

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

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 24-1041.01 Christopher McMichael x4775

HOUSE BILL 24-1356

HOUSE SPONSORSHIP

Herod,

SENATE SPONSORSHIP

Mullica,

House Committees
Business Affairs & Labor

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING PROHIBITING THE SALE OF ELECTRONIC SMOKING**
102 **DEVICES TO MINORS, AND, IN CONNECTION THEREWITH,**
103 **ESTABLISHING THE SALE OF ELECTRONIC SMOKING DEVICES TO**
104 **MINORS AS A DECEPTIVE TRADE PRACTICE.**

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 amends the "Colorado Consumer Protection Act" to make the sale of electronic smoking devices that have not received authorization by the federal food and drug administration (FDA) an unfair

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.

HOUSE
Amended 2nd Reading
April 16, 2024

or deceptive trade practice.

To sell electronic smoking devices in the state, the bill requires a manufacturer of electronic smoking devices to be authorized by the FDA. The attorney general must compile and maintain a directory of all manufacturers and electronic smoking devices that have been authorized by the FDA. Retailers, distributors, wholesalers, or other intermediary entities are not permitted to sell electronic smoking devices that do not have FDA authorization and do not appear in the directory, and violations of the bill are subject to civil penalties under the "Colorado Consumer Protection Act".

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

SECTION 1. In Colorado Revised Statutes, 6-1-102, **amend** (10) as follows:

6-1-102. Definitions. As used in this article 1, unless the context otherwise requires:

(10) "Sale" means any sale, offer for sale, or attempt to sell any ~~real or personal~~ PRODUCT, GOOD, OR property for any consideration.

SECTION 2. In Colorado Revised Statutes, 6-1-105, **amend** (1)(cccc) and (4) as follows:

6-1-105. Unfair or deceptive trade practices - definitions.

(1) A person engages in a deceptive trade practice when, in the course of the person's business, vocation, or occupation, the person:

(cccc) Sells or offers for sale a product OR ELECTRONIC SMOKING DEVICE that is age-restricted to a person who does not meet the age restriction; or

(4) ~~For purposes of AS USED IN this section, UNLESS THE CONTEXT OTHERWISE REQUIRES:~~

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

(b) "Recklessly" means a reckless disregard for the truth or falsity

1 of a statement or advertisement.

2 **SECTION 3. Safety clause.** The general assembly finds,
3 determines, and declares that this act is necessary for the immediate
4 preservation of the public peace, health, or safety or for appropriations for
5 the support and maintenance of the departments of the state and state
6 institutions.