THE DIVISION IN WRITING ON OR BEFORE THE
5 DATE ON WHICH THE DISCONTINUANCE, SALE, OR TRANSFER TAKES EFFECT.

6 (II) IF A PERSON TO WHOM A RETAILER'S RETAIL LOCATION IS SOLD
7 APPLIES FOR A STATE LICENSE FOR THE RETAIL LOCATION WITHIN THIRTY
8 DAYS AFTER TAKING OWNERSHIP OF THE RETAIL LOCATION, WHICH DATE
9 OF TAKING OWNERSHIP MUST BE DEMONSTRATED IN THE APPLICATION IN
10 A MANNER DETERMINED BY THE DIVISION, THE PERSON MAY CONTINUE TO
11 SELL OR OFFER TO SELL CIGARETTES, TOBACCO PRODUCTS, OR NICOTINE
12 PRODUCTS WITHOUT A STATE LICENSE DURING THE PENDENCY OF THE
13 DIVISION'S REVIEW OF THE PERSON'S STATE LICENSE APPLICATION.

14 (4) (a) IF A LOCAL GOVERNMENT IMPOSES LICENSING
15 REQUIREMENTS ON RETAILERS, THE LICENSING REQUIREMENTS MUST BE AS
16 STRINGENT AS, AND MAY BE MORE STRINGENT THAN, THE STATEWIDE
17 LICENSING REQUIREMENTS SET FORTH IN THIS ARTICLE 7.

18 (b) IF A RETAILER APPLIES FOR A STATE LICENSE FROM THE
19 DIVISION PURSUANT TO THIS SECTION FOR A RETAIL LOCATION THAT IS
20 WITHIN THE JURISDICTION OF A LOCAL GOVERNMENT THAT IMPOSES
21 LICENSING REQUIREMENTS ON RETAILERS, THE DIVISION SHALL:

22 (I) ISSUE A STATE LICENSE TO THE RETAILER UPON THE RETAILER
23 DEMONSTRATING TO THE DIVISION THAT THE RETAILER HAS OBTAINED A
24 LOCAL LICENSE AND PAYING THE STATE LICENSE FEE; AND

25 (II) (A) EXCEPT AS PROVIDED IN SUBSECTION (4)(b)(II)(B) OF THIS
26 SECTION, SET THE STATE LICENSE RENEWAL DATE ON THE SAME DATE AS
27 THE LOCAL LICENSE RENEWAL DATE. THE DIVISION SHALL PRORATE THE

1 INITIAL STATE LICENSE FEE IF SETTING THE STATE LICENSE RENEWAL DATE
2 IN LINE WITH THE LOCAL LICENSE RENEWAL DATE REQUIRES RENEWAL
3 WITHIN LESS THAN TWELVE MONTHS AFTER THE INITIAL STATE LICENSE
4 WAS ISSUED.

5 (B) IF A LOCAL GOVERNMENT FIRST IMPOSES A LOCAL LICENSING
6 REQUIREMENT ON CIGARETTES, TOBACCO PRODUCTS, OR NICOTINE
7 PRODUCTS ON OR AFTER JULY 1, 2021, THE LOCAL GOVERNMENT SHALL
8 SET THE LOCAL LICENSE RENEWAL DATE FOR A RETAILER ON THE SAME
9 DATE AS THE STATE LICENSE RENEWAL DATE.

10 (c) THE DIVISION SHALL COLLABORATE WITH ANY LOCAL
11 AUTHORITY REGARDING THE PERFORMANCE OF COMPLIANCE CHECKS AND
12 COMPLAINTS RECEIVED IN ACCORDANCE WITH RULES PROMULGATED BY
13 THE EXECUTIVE DIRECTOR PURSUANT TO SECTION 44-7-104 (5)(a)(III).

