

First Regular Session  
Sixty-eighth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 11-0431.01 Richard Sweetman

HOUSE BILL 11-1016

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HOUSE SPONSORSHIP

Summers,

SENATE SPONSORSHIP

(None),

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House Committees  
Health and Environment

Senate Committees

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A BILL FOR AN ACT

101 CONCERNING THE REGULATION OF TOBACCO.

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>.)*

For the purpose of existing provisions addressing the furnishing of cigarettes or tobacco products to minors, the use of cigarettes or tobacco products by a minor, and the use of cigarettes or tobacco products on school property, the bill expands the definition of "tobacco product" to include any device that is designed to deliver inhaled, ingested, or physically applied doses of nicotine.

For the purpose of taxation, "tobacco product" is redefined to

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.*

include any device that is designed to deliver inhaled, ingested, or physically applied doses of nicotine; except that "tobacco product" does not include cigarettes, which are taxed separately.

The bill extends the repeal date of the statutes concerning the regulation of tobacco sales to minors from July 1, 2011, to July 1, 2016.

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

2 **SECTION 1.** 18-13-121 (5), Colorado Revised Statutes, is  
3 amended to read:

4 **18-13-121. Furnishing cigarettes or tobacco products to**  
5 **minors.** (5) (a) As used in this section, "tobacco product" means:

6 (I) Any product that contains or is derived from tobacco and is  
7 intended to be ingested or inhaled by or applied to the skin of an  
8 individual; ~~except that~~ OR

9 (II) ANY DEVICE THAT IS DESIGNED TO DELIVER INHALED,  
10 INGESTED, OR PHYSICALLY APPLIED DOSES OF ANY SUBSTANCE  
11 CONTAINING ANY AMOUNT OF NICOTINE.

12 (b) NOTWITHSTANDING ANY PROVISION OF PARAGRAPH (a) OF THIS  
13 SUBSECTION (5) TO THE CONTRARY, "tobacco product" does not mean any  
14 product that the food and drug administration of the United States  
15 department of health and human services has approved as a tobacco use  
16 cessation product.

17 **SECTION 2.** 24-35-508, Colorado Revised Statutes, is amended  
18 to read:

19 **24-35-508. Repeal of part.** This part 5 is repealed, effective ~~July~~  
20 ~~1, 2011~~ JULY 1, 2016.

21 **SECTION 3.** 25-14-103.5 (1), Colorado Revised Statutes, is  
22 amended to read:

23 **25-14-103.5. Prohibition against the use of tobacco products**

1 **on school property - legislative declaration - education program -**  
2 **special account.** (1) The general assembly finds that many of the  
3 schools in this state permit the use of tobacco PRODUCTS in and around  
4 school property. The general assembly further finds that secondhand  
5 smoke generated by such activity and the negative example set and  
6 frequently imitated by our school children are detrimental to the health  
7 and well-being of such children as well as to school teachers, staff, and  
8 visitors. Accordingly, the general assembly finds and declares that it is  
9 appropriate to create a safe and healthy school environment by prohibiting  
10 the use of tobacco products on all school property.

11 **SECTION 4.** 39-28.5-101 (5), Colorado Revised Statutes, is  
12 amended to read:

13 **39-28.5-101. Definitions.** As used in this article, unless the  
14 context otherwise requires:

15 (5) "~~Tobacco products~~" ~~means cigars, cheroots, stogies, periques,~~  
16 ~~granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco,~~  
17 ~~snuff, snuff flour, cavendish, plug and twist tobacco, fine-cut and other~~  
18 ~~chewing tobaccos, shorts, refuse scraps, clippings, cuttings and sweepings~~  
19 ~~of tobacco, and other kinds and forms of tobacco, prepared in such~~  
20 ~~manner as to be suitable for chewing or for smoking in a pipe or~~  
21 ~~otherwise, or both for chewing and smoking, but does not include~~  
22 ~~cigarettes which are taxed separately pursuant to article 28 of this title~~  
23 ~~PRODUCT" SHALL HAVE THE SAME MEANING AS SET FORTH IN SECTION~~  
24 ~~18-13-121, C.R.S.; EXCEPT THAT "TOBACCO PRODUCT" DOES NOT INCLUDE~~  
25 ~~CIGARETTES, WHICH ARE TAXED SEPARATELY PURSUANT TO ARTICLE 28~~  
26 ~~OF THIS TITLE.~~

27 **SECTION 5. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, and safety.