

First Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 11-0431.01 Richard Sweetman

HOUSE BILL 11-1016

HOUSE SPONSORSHIP

Summers,

SENATE SPONSORSHIP

Boyd,

House Committees
Health and Environment

Senate Committees
Health and Human Services
Appropriations

A BILL FOR AN ACT

101 **CONCERNING PROHIBITIONS AGAINST FURNISHING TOBACCO**
102 **PRODUCTS TO MINORS.**

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

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.

SENATE
3rd Reading Unamended
March 14, 2011

SENATE
Amended 2nd Reading
March 11, 2011

HOUSE
3rd Reading Unamended
February 3, 2011

HOUSE
Amended 2nd Reading
February 2, 2011

physically applied doses of nicotine.

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

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 NICOTINE OR TOBACCO or is derived
7 from tobacco and is intended to be ingested or inhaled by or applied to the
8 skin of an individual; ~~except that~~ OR

9 (II) ANY ELECTRONIC DEVICE THAT CAN BE USED TO DELIVER
10 NICOTINE TO THE PERSON INHALING FROM THE DEVICE, INCLUDING BUT
11 NOT LIMITED TO AN ELECTRONIC CIGARETTE, CIGAR, CIGARILLO, OR PIPE.

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.** 24-35-502 (6), Colorado Revised Statutes, is
18 amended to read:

19 **24-35-502. Definitions.** As used in this part 5, unless the context
20 otherwise requires:

21 (6) "Tobacco products PRODUCT" has the same meaning as
22 provided in ~~section 39-28.5-101 (5)~~ SECTION 18-13-121, C.R.S.

1 **SECTION 3.** 24-35-508, Colorado Revised Statutes, is repealed
2 as follows:

3 **24-35-508. Repeal of part. This part 5 is repealed, effective July**
4 **1, 2011.**

5 **SECTION 4.** 25-14-103.5 (1), Colorado Revised Statutes, is
6 amended to read:

7 **25-14-103.5. Prohibition against the use of tobacco products**
8 **on school property - legislative declaration - education program -**
9 **special account.** (1) The general assembly finds that many of the
10 schools in this state permit the use of tobacco PRODUCTS in and around
11 school property. The general assembly further finds that secondhand
12 smoke generated by such activity and the negative example set and
13 frequently imitated by our school children are detrimental to the health
14 and well-being of such children as well as to school teachers, staff, and
15 visitors. Accordingly, the general assembly finds and declares that it is
16 appropriate to create a safe and healthy school environment by prohibiting
17 the use of tobacco products on all school property.

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