14 (5) (a) NINETY DAYS BEFORE THE EXPIRATION DATE OF AN
15 EXISTING STATE LICENSE, THE DIVISION SHALL NOTIFY THE LICENSEE OF
16 THE EXPIRATION DATE OF THE STATE LICENSE BY ELECTRONIC MAIL OR BY
17 FIRST-CLASS MAIL, AS DETERMINED BY THE EXECUTIVE DIRECTOR, AT THE
18 MAILING ADDRESS THAT THE DIVISION HAS ON FILE FOR THE LICENSEE. THE
19 DIVISION SHALL ESTABLISH A PROCESS FOR A LICENSEE TO CONFIRM
20 RECEIPT OF A NOTICE SENT PURSUANT TO THIS SUBSECTION (5)(a). THE
21 DIVISION SHALL DESCRIBE THE CONFIRMATION PROCESS IN THE NOTICE
22 ITSELF AND ON THE DIVISION'S WEBSITE.

23 (b) IF THE STATE LICENSE CONCERNS A RETAIL LOCATION THAT
24 IS LOCATED WITHIN THE JURISDICTION OF A LOCAL AUTHORITY THAT
25 IMPOSES LICENSING REQUIREMENTS ON RETAILERS, THE DIVISION SHALL
26 RENEW THE LICENSEE'S STATE LICENSE UPON THE LICENSEE
27 DEMONSTRATING TO THE DIVISION THAT THE LICENSEE IS OPERATING

1 UNDER A VALID LOCAL LICENSE AND PAYING THE RENEWAL STATE LICENSE
2 FEE.

3 (c) IF THE RETAILER'S STATE LICENSE CONCERNS A RETAIL
4 LOCATION THAT IS LOCATED WITHIN THE JURISDICTION OF A LOCAL
5 AUTHORITY THAT IMPOSES LICENSING REQUIREMENTS ON RETAILERS AND
6 THE LOCAL AUTHORITY:

7 (I) SUSPENDS THE RETAILER'S LOCAL LICENSE, THE DIVISION
8 SHALL, PURSUANT TO THE NOTICE AND HEARING PROCESS SET FORTH IN
9 SECTION 44-7-105 (1)(b), SUSPEND THE RETAILER'S STATE LICENSE UNTIL
10 THE RETAILER CAN DEMONSTRATE TO THE DIVISION'S SATISFACTION THAT
11 THE LOCAL LICENSE HAS BEEN REINSTATED; OR

12 (II) REVOKES THE RETAILER'S LOCAL LICENSE, THE DIVISION
13 SHALL, PURSUANT TO THE NOTICE AND HEARING PROCESS SET FORTH IN
14 SECTION 44-7-105 (1)(b), REVOKE THE RETAILER'S STATE LICENSE.

15 (6) THE DIVISION SHALL TRANSFER ANY FEES COLLECTED IN
16 ACCORDANCE WITH THIS ARTICLE 7 TO THE STATE TREASURER, WHO SHALL
17 CREDIT THE FEES TO THE LIQUOR ENFORCEMENT DIVISION AND STATE
18 LICENSING AUTHORITY CASH FUND CREATED IN SECTION 44-6-101.

19 **SECTION 10.** In Colorado Revised Statutes, **add** 44-7-104.7 as
20 follows:

21 **44-7-104.7. Restrictions on sales - minimum distance**
22 **requirement - advertising restriction - online sales prohibited.**

23 (1) (a) THE DIVISION SHALL NOT APPROVE A STATE LICENSE APPLICATION
24 FOR A NEW RETAIL LOCATION THAT IS LOCATED WITHIN FIVE HUNDRED
25 FEET OF A SCHOOL. THE DISTANCE BETWEEN THE NEW RETAIL LOCATION
26 AND THE SCHOOL IS MEASURED FROM THE NEAREST PROPERTY LINE OF
27 LAND USED FOR SCHOOL PURPOSES TO THE NEAREST PORTION OF THE

1 BUILDING WHERE CIGARETTES, TOBACCO PRODUCTS, OR NICOTINE
2 PRODUCTS WILL BE SOLD, USING A ROUTE OF DIRECT PEDESTRIAN ACCESS.

