

HB1033_L.002

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Health & Insurance.

HB19-1033 be amended as follows:

1 Amend printed bill, page 3, after line 11 insert:

2 "SECTION 3. In Colorado Revised Statutes, **add** article 30 to
3 title 29 as follows:

4 **ARTICLE 30**

5 **Regulation of Cigarettes, Tobacco Products, and**
6 **Nicotine Products**

7 **29-30-101. Regulation of cigarettes, tobacco products, and**
8 **nicotine products.** THE CITY COUNCIL OF A STATUTORY OR HOME RULE
9 CITY OR THE TOWN COUNCIL OF A STATUTORY TOWN MAY ADOPT AN
10 ORDINANCE TO REGULATE THE POSSESSION OR PURCHASING OF
11 CIGARETTES, TOBACCO PRODUCTS, OR NICOTINE PRODUCTS, AS DEFINED
12 IN SECTION 18-13-121 (5), BY A MINOR OR TO REGULATE THE SALE OF
13 CIGARETTES, TOBACCO PRODUCTS, OR NICOTINE PRODUCTS TO MINORS."

14 Renumber succeeding sections accordingly.

15 Page 5, line 1, strike "CITY, TOWN," and substitute "STATUTORY OR HOME
16 RULE MUNICIPALITY,".

17 Page 7, after line 25 insert:

18 "(4) (a) EACH MUNICIPALITY IN THE STATE IS AUTHORIZED TO
19 LEVY, COLLECT, ENFORCE, AND ADMINISTER A MUNICIPAL SPECIAL SALES
20 TAX UPON ALL SALES OF CIGARETTES, TOBACCO PRODUCTS, OR NICOTINE
21 PRODUCTS.

22 (b) A SPECIAL SALES TAX SHALL NOT BE LEVIED PURSUANT TO
23 SUBSECTION (4)(a) OF THIS SECTION UNTIL THE PROPOSAL HAS BEEN
24 REFERRED TO AND APPROVED BY THE ELIGIBLE ELECTORS OF THE
25 MUNICIPALITY IN ACCORDANCE WITH ARTICLE 10 OF TITLE 31. ANY
26 PROPOSAL FOR THE LEVY OF A SPECIAL SALES TAX IN ACCORDANCE WITH
27 SUBSECTION (4)(a) OF THIS SECTION MUST BE SUBMITTED TO THE ELIGIBLE
28 ELECTORS OF THE MUNICIPALITY ON THE DATE OF THE STATE GENERAL
29 ELECTION, ON THE FIRST TUESDAY IN NOVEMBER OF AN ODD-NUMBERED
30 YEAR, OR ON THE DATE OF A MUNICIPAL BIENNIAL ELECTION. ANY
31 ELECTION ON THE PROPOSAL MUST BE CONDUCTED BY THE CLERK OF THE
32 MUNICIPALITY IN ACCORDANCE WITH THE "COLORADO MUNICIPAL
33 ELECTION CODE OF 1965", ARTICLE 10 OF TITLE 31.

34 (5) IF A COUNTY OR MUNICIPALITY OBTAINED APPROVAL FROM THE
35 ELIGIBLE ELECTORS OF THE COUNTY OR MUNICIPALITY PRIOR TO THE
36 EFFECTIVE DATE OF THIS SUBSECTION (5), TO LEVY, COLLECT, ENFORCE,

1 AND ADMINISTER A SPECIAL SALES TAX ON THE SALE OF CIGARETTES,
2 TOBACCO PRODUCTS, OR NICOTINE PRODUCTS, THE SPECIAL SALES TAX IS
3 VALID AND THE COUNTY OR MUNICIPALITY IS AUTHORIZED TO CONTINUE
4 TO LEVY, COLLECT, ENFORCE, AND ADMINISTER THE SPECIAL SALES TAX;
5 EXCEPT THAT, IN THE CASE OF A COUNTY, THE COUNTY IS AUTHORIZED TO
6 CONTINUE TO LEVY, COLLECT, ENFORCE, AND ADMINISTER THE SPECIAL
7 SALES TAX SO LONG AS THE COUNTY COMPLIES WITH SUBSECTION (2) OF
8 THIS SECTION. IF A COUNTY LEVIES, COLLECTS, ENFORCES, AND
9 ADMINISTERS A SPECIAL SALES TAX IN A MUNICIPALITY THAT HAS
10 ALREADY OBTAINED VOTER APPROVAL TO LEVY A MUNICIPAL SPECIAL
11 SALES TAX ON THE SALE OF CIGARETTES, TOBACCO PRODUCTS, OR
12 NICOTINE PRODUCTS, THE COUNTY SPECIAL SALES TAX IS INVALID WITHIN
13 THE CORPORATE LIMITS OF THE MUNICIPALITY UNLESS THE COUNTY
14 ENTERS INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE
15 MUNICIPALITY PURSUANT TO SUBSECTION (3) OF THIS SECTION THAT
16 AUTHORIZES THE COUNTY TO CONTINUE TO LEVY, COLLECT, ENFORCE, AND
17 ADMINISTER THE SPECIAL SALES TAX ON CIGARETTES, TOBACCO
18 PRODUCTS, OR NICOTINE PRODUCTS WITHIN THE CORPORATE LIMITS OF THE
19 MUNICIPALITY."

20 Renumber succeeding subsections accordingly.

21 Page 8, line 12, strike "(4)(b)." and substitute "(6)(b)."

22 Page 9, after line 2 insert:

23 "SECTION 7. In Colorado Revised Statutes, amend 39-28.5-109
24 as follows:

25 **39-28.5-109. Taxation by cities and towns.** ~~No provision of This~~
26 ~~article shall be construed to~~ ARTICLE 28.5 DOES NOT prevent the A
27 STATUTORY OR HOME RULE MUNICIPALITY, COUNTY, OR CITY AND COUNTY
28 FROM imposing, levying, and collecting of any SPECIAL SALES tax upon
29 sales of CIGARETTES, tobacco products, OR NICOTINE PRODUCTS, AS THAT
30 TERM IS DEFINED IN SECTION 18-13-121 (5), or upon the occupation or
31 privilege of selling ~~such~~ CIGARETTES, TOBACCO PRODUCTS, OR NICOTINE
32 products. ~~by any city or town in this state, nor shall the provisions of This~~
33 ~~article be interpreted to~~ ARTICLE 28.5 DOES NOT affect any existing
34 authority of local ~~municipalities~~ GOVERNMENTS to impose a SPECIAL
35 SALES tax on CIGARETTES, tobacco products, OR NICOTINE PRODUCTS, IN
36 ACCORDANCE WITH SECTION 39-28-112, to be used for local and
37 ~~municipal~~ GOVERNMENTAL purposes."

38 Renumber succeeding section accordingly.

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