

HOUSE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

January 27, 2011
Date

Committee on Health and Environment.

After consideration on the merits, the Committee recommends the following:

HB11-1016 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend printed bill, strike everything below the enacting clause and
2 substitute:

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

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

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

10 (II) ANY CARTRIDGE THAT IS DESIGNED TO DELIVER INHALED
11 DOSES OF ANY SUBSTANCE 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.** 24-35-502 (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.

23 **SECTION 3.** 24-35-508, Colorado Revised Statutes, is amended

1 to read:

2 **24-35-508. Repeal of part.** This part 5 is repealed, effective July
3 ~~1, 2011~~ JULY 1, 2016.

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

6 **25-14-103.5. Prohibition against the use of tobacco products**
7 **on school property - legislative declaration - education program -**
8 **special account.** (1) The general assembly finds that many of the
9 schools in this state permit the use of tobacco PRODUCTS in and around
10 school property. The general assembly further finds that secondhand
11 smoke generated by such activity and the negative example set and
12 frequently imitated by our school children are detrimental to the health
13 and well-being of such children as well as to school teachers, staff, and
14 visitors. Accordingly, the general assembly finds and declares that it is
15 appropriate to create a safe and healthy school environment by prohibiting
16 the use of tobacco products on all school property.

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

20 Page 1, strike line 101 and substitute:

21 "CONCERNING PROHIBITIONS AGAINST FURNISHING TOBACCO
22 PRODUCTS TO MINORS."

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