3 (b) THIS SUBSECTION (1) DOES NOT APPLY TO RETAIL LOCATIONS
4 AT WHICH CIGARETTES, TOBACCO PRODUCTS, OR NICOTINE PRODUCTS
5 WERE SOLD BEFORE THE EFFECTIVE DATE OF THIS SUBSECTION (1).

6 (c) IF A RETAIL LOCATION THAT WAS IN EXISTENCE AS OF THE
7 EFFECTIVE DATE OF THIS SUBSECTION (1) IS TRANSFERRED TO A NEW
8 OWNER AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (1), THE NEW
9 OWNER NEED NOT COMPLY WITH THIS SUBSECTION (1).

10 (d) A LOCAL AUTHORITY MAY BY ORDINANCE OR RESOLUTION:

11 (I) ELIMINATE ONE OR MORE TYPES OF SCHOOLS FROM THE
12 DISTANCE RESTRICTION SET FORTH IN SUBSECTION (1)(a) OF THIS SECTION;
13 OR

14 (II) ADOPT SHORTER DISTANCE RESTRICTIONS.

15 (2) A RETAILER SHALL NOT ADVERTISE AN ELECTRONIC SMOKING
16 DEVICE PRODUCT IN A MANNER THAT IS VISIBLE FROM OUTSIDE THE RETAIL
17 LOCATION AT WHICH THE PRODUCT IS OFFERED FOR SALE.

18 (3) (a) A PERSON SHALL NOT SHIP OR DELIVER CIGARETTES,
19 TOBACCO PRODUCTS, OR NICOTINE PRODUCTS DIRECTLY TO A CONSUMER
20 IN THIS STATE. EXCEPT AS PROVIDED IN SUBSECTIONS (3)(b) AND (3)(c) OF
21 THIS SECTION, ONLY A RETAILER LICENSED UNDER THIS ARTICLE 7, A
22 WHOLESALER, OR A DISTRIBUTOR MAY RECEIVE A SHIPMENT OR DELIVERY
23 OF CIGARETTES, TOBACCO PRODUCTS, OR NICOTINE PRODUCTS IN THIS
24 STATE.

25 (b) CIGARETTES, TOBACCO PRODUCTS, OR NICOTINE PRODUCTS
26 MAY BE SOLD TO A CONSUMER ONLINE ONLY IF THE CIGARETTES, TOBACCO
27 PRODUCTS, OR NICOTINE PRODUCTS ARE DELIVERED TO A LICENSED

1 RETAILER THAT AGREES, WHETHER OR NOT FOR COMPENSATION, TO HOLD
2 THE PRODUCTS AT THE LICENSED RETAILER'S RETAIL LOCATION UNTIL THE
3 CONSUMER PICKS UP THE PRODUCTS AT THE RETAIL LOCATION.

4 (c) THE PROHIBITION SET FORTH IN SUBSECTION (3)(a) OF THIS
5 SECTION DOES NOT APPLY TO THE DIRECT SHIPMENT OR DELIVERY OF
6 CIGARS TO A CONSUMER.

7 **SECTION 11.** In Colorado Revised Statutes, **amend** 44-7-105 as
8 follows:

9 **44-7-105. Enforcement - fines - suspension and revocation -**
10 **injunctive relief - hearings - appeals.** (1) (a) (I) Subject to the FINE
11 limitations contained in section 44-7-106, the division, on its own motion
12 or on a complaint from another governmental agency responsible for the
13 enforcement of laws relating to the prohibition of the sale of cigarettes,
14 tobacco products, or nicotine products to minors, ~~has the power to~~ MAY
15 penalize retailers for violations of ~~section 44-7-103~~ THIS ARTICLE 7.

