

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Health & Insurance.

HB22-1064 be amended as follows:

1 Amend printed bill, page 7, line 12, strike "**add** (4.5)" and substitute  
2 "**amend** (1); and **add** (1.5), (4.5), (5.5),".

3 Page 7, after line 15 insert:

4        "(1) ~~"Cigarette, tobacco product, or nicotine product"~~ has the same  
5 meaning as provided in section 18-13-121 (5) (a) "AGE-RESTRICTED  
6 PREMISES" MEANS A RETAIL LOCATION AT WHICH A CUSTOMER, IN ORDER  
7 TO ENTER THE RETAIL LOCATION, MUST PRESENT TO THE OWNER OR AN  
8 EMPLOYEE AT THE ENTRANCE TO THE PREMISES, A VALID  
9 GOVERNMENT-ISSUED PHOTOGRAPHIC IDENTIFICATION THAT  
10 DEMONSTRATES THAT THE CUSTOMER IS TWENTY-ONE YEARS OF AGE OR  
11 OLDER.

12        (b) "AGE-RESTRICTED PREMISES" INCLUDES A RETAIL LOCATION  
13 THAT MEETS THE REQUIREMENTS OF SUBSECTION (1)(a) OF THIS SECTION  
14 AND AT WHICH CUSTOMERS CONSUME CIGARETTES, TOBACCO PRODUCTS,  
15 OR NICOTINE PRODUCTS ON PREMISES, SUCH AS A HOOKAH LOUNGE OR  
16 CIGAR-TOBACCO BAR, AS DEFINED IN SECTION 25-14-203 (4).

17        (c) "AGE-RESTRICTED PREMISES" DOES NOT INCLUDE A RETAIL  
18 LIQUOR STORE AS DEFINED IN SECTION 44-3-103 (48).

19        (1.5) "CIGARETTE, TOBACCO PRODUCT, OR NICOTINE PRODUCT"  
20 HAS THE SAME MEANING AS PROVIDED IN SECTION 18-13-121 (5).".

21 Page 7, after line 23 insert:

22        "(5.5) "ID SCANNER" MEANS AN ELECTRONIC DEVICE USED TO  
23 SCAN AND VERIFY IN REAL TIME THE AUTHENTICITY OF AN IDENTIFICATION  
24 PURPORTED TO BE A VALID GOVERNMENT-ISSUED PHOTOGRAPHIC  
25 IDENTIFICATION CARD.".

26 Page 8, line 2, after "**products -**" insert "**permit for age-restricted**  
27 **premises - rules - definition -**".

28 Page 9, before line 2 insert:

29        "(4) (a) (I) A RETAILER SHALL NOT SELL OR PERMIT THE SALE OF  
30 FLAVORED CIGARETTES, TOBACCO PRODUCTS, OR NICOTINE PRODUCTS IN  
31 THE STATE WITHOUT FIRST OBTAINING FROM THE DIVISION A PERMIT TO  
32 SELL FLAVORED CIGARETTES, TOBACCO PRODUCTS, OR NICOTINE  
33 PRODUCTS AT AN AGE-RESTRICTED PREMISES.

1 (II) ONLY A RETAILER WITH A VALID STATE LICENSE MAY APPLY  
2 FOR A PERMIT PURSUANT TO THIS SUBSECTION (4), AND ONLY WITH  
3 RESPECT TO A RETAIL LOCATION THAT, AS OF THE EFFECTIVE DATE OF THIS  
4 SUBSECTION (4), IS AN AGE-RESTRICTED PREMISES. TO APPLY FOR AN  
5 INITIAL PERMIT, A RETAILER SHALL PAY A FEE IN AN AMOUNT OF THREE  
6 THOUSAND DOLLARS OR AN AMOUNT DETERMINED BY THE EXECUTIVE  
7 DIRECTOR BY RULE PURSUANT TO SUBSECTION (4)(c)(II) OF THIS SECTION.

8 (III) A PERMIT IS VALID FOR ONE YEAR AND MAY BE RENEWED IN  
9 THE FORM AND MANNER DETERMINED BY THE DIVISION AND BY PAYMENT  
10 OF A RENEWAL FEE SET BY RULE PURSUANT TO SUBSECTION (4)(c)(II) OF  
11 THIS SECTION. IF A PERMIT HOLDER'S STATE LICENSE IS SUSPENDED OR  
12 REVOKED, THE PERMIT HOLDER'S PERMIT IS LIKEWISE SUSPENDED OR  
13 REVOKED.

