

CHAPTER 60

CRIMINAL LAW AND PROCEDURE

HOUSE BILL 11-1016

BY REPRESENTATIVE(S) Summers, Court, Fields, Kerr J., Labuda, Massey, Schafer S., Solano, Todd, Joshi;
also SENATOR(S) Boyd, Aguilar, Foster, Guzman, Heath, Hodge, Hudak, Jahn, King S., Newell, Nicholson, Schwartz, Steadman.

AN ACT**CONCERNING PROHIBITIONS AGAINST FURNISHING TOBACCO PRODUCTS TO MINORS.**

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

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

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

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

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

(b) NOTWITHSTANDING ANY PROVISION OF PARAGRAPH (a) OF THIS SUBSECTION (5) TO THE CONTRARY, "tobacco product" does not mean any product that the food and drug administration of the United States department of health and human services has approved as a tobacco use cessation product.

SECTION 2. 24-35-502 (6), Colorado Revised Statutes, is amended to read:

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

(6) "~~Tobacco products~~ PRODUCT" has the same meaning as provided in ~~section~~

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

~~39-28.5-101(5)~~ SECTION 18-13-121, C.R.S.

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 Repeal. 24-35-508, Colorado Revised Statutes, is repealed as follows:

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 ~~This part 5 is repealed, effective July 1, 2011.~~

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

25-14-103.5. Prohibition against the use of tobacco products on school property - legislative declaration - education program - special account.

(1) The general assembly finds that many of the schools in this state permit the use of tobacco PRODUCTS in and around school property. The general assembly further finds that secondhand smoke generated by such activity and the negative example set and frequently imitated by our school children are detrimental to the health and well-being of such children as well as to school teachers, staff, and visitors. Accordingly, the general assembly finds and declares that it is appropriate to create a safe and healthy school environment by prohibiting the use of tobacco products on all school property.

SECTION 5. 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: March 25, 2011