16 (II) THE DIVISION, IN THE NAME OF THE PEOPLE OF THE STATE OF
17 COLORADO AND THROUGH THE ATTORNEY GENERAL OF THE STATE OF
18 COLORADO, MAY APPLY FOR AN INJUNCTION IN ANY COURT OF COMPETENT
19 JURISDICTION TO ENJOIN ANY PERSON FROM COMMITTING AN ACT
20 PROHIBITED BY THIS ARTICLE 7. IF THE DIVISION ESTABLISHES THAT THE
21 DEFENDANT HAS BEEN OR IS COMMITTING AN ACT PROHIBITED BY THIS
22 ARTICLE 7, THE COURT SHALL ENTER A DECREE ENJOINING THE DEFENDANT
23 FROM FURTHER COMMITTING THE ACT. AN INJUNCTIVE PROCEEDING MAY
24 BE BROUGHT PURSUANT TO THIS ARTICLE 7 IN ADDITION TO, AND NOT IN
25 LIEU OF, PENALTIES AND OTHER REMEDIES PROVIDED IN THIS ARTICLE 7
26 AND THE RULES PROMULGATED PURSUANT TO THIS ARTICLE 7 OR
27 OTHERWISE PROVIDED BY LAW.

1 (b) IN ADDITION TO ANY OTHER SANCTIONS PRESCRIBED BY THIS
2 ARTICLE 7 OR RULES PROMULGATED PURSUANT TO THIS ARTICLE 7, THE
3 DIVISION MAY, AFTER INVESTIGATION AND A PUBLIC HEARING AT WHICH
4 A RETAILER MUST BE AFFORDED AN OPPORTUNITY TO BE HEARD, FINE A
5 RETAILER OR, IF THE RETAILER HOLDS A STATE LICENSE, SUSPEND OR
6 REVOKE THE RETAILER'S STATE LICENSE FOR A VIOLATION OF THIS ARTICLE
7 7 OR ANY RULE PROMULGATED PURSUANT TO THIS ARTICLE 7 COMMITTED
8 BY THE RETAILER OR BY ANY AGENT OR EMPLOYEE OF THE RETAILER.

9 (2) (a) A retailer accused of violating ~~section 44-7-103~~ shall be
10 THIS ARTICLE 7 OR ANY RULE PROMULGATED PURSUANT TO THIS ARTICLE
11 7 IS entitled to written notice of the time and place of the hearing
12 personally delivered to the retailer at the actual retail location or mailed
13 to the retailer at the last-known address as shown by the records of the
14 ~~department~~ DIVISION. The retailer is also entitled to be represented by
15 counsel, to present evidence, and to cross-examine witnesses.

16 (b) A retailer that does not claim an affirmative defense pursuant
17 to section 44-7-106 (2) may waive its right to a hearing and pay the
18 appropriate fine.

19 (3) A hearing pursuant to this section shall be conducted at a
20 location designated by the division before a hearing officer. The hearing
21 officer ~~shall have the power to~~ MAY administer oaths and issue subpoenas
22 to require the presence of persons and the production of documents
23 relating to any alleged violation of ~~section 44-7-103~~ THIS ARTICLE 7 OR
24 ANY RULE PROMULGATED PURSUANT TO THIS ARTICLE 7.

25 (4) If the hearing officer finds, by a preponderance of the
26 evidence, that the retailer violated ~~section 44-7-103~~ THIS ARTICLE 7 OR
27 ANY RULE PROMULGATED PURSUANT TO THIS ARTICLE 7, the hearing

1 officer may issue a written order TO SUSPEND OR REVOKE THE RETAILER'S
2 STATE LICENSE or TO levy a fine against the retailer ~~subject to the~~
3 ~~provisions of~~ IN ACCORDANCE WITH section 44-7-106.

4 (5) The ~~findings~~ DECISION of the hearing officer ~~shall be~~ IS a final
5 agency ~~order~~ ACTION. Any appeal of the decision of the hearing officer
6 shall be filed with the Colorado court of appeals pursuant to section
7 24-4-106 (11).

8 (6) Any unpaid fine levied pursuant to this section, together with
9 reasonable attorney fees, may be collected in a civil action filed by the
10 attorney general.