14 (IV) AN OWNER OF MULTIPLE RETAIL LOCATIONS THAT ARE  
15 AGE-RESTRICTED PREMISES MUST APPLY FOR A SEPARATE PERMIT FOR  
16 EACH RETAIL LOCATION.

17 (V) A PERMIT IS NONTRANSFERABLE. IF A PERMIT HOLDER CEASES  
18 TO BE A RETAILER AT A RETAIL LOCATION BY REASON OF  
19 DISCONTINUANCE, SALE, OR TRANSFER OF THE PERMIT HOLDER'S BUSINESS,  
20 THE PERMIT HOLDER SHALL NOTIFY THE DIVISION IN WRITING ON OR  
21 BEFORE THE DATE ON WHICH THE DISCONTINUANCE, SALE, OR TRANSFER  
22 TAKES EFFECT.

33 (III) THE DIVISION MAY COORDINATE THE RENEWAL DATE FOR A  
34 PERMIT WITH THE RENEWAL DATE FOR THE PERMIT HOLDER'S STATE  
35 LICENSE FOR THE RETAIL LOCATION.

36 (c) THE EXECUTIVE DIRECTOR SHALL ADOPT RULES ESTABLISHING  
37 THE FOLLOWING WITH REGARD TO PERMITS ISSUED PURSUANT TO THIS  
38 SUBSECTION (4):

39 (I) NOTWITHSTANDING SECTION 44-7-104 (3)(b)(I), A  
40 REQUIREMENT THAT THE DIVISION PERFORM, CAUSE TO BE PERFORMED, OR  
41 COORDINATE WITH A LOCAL AUTHORITY IN THE PERFORMANCE OF AT  
42 LEAST SIX COMPLIANCE CHECKS PER YEAR OF AN AGE-RESTRICTED  
43 PREMISES FOR WHICH THE RETAILER HAS OBTAINED A PERMIT PURSUANT  
44 TO THIS SUBSECTION (4). THE COMPLIANCE CHECKS MUST INCLUDE:

45 (A) VERIFICATION THAT IDENTIFICATION IS CHECKED AT THE

1 ENTRANCE TO THE AGE-RESTRICTED PREMISES; AND  
2 (B) VERIFICATION THAT, IN CHECKING IDENTIFICATION, THE  
3 RETAILER USES AN ID SCANNER THAT COMPLIES WITH RULES ADOPTED  
4 PURSUANT TO SUBSECTION (4)(c)(III) OF THIS SECTION.

5 (II) A PERMIT RENEWAL FEE IN AN AMOUNT EQUAL TO THE DIRECT  
6 AND INDIRECT COSTS THAT THE DIVISION INCURS IN ENFORCING PERMITS,  
7 INCLUDING THE DIRECT AND INDIRECT COSTS INCURRED IN PERFORMING  
8 COMPLIANCE CHECKS. THE EXECUTIVE DIRECTOR MAY, BY RULE, ADJUST  
9 THE INITIAL PERMIT FEE SET IN SUBSECTION (4)(a)(II) OF THIS SECTION IF  
10 THE ADJUSTED FEE EQUALS THE DIRECT AND INDIRECT COSTS THAT THE  
11 DIVISION INCURS IN ENFORCING PERMITS.

12 (III) SPECIFICATION REQUIREMENTS FOR ID SCANNERS USED AT  
13 AGE-RESTRICTED PREMISES OR A LIST OF APPROVED ID SCANNER MODELS,  
14 BASED ON THE NEED FOR RETAILERS TO USE THE MOST ACCURATE ID  
15 SCANNERS AVAILABLE AT AGE-RESTRICTED PREMISES; AND

16 (IV) THE MAXIMUM NUMBER OF ANNUAL PERMITS THAT THE  
17 DIVISION MAY ISSUE BASED ON THE NUMBER OF RETAIL LOCATIONS THAT,  
18 AS OF THE EFFECTIVE DATE OF THIS SUBSECTION (4), ARE:

19 (A) AGE-RESTRICTED PREMISES; AND

20 (B) OPERATED UNDER A VALID LICENSE ISSUED PURSUANT TO  
21 SECTION 44-7-104.5.

