

1 BY AUTHORITY

2 ORDINANCE NO. _____
3 SERIES OF 2021

COUNCIL BILL NO. XXXXXXXX
4 COMMITTEE OF REFERENCE:
5 Safety, Housing, Education and Homelessness

6 A BILL

7
8 For an ordinance amending article XI of chapter 24, D.R.M.C., to prohibit entry to certain
9 tobacco businesses to individuals under the age of twenty-one.

10
11 **BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:**

12 **Section 1.** That article XI, division 1, of Chapter 24, D.R.M.C., shall be amended by deleting
13 the language stricken and adding the language underlined, to read as follows:

14
15 **Sec. 24-401. - Definitions.**

16 (f) *Retail tobacco-focused business* means any retail store operating as a tobacco
17 business, as defined in C.R.S. 25-14-203(18), and includes smoke shops and cigar shops, but
18 does not include hookah tobacco retailers.

19 (fg) *Retail tobacco store* means a business of any kind that sells, gives, delivers, or
20 furnishes tobacco products to a user or consumer.

21 (gh) *Tobacco product* means:

22 (1) Any product containing tobacco or nicotine or that is made or derived from tobacco that
23 may be used to introduce tobacco or nicotine into the human body, including but not limited to,
24 cigarettes, cigars, pipe tobacco, hookah tobacco, snuff, chewing tobacco, dipping tobacco, dissolvable
25 tobacco products, and nicotine-enhanced products;

26 (2) Any electronic device that may be used to deliver nicotine to the person inhaling from the
27 device, including any solution, compound, or other substance containing nicotine to be used with the
28 device; and

29 (3) Any other preparation of tobacco and any product or formulation of matter containing
30 nicotine that may be used to introduce nicotine into the human body.

31 Excluded from this definition are any products specifically approved by the United States Food
32 and Drug Administration for use in reducing, treating, or eliminating nicotine or tobacco dependence or
33 for other medical purposes, when these products are being marketed and sold solely for such

1 approved purpose.

2

3 **Sec. 24-402. - Sale of tobacco products to persons under twenty-one (21) years of age**
4 **prohibited.**

5 (a) It shall be unlawful for any person to sell, give, deliver or furnish any tobacco product to
6 anyone who has not reached twenty-one (21) years of age.

7 (b) It shall be unlawful for any person to permit or allow the person's agent, servant, officer
8 or employee to sell, give, deliver or furnish any tobacco product to anyone who has not reached
9 twenty-one (21) years of age.

10 (c) It shall be unlawful for any retail tobacco-focused business to allow any person under the
11 age of twenty-one (21) on the licensed premises. Government-issued identification must be required
12 from all patrons before the patron is allowed access into the licensed premises.

13 (ed) Any person who sells or offers to sell tobacco products shall display the warning sign(s)
14 required by C.R.S. § 44-7-103, as amended.

15

16 **Section 2. Effective Date.** This ordinance shall become effective XXXXX.

17

18 COMMITTEE APPROVAL DATE: _____, 2021.

19 MAYOR-COUNCIL DATE: _____, 2021.

20 PASSED BY THE COUNCIL _____ 2021

21 _____ - PRESIDENT

22 APPROVED: _____ - MAYOR _____ 2021

23 ATTEST: _____ - CLERK AND RECORDER,
24 EX-OFFICIO CLERK OF THE
25 CITY AND COUNTY OF DENVER
26

27 NOTICE PUBLISHED IN THE DAILY JOURNAL _____ 2021; _____ 2021

28

29 PREPARED BY: Jonathan Griffin, Assistant City Attorney DATE: October 25, 2021

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31 Pursuant to section 13-9, D.R.M.C., this proposed ordinance has been reviewed by the office of the
32 City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
33 ordinance. The proposed ordinance **is not** submitted to the City Council for approval pursuant to §
34 3.2.6 of the Charter.
35

1 Kristin M. Bronson

2 City Attorney

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4 BY: _____, _____ City Attorney

DATE: _____

DRAFT