11 (7) THE DIVISION SHALL FORWARD any fines collected for
12 violations of ~~section 44-7-103 shall be forwarded~~ THIS ARTICLE 7 OR ANY
13 RULE PROMULGATED PURSUANT TO THIS ARTICLE 7 to the state treasurer,
14 who shall credit them to the cigarette, tobacco product, and nicotine
15 product use by minors prevention fund created in section 44-7-107.

16 (8) NOTHING IN THIS SECTION OR SECTION 44-7-106 PROHIBITS A
17 LOCAL GOVERNMENT FROM IMPOSING SANCTIONS ON A RETAILER FOR A
18 VIOLATION OF A LOCAL ORDINANCE OR RESOLUTION.

19 **SECTION 12.** In Colorado Revised Statutes, **amend** 44-7-106 as
20 follows:

21 **44-7-106. Limitation on fines.** (1) (a) For a violation of section
22 44-7-103 (1), ~~or (4)~~, the penalty ~~shall be~~ IS as follows:

23 (I) A FINE IN AN AMOUNT OF AT LEAST TWO HUNDRED FIFTY
24 DOLLARS BUT NOT MORE THAN FIVE HUNDRED DOLLARS FOR A FIRST
25 VIOLATION COMMITTED WITHIN A TWENTY-FOUR-MONTH PERIOD;

26 (II) A FINE IN AN AMOUNT OF AT LEAST FIVE HUNDRED DOLLARS
27 BUT NOT MORE THAN SEVEN HUNDRED FIFTY DOLLARS FOR A SECOND

1 VIOLATION WITHIN A TWENTY-FOUR-MONTH PERIOD AND A PROHIBITION
2 AGAINST THE RETAILER SELLING CIGARETTES, TOBACCO PRODUCTS, OR
3 NICOTINE PRODUCTS AT THE RETAIL LOCATION AT WHICH THE VIOLATION
4 OCCURRED FOR AT LEAST SEVEN DAYS FOLLOWING THE DATE THAT THE
5 FINE IS IMPOSED;

6 (III) A FINE IN AN AMOUNT OF AT LEAST SEVEN HUNDRED FIFTY
7 DOLLARS BUT NOT MORE THAN ONE THOUSAND DOLLARS FOR A THIRD
8 VIOLATION WITHIN A TWENTY-FOUR-MONTH PERIOD AND A PROHIBITION
9 AGAINST THE RETAILER SELLING CIGARETTES, TOBACCO PRODUCTS, OR
10 NICOTINE PRODUCTS AT THE RETAIL LOCATION AT WHICH THE VIOLATION
11 OCCURRED FOR AT LEAST THIRTY DAYS FOLLOWING THE DATE THAT THE
12 FINE IS IMPOSED; AND

13 (IV) A FINE IN AN AMOUNT OF AT LEAST ONE THOUSAND DOLLARS
14 BUT NOT MORE THAN FIFTEEN THOUSAND DOLLARS FOR A FOURTH OR
15 SUBSEQUENT VIOLATION WITHIN A TWENTY-FOUR-MONTH PERIOD AND A
16 PROHIBITION AGAINST THE RETAILER SELLING CIGARETTES, TOBACCO
17 PRODUCTS, OR NICOTINE PRODUCTS AT THE RETAIL LOCATION AT WHICH
18 THE VIOLATION OCCURRED FOR UP TO THREE YEARS FOLLOWING THE DATE
19 THAT THE FINE IS IMPOSED.

20 (b) FOR A VIOLATION OF SECTION 44-7-103 (4), THE PENALTY IS AS
21 FOLLOWS:

22 (a) (I) A written warning for a first violation committed within a
23 twenty-four-month period;

24 (b) (II) A fine of two hundred fifty dollars for a second violation
25 within a twenty-four-month period;

26 (c) (III) A fine of five hundred dollars for a third violation within
27 a twenty-four-month period;

1 ~~(d)~~ (IV) A fine of one thousand dollars for a fourth violation
2 within a twenty-four-month period; and

3 ~~(e)~~ (V) A fine of ~~between~~ AT LEAST one thousand dollars ~~and~~ BUT
4 NOT MORE THAN fifteen thousand dollars for a fifth or subsequent
5 violation within a twenty-four-month period.