22 (d) A PERMIT ISSUED UNDER THIS SUBSECTION (4) IS SUBJECT TO  
23 THE SAME SUSPENSION AND REVOCATION PROVISIONS SET FORTH IN  
24 SECTION 44-7-105 (1)(b).

25 (e) (I) THE DIVISION SHALL REQUIRE AS A CONDITION OF A PERMIT  
26 ISSUED PURSUANT TO THIS SUBSECTION (4) THAT THE RETAILER AFFIX A  
27 UNIQUE IDENTIFYING NUMBER TO, OR HAVE A UNIQUE IDENTIFYING  
28 NUMBER AFFIXED TO, THE PACKAGING OF THE FOLLOWING PRODUCTS:

29 (A) EACH INDIVIDUAL ELECTRONIC SMOKING DEVICE THAT IS  
30 OFFERED FOR SALE AT THE RETAIL LOCATION FOR WHICH THE PERMIT IS  
31 ISSUED AND THAT IS A FLAVORED CIGARETTE, TOBACCO PRODUCT, OR  
32 NICOTINE PRODUCT; AND

33 (B) EACH INDIVIDUAL CARTRIDGE OR OTHER CONTAINER OF LIQUID  
34 THAT IS INTENDED TO BE VAPORIZED WHEN USED WITH AN ELECTRONIC  
35 SMOKING DEVICE, SUCH AS A VAPE PEN; THAT IS OFFERED FOR SALE AT THE  
36 RETAIL LOCATION FOR WHICH THE PERMIT IS ISSUED; AND THAT IS A  
37 FLAVORED CIGARETTE, TOBACCO PRODUCT, OR NICOTINE PRODUCT.

38 (II) THE DIVISION SHALL DEVELOP OR CAUSE TO BE DEVELOPED A  
39 SYSTEM THROUGH WHICH A UNIQUE IDENTIFYING NUMBER AFFIXED TO THE  
40 PACKAGING OF A PRODUCT LISTED IN SUBSECTION (4)(e)(I)(A) OR  
41 (4)(e)(I)(B) OF THIS SECTION MAY BE TRACKED IN ORDER TO DETERMINE  
42 THE RETAIL LOCATION AT WHICH THE PRODUCT WAS SOLD, FURNISHED, OR  
43 OTHERWISE OBTAINED. THE SYSTEM MUST ALSO INCORPORATE DATA  
44 INCLUDED IN RETAILERS' MONTHLY REPORTS SUBMITTED TO THE DIVISION  
45 PURSUANT TO SUBSECTION (4)(e)(IV)(C) OF THIS SECTION REGARDING THE

1 FLAVORED CIGARETTES, TOBACCO PRODUCTS, OR NICOTINE PRODUCTS  
2 SOLD AND WHEN AND TO WHOM THEY WERE SOLD. THE DIVISION SHALL  
3 ENSURE THAT LOCAL LICENSING AUTHORITIES MAY ACCESS THE SYSTEM,  
4 OR BE ABLE TO REQUEST FROM THE DIVISION DATA LOGGED INTO THE  
5 SYSTEM, TO ENFORCE AGAINST THE UNLAWFUL SALE OR FURNISHING OF  
6 FLAVORED CIGARETTES, TOBACCO PRODUCTS, OR NICOTINE PRODUCTS TO  
7 MINORS.

8 (III) IF SCHOOL PERSONNEL OR A PARENT FINDS A MINOR IN  
9 POSSESSION OF A FLAVORED CIGARETTE, TOBACCO PRODUCT, OR NICOTINE  
10 PRODUCT WITH A UNIQUE IDENTIFYING NUMBER AFFIXED TO THE  
11 PACKAGING OF THE PRODUCT AND REPORTS IT TO THE DIVISION OR A  
12 LOCAL LICENSING AUTHORITY, THE DIVISION OR LOCAL LICENSING  
13 AUTHORITY MAY USE THE UNIQUE IDENTIFYING NUMBER AND THE RESULTS  
14 OF A SEARCH CONDUCTED ON THE UNIQUE IDENTIFYING NUMBER IN AN  
15 INVESTIGATION TO DETERMINE:

