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

HB19-1076 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1. Amend printed bill, page 3, line 19, strike "(7) and (16); repeal (1) and (18);" and substitute "(7), (16), and (18); repeal (1);".

2. Page 4, line 16, strike "FEET." and substitute "FEET UNLESS SECTION 25-14-207 (2)(a)(II)(B) OR (2)(a)(II)(C) APPLIES.".

3. Page 4, strike lines 25 through 27.

4. Page 5, strike lines 1 and 2 and substitute:

   "(18) "Tobacco business" means a sole proprietorship, corporation, partnership, or other enterprise engaged primarily in the sale, manufacture, or promotion of tobacco, tobacco products, or smoking devices or accessories, INCLUDING ESDS, either at wholesale or retail, and in which the sale, manufacture, or promotion of other products is merely incidental."

5. Page 5, line 4, strike "(1)(k)(II)," and substitute "(1)(k)," and strike "and (1)(cc);" and substitute "(1)(cc), and (2); repeal (1)(q);".

6. Page 5, line 5, strike "(1)(dd)" and substitute "(1)(dd), (1)(ee), (1)(ff), and (3)".

7. Page 5, after line 10 insert:
"(k) (I) Any place of employment that is not exempted, WHETHER OR NOT OPEN TO THE PUBLIC AND REGARDLESS OF THE NUMBER OF EMPLOYEES.".

Page 5, line 11, strike "(k)".

Page 5, after line 16 insert:

"(q) Restrooms, lobbies, hallways, and other common areas in hotels and motels, and in at least seventy-five percent of the sleeping quarters within a hotel or motel that are rented to guests;".

Page 5, line 18, strike "and," and substitute "and".

Page 5, line 19, strike "AND ASSISTED LIVING FACILITIES,".

Page 5, line 24, strike "AND".

Page 5, after line 24 insert:

"(dd) HOTEL AND MOTEL ROOMS;
(ee) ASSISTED LIVING FACILITIES, INCLUDING NURSING FACILITIES AS DEFINED IN SECTION 25.5-4-103 AND ASSISTED LIVING RESIDENCES AS DEFINED IN SECTION 25-27-102; AND".

Page 5, line 25, strike "(dd)" and substitute "(ff)".

Page 5, line 26, strike "(1)(cc)" and substitute "(1)(ee)".

Page 5, after line 26 insert:

"(2) A cigar-tobacco bar:
   (a) Shall not expand its size or change its location from the size and location in which it existed as of December 31, 2005; A cigar-tobacco bar AND
   (b) Shall PROHIBIT ENTRY BY ANY PERSON UNDER EIGHTEEN YEARS OF AGE AND SHALL display signage in at least one conspicuous place and at least four inches by six inches in size stating: "Smoking allowed. Children under eighteen years of age must be accompanied by a parent or guardian MAY NOT ENTER."

   (3) A RETAIL TOBACCO BUSINESS SHALL PROHIBIT ENTRY BY ANY PERSON UNDER EIGHTEEN YEARS OF AGE AND SHALL DISPLAY SIGNAGE IN AT LEAST ONE CONSPICUOUS PLACE AND AT LEAST FOUR INCHES BY SIX
Page 6, line 1, strike "portion;" and substitute "portion, (1)(c), (1)(g), and (1)(i);" and strike "(1)(c), (1)(d),".

Page 6, line 7, strike "percent;" and substitute "percent ANY PREMISES THAT IS LICENSED UNDER PART 4 OF ARTICLE 12 OF TITLE 44 OR AUTHORIZED BY ANY APPLICABLE MUNICIPAL ORDINANCE OR PERMIT, AT WHICH MARIJUANA IS OFFERED TO PURCHASERS OR PROSPECTIVE PURCHASERS FOR SALE OR SAMPLING;".

Page 6, strike line 8.

Page 6, after line 9 insert:
"(g) The outdoor area of any business; OR".

Page 6, after line 12 insert:
"(i) A private, nonresidential building on a farm or ranch, as defined in section 39-1-102, C.R.S., that has annual gross income of less than five hundred thousand dollars. or".

Page 6, line 21, strike "repeal 25-14-206" and substitute "25-14-206, amend (1); and repeal (2)."

Page 6, strike lines 23 through 27.

Page 7, strike lines 1 and 2 and substitute:
"25-14-206. Optional prohibitions. (1) The owner or manager of any place not specifically listed in section 25-14-204, including a place otherwise exempted under section 25-14-205 may post signs prohibiting smoking, or providing smoking and nonsmoking areas. Such posting shall have the effect of including such place or the designated nonsmoking portion thereof, in the places where smoking is prohibited or restricted pursuant to this part 2.".

Page 7, line 3, strike "(2)" and substitute "(2)."

Page 7, line 12, after "(a)" insert "(I)."