6 (c) (I) ON OR AFTER JULY 1, 2021, A PERSON WHO SELLS OR OFFERS
7 TO SELL CIGARETTES, TOBACCO PRODUCTS, OR NICOTINE PRODUCTS
8 WITHOUT A VALID STATE LICENSE ISSUED PURSUANT TO THIS SECTION IS
9 SUBJECT TO THE FOLLOWING CIVIL FINES FOR EACH RETAIL LOCATION AT
10 WHICH THE PERSON SELLS OR OFFERS TO SELL CIGARETTES, TOBACCO
11 PRODUCTS, OR NICOTINE PRODUCTS WITHOUT A VALID STATE LICENSE:

12 (A) ONE THOUSAND DOLLARS FOR THE FIRST VIOLATION;

13 (B) TWO THOUSAND DOLLARS FOR THE SECOND VIOLATION WITHIN
14 TWENTY-FOUR MONTHS; AND

15 (C) THREE THOUSAND DOLLARS FOR THE THIRD OR SUBSEQUENT
16 VIOLATION WITHIN TWENTY-FOUR MONTHS.

17 (II) EACH SALE OF OR OFFER TO SELL CIGARETTES, TOBACCO
18 PRODUCTS, OR NICOTINE PRODUCTS WITHOUT A VALID STATE LICENSE IS
19 A DISTINCT VIOLATION OF THIS SECTION SUBJECT TO A FINE.

20 (III) IF THE DIVISION FINDS THAT A PERSON HAS VIOLATED THIS
21 SUBSECTION (1)(c) THREE TIMES WITHIN TWENTY-FOUR MONTHS, THE
22 DIVISION SHALL ISSUE THE PERSON AN ORDER PROHIBITING THE PERSON
23 FROM SELLING CIGARETTES, TOBACCO PRODUCTS, OR NICOTINE PRODUCTS,
24 WHICH ORDER RENDERS THE PERSON INELIGIBLE TO APPLY FOR A STATE
25 LICENSE FOR THREE YEARS FOLLOWING THE DATE OF THE ORDER.

26 (IV) THE FINE AMOUNTS SET FORTH IN SUBSECTION (1)(c)(I) OF
27 THIS SECTION ALSO APPLY TO VIOLATIONS OF SECTION 44-7-104.7 (2) AND

1 (3).

2 (2) Notwithstanding subsection (1) of this section, ~~no~~ A fine
3 for a violation of section 44-7-103 (1) shall NOT be imposed upon a
4 retailer that can establish an affirmative defense to the satisfaction of the
5 division or the hearing officer that, prior to the date of the violation, it:

6 (a) Had adopted and enforced a written policy against selling
7 cigarettes, tobacco products, or nicotine products to persons under
8 ~~eighteen~~ TWENTY-ONE years of age;

9 (b) Had informed its employees of the applicable laws regarding
10 the sale of cigarettes, tobacco products, or nicotine products to persons
11 under ~~eighteen~~ TWENTY-ONE years of age;

12 (c) Required employees to verify the age of cigarette, tobacco
13 product, or nicotine product customers by way of photographic
14 identification; and

15 (d) Had established and imposed disciplinary sanctions for
16 noncompliance.

17 (3) The affirmative defense established in subsection (2) of this
18 section may be used by a retailer only ~~twice~~ ONCE at each location within
19 any twenty-four-month period.

20 (4) (a) (I) THE PENALTY for a violation of section 44-7-103 (2) or
21 ~~(3), the penalty shall be as follows: (4.5) IS~~

22 ~~(a) (I) For a violation of section 44-7-103 (2), a fine of~~
23 ~~twenty-five dollars for a first violation committed within a~~
24 ~~twenty-four-month period.~~

25 (II) THE PENALTY for a violation of section 44-7-103 (3) IS a
26 written warning for a first violation committed within a
27 twenty-four-month period.