16 (A) AT WHICH RETAIL LOCATION THE FLAVORED CIGARETTE,  
17 TOBACCO PRODUCT, OR NICOTINE PRODUCT WAS SOLD;

18 (B) WHO FURNISHED THE FLAVORED CIGARETTE, TOBACCO  
19 PRODUCT, OR NICOTINE PRODUCT TO THE MINOR;

20 (C) WHETHER THE PERSON WHO FURNISHED THE FLAVORED  
21 CIGARETTE, TOBACCO PRODUCT, OR NICOTINE PRODUCT TO THE MINOR, IF  
22 THE PERSON WAS A RETAILER OR EMPLOYEE OF A RETAILER, WAS  
23 PRESENTED WITH AND REASONABLY RELIED UPON A GOVERNMENT-ISSUED  
24 PHOTOGRAPHIC IDENTIFICATION INDICATING THAT THE MINOR WAS AN  
25 ADULT AT THE TIME OF PURCHASE; AND

26 (D) WHETHER AND TO WHAT EXTENT THE PERSON SHOULD BE  
27 PENALIZED UNDER SECTION 18-13-121 (1) AND, IF THE PERSON IS A  
28 RETAILER, PURSUANT TO SECTION 44-7-106.

29 (IV) AS ADDITIONAL CONDITIONS OF A PERMIT ISSUED TO A  
30 RETAILER PURSUANT TO THIS SUBSECTION (4), A RETAILER SHALL AGREE,  
31 IN THE FORM AND MANNER DETERMINED BY THE DIVISION, TO:

32 (A) MAINTAIN RECORDS OF UNIQUE IDENTIFYING NUMBERS IN A  
33 MANNER THAT ALLOWS A DETERMINATION OF WHEN A FLAVORED  
34 CIGARETTE, TOBACCO PRODUCT, OR NICOTINE PRODUCT WITH A UNIQUE  
35 IDENTIFYING NUMBER AFFIXED TO ITS PACKAGING WAS SOLD AND WHEN  
36 AND TO WHOM IT WAS SOLD;

37 (B) COOPERATE WITH ANY INVESTIGATION INVOLVING A UNIQUE  
38 IDENTIFYING NUMBER, INCLUDING ALLOWING ACCESS TO THE RETAILER'S  
39 RECORDS DESCRIBED IN SUBSECTION (4)(e)(IV)(A) OF THIS SECTION; AND

40 (C) PROVIDE THE DIVISION WITH MONTHLY REPORTS, IN THE FORM  
41 AND MANNER DETERMINED BY THE DIVISION, INDICATING THE FLAVORED  
42 CIGARETTES, TOBACCO PRODUCTS, AND NICOTINE PRODUCTS SOLD AND  
43 WHEN AND TO WHOM THE PRODUCTS WERE SOLD.

44 (V) THE EXECUTIVE DIRECTOR SHALL ADOPT RULES REGARDING  
45 THE IMPLEMENTATION OF THIS SUBSECTION (4)(e), INCLUDING RULES

1 REGARDING THE FOLLOWING:

2 (A) THE MECHANISM BY WHICH UNIQUE IDENTIFYING NUMBERS  
3 WILL BE ASSIGNED FOR THE FLAVORED CIGARETTES, TOBACCO PRODUCTS,  
4 AND NICOTINE PRODUCTS LISTED IN SUBSECTIONS (4)(e)(I)(A) AND  
5 (4)(e)(I)(B) OF THIS SECTION;

6 (B) THE SYSTEM CREATED IN ACCORDANCE WITH SUBSECTION  
7 (4)(e)(II) OF THIS SECTION; AND

8 (C) ANY OTHER RULES NECESSARY TO IMPLEMENT THIS  
9 SUBSECTION (4)(e).

10 (VI) AS USED IN THIS SUBSECTION (4)(e), "UNIQUE IDENTIFYING  
11 NUMBER" MEANS A UNIQUE SERIES OF NUMERALS, LETTERS, OR BOTH  
12 NUMERALS AND LETTERS.".

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