Page 7, line 13, after "charter," add "section 44-12-309,".
Page 7, line 16, strike "THAT" and substitute "THAT, UNLESS OTHERWISE AUTHORIZED UNDER SUBSECTION (2)(a)(II)(B) OR (2)(a)(II)(C) OF THIS SECTION,"

Page 7, line 18, strike "except that A" and substitute "except that (II) (A) A"

Page 7, after line 20 insert:

"(B) A LOCAL REGULATION THAT WAS ADOPTED BY A LOCAL Authority BEFORE JANUARY 1, 2019, AND THAT SPECIFIES A RADIUS OF LESS THAN TWENTY-FIVE FEET FOR THE AREA INCLUDED WITHIN AN ENTRYWAY REMAINS VALID AND MUST BE GIVEN EFFECT AFTER THE EFFECTIVE DATE OF THIS SECTION, AS AMENDED.

(C) IF A PERSON OWNS OR LEASES BUSINESS PREMISES THAT WERE UNDER CONSTRUCTION OR RENOVATION ON JULY 1, 2019, AND THAT COMPLIED WITH A LOCAL REGULATION OF SMOKING THAT SPECIFIED A RADIUS OF LESS THAN TWENTY-FIVE FEET FOR THE AREA INCLUDED WITHIN AN ENTRYWAY, AND, AS OF JULY 1, 2019, HAS APPLIED FOR OR RECEIVED FROM THE MUNICIPALITY, CITY AND COUNTY, OR COUNTY IN WHICH THE PREMISES ARE LOCATED, A CERTIFICATE OF OCCUPANCY FOR THE STRUCTURE TO BE USED FOR THE BUSINESS PREMISES, THE PERSON IS DEEMED IN COMPLIANCE WITH ALL LOCAL REGULATIONS SPECIFYING THE RADIUS OF THE AREA INCLUDED WITHIN AN ENTRYWAY."

Page 7, before line 21 insert:

"SECTION 7. In Colorado Revised Statutes, 25-14-208, amend (3) as follows:

25-14-208. Unlawful acts - penalty - disposition of fines and surcharges. (3) EXCEPT AS OTHERWISE PROVIDED IN SECTION 25-14-208.5, A PERSON WHO VIOLATES THIS PART 2 IS GUILTY OF A CLASS 2 PETTY OFFENSE AND, UPON CONVICTION THEREOF, SHALL BE PUNISHED BY A FINE NOT TO EXCEED TWO HUNDRED DOLLARS FOR A FIRST VIOLATION WITHIN A CALENDAR YEAR, A FINE NOT TO EXCEED THREE HUNDRED DOLLARS FOR A SECOND VIOLATION WITHIN A CALENDAR YEAR, AND A FINE NOT TO EXCEED FIVE HUNDRED DOLLARS FOR EACH ADDITIONAL VIOLATION WITHIN A CALENDAR YEAR. EACH DAY OF A CONTINUING VIOLATION SHALL BE DEEMED A SEPARATE VIOLATION.

SECTION 8. In Colorado Revised Statutes, add 25-14-208.5 as follows:

25-14-208.5. Signage violations - limitation on fines. (1) FOR A VIOLATION OF SECTION 25-14-204 (2), THE PENALTY SHALL BE AS
FOLLOWS:

(a) A WRITTEN WARNING FOR A FIRST VIOLATION COMMITTED WITHIN A TWENTY-FOUR-MONTH PERIOD; AND

(b) FINES AS SPECIFIED IN SECTION 25-14-208 (3) FOR A SECOND OR SUBSEQUENT VIOLATION WITHIN A TWENTY-FOUR-MONTH PERIOD.

(2) NOTWITHSTANDING SUBSECTION (1) OF THIS SECTION, NO FINE FOR A VIOLATION OF SECTION 25-14-204 (2) SHALL BE IMPOSED UPON A PERSON THAT CAN ESTABLISH AS AN AFFIRMATIVE DEFENSE THAT, PRIOR TO THE DATE OF THE VIOLATION, IT:

(a) HAD ADOPTED AND ENFORCED A WRITTEN POLICY AGAINST ALLOWING PERSONS UNDER EIGHTEEN YEARS OF AGE TO ENTER THE PREMISES;

(b) HAD INFORMED ITS EMPLOYEES OF THE APPLICABLE LAWS REGARDING THE PROHIBITION OF PERSONS UNDER EIGHTEEN YEARS OF AGE TO ENTER OR REMAIN IN AREAS WHERE SMOKING IS PERMITTED;

(c) REQUIRED EMPLOYEES TO VERIFY THE AGE OF PERSONS ON THE PREMISES BY WAY OF PHOTOGRAPHIC IDENTIFICATION; AND

(d) HAD ESTABLISHED AND IMPOSED DISCIPLINARY SANCTIONS FOR NONCOMPLIANCE.

(3) THE AFFIRMATIVE DEFENSE ESTABLISHED IN SUBSECTION (2) OF THIS SECTION MAY BE USED ONLY TWICE AT EACH LOCATION WITHIN ANY TWENTY-FOUR-MONTH PERIOD.".

Renumber succeeding sections accordingly.

Page 8, strike line 5 and substitute:

"SECTION 10. Effective date. (1) Except as provided in subsection (2) of this section, this act takes effect July 1, 2019.

(2) Section 25-14-204 (2) and (3), as amended and enacted, respectively, in section 3 of this act, take effect October 1, 2019.".