

CHAPTER 161

CRIMINAL LAW AND PROCEDURE

HOUSE BILL 97-1088

BY REPRESENTATIVES Clarke, Gordon, Grossman, Hagedorn, Leyba, Snyder, Tate, and Veiga;
also SENATORS Hopper and Linkhart.

AN ACT

CONCERNING RESTRICTIONS ON THE LOCATION OF CIGARETTE VENDING MACHINES.

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

SECTION 1. 18-13-121 (4) (a), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

18-13-121. Furnishing cigarettes or tobacco products to minors - sale of cigarettes or tobacco products in vending machines prohibited - warning sign.

(4) (a) Any person who sells or offers to sell any cigarettes or tobacco products, as defined in section 39-28.5-101 (5), C.R.S., by use of a vending machine or other coin-operated machine commits a class 2 petty offense, and, upon conviction thereof, shall be punished by a fine of two hundred dollars; except that cigarettes may be sold at retail through vending machines only in:

(I) Factories, businesses, offices, or other places not open to the general public;

(II) Places to which persons under the age of eighteen years are not permitted access; or

(III) ~~(A) Places where the vending machine is under the direct supervision of the owner of the establishment or an adult employee of the owner, including but not limited to, establishments holding a valid liquor license issued pursuant to article 47 of title 12, C.R.S.~~

~~(B) As used in this section, "under direct supervision" means the vending machine shall be in plain vision of the employee or owner during regular business hours. It shall be an affirmative defense to a prosecution under this paragraph (a) that the person selling or offering to sell the tobacco product was presented with and~~

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

~~reasonably relied upon a document which identified the person purchasing the tobacco product as being eighteen years of age or older.~~ ESTABLISHMENTS WHERE THE VENDING MACHINE DISPENSES CIGARETTES THROUGH THE OPERATION OF A DEVICE THAT ENABLES AN ADULT EMPLOYEE OF THE ESTABLISHMENT TO PREVENT THE DISPENSING OF CIGARETTES TO MINORS.

SECTION 2. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 16, 1997