1 (b) FOR A VIOLATION OF SECTION 44-7-103 (2), (3), OR (4.5), THE
2 PENALTY IS AS FOLLOWS:

3 ~~(b)~~ (I) A fine of fifty dollars for a second violation within a
4 twenty-four-month period;

5 ~~(c)~~ (II) A fine of one hundred dollars for a third violation within
6 a twenty-four-month period;

7 ~~(d)~~ (III) A fine of two hundred fifty dollars for a fourth violation
8 within a twenty-four-month period; and

9 ~~(e)~~ (IV) A fine of ~~between~~ AT LEAST two hundred fifty dollars and
10 BUT NOT MORE THAN one thousand dollars for a fifth or subsequent
11 violation within a twenty-four-month period.

12
13 **SECTION 13.** In Colorado Revised Statutes, 19-2-104, **amend**
14 (1) introductory portion and (1)(a)(I) as follows:

15 **19-2-104. Jurisdiction.** (1) Except as otherwise provided by law,
16 the juvenile court ~~shall have~~ HAS exclusive original jurisdiction in
17 proceedings:

18 (a) Concerning any juvenile ten years of age or older who has
19 violated:

20 (I) Any federal or state law, except nonfelony state traffic, game
21 and fish, and parks and recreation laws or rules; ~~the offenses specified in~~
22 ~~section 18-13-121, concerning tobacco products;~~ the offense specified in
23 section 18-13-122, concerning the illegal possession or consumption of
24 ethyl alcohol or marijuana by an underage person or illegal possession of
25 marijuana paraphernalia by an underage person; the offenses specified in
26 section 18-18-406 (5)(a)(I), (5)(b)(I), and (5)(b)(II), concerning marijuana
27 and marijuana concentrate; and the civil infraction in section 18-7-109

1 (3), concerning exchange of a private image by a juvenile;

2 **SECTION 14.** In Colorado Revised Statutes, 19-2-513, **amend**
3 (3)(a) introductory portion as follows:

4 **19-2-513. Petition form and content.** (3) (a) Pursuant to ~~the~~
5 ~~provisions of~~ section 19-1-126, in those delinquency proceedings to
6 which the federal "Indian Child Welfare Act", 25 U.S.C. sec. 1901 et
7 seq., AS AMENDED, applies, including but not limited to status offenses
8 such as the illegal possession or consumption of ethyl alcohol or
9 marijuana by an underage person or illegal possession of marijuana
10 paraphernalia by an underage person, as described in section 18-13-122,
11 ~~C.R.S., purchase or attempted purchase of cigarettes or tobacco products~~
12 ~~by a person under eighteen years of age, as described in section~~
13 ~~18-13-121, C.R.S., and possession of handguns by juveniles, as described~~
14 in section 18-12-108.5, ~~C.R.S., the petition shall~~ MUST:

15 
16 **SECTION 15.** In Colorado Revised Statutes, **amend** 44-6-101 as
17 follows:

18 **44-6-101. Liquor enforcement division and state licensing**
19 **authority cash fund.** There is hereby created in the state treasury the
20 liquor enforcement division and state licensing authority cash fund. The
21 fund ~~shall consist~~ CONSISTS of money transferred in accordance with
22 sections 44-3-502 (1), ~~and~~ 44-4-105 (2), ~~AND~~ 44-7-104.5 (6). The general
23 assembly shall make annual appropriations from the fund for a portion of
24 the direct and indirect costs of the liquor enforcement division and the
25 state licensing authority in the administration and enforcement of articles
26 3 to 5 ~~AND~~ 7 of this title 44. Any money remaining in the fund at the end
27 of each fiscal year ~~shall remain~~ REMAINS in the fund and ~~shall~~ DOES not

1 revert to the general fund or any other fund. The fund shall be maintained
2 in accordance with section 24-75-402.

3 **SECTION 16. Applicability.** This act applies to offenses
4 committed on or after the effective date of this act.

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