



This document provides guidance for communities looking for effective policies to address tobacco use particularly among youth. Local health policies are an important and critical part of a comprehensive approach to help reduce the burden of tobacco on families, employers, schools, healthcare systems, and taxpayers.

Rationale:

Sixty percent of Colorado high schoolers who bought cigarettes in the past 30 days reported they obtained them from a store or over the internet. Forty-four percent of youth who vape report having purchased vape products themselves, either in a brick-and-mortar location, or online.¹

The Centers for Disease Control and Prevention (CDC) states, “stronger local laws directed at retailers, active enforcement of retailer sales laws, and retailer education with reinforcement are effective in reducing youth access and use of tobacco products.”²

Experience in Colorado communities demonstrates that comprehensive tobacco retailer licensing at the local level is an effective regulatory approach to prevent illegal sales and youth access to tobacco products in the retail environment. A 2019 analysis of Retailer Violation Rate (RRV) showed a decline after ordinances were passed in nine of eleven Colorado communities where data were available.³

Tobacco retail licensing provides a structure for identifying retail businesses that are selling tobacco, educating retailers about tobacco laws, and enforcement of tobacco laws with meaningful penalties including suspension and revocation of the license for repeat violations.

Key ingredients for an effective licensing system



REQUIRE AN ANNUAL NON-TRANSFERABLE LICENSE

This ensures the list of retailers is always accurate and current.



STRONG PENALTIES

The penalty structure should provide an incentive for business owners to comply with the law. Penalties must occur immediately and include revocation of the license for repeat violations.



COMPLIANCE CHECK INSPECTION

Consistent monitoring of the retail environment discourages illegal sales.



ADEQUATELY FUND MONITORING, EDUCATION AND ENFORCEMENT

An annual fee that covers the costs of administration, education, compliance and enforcement makes those who will benefit from the sale of tobacco products are the ones who pay for oversight of that privilege.

Please note: Local municipal codes and organizational policies are unique and therefore require customization to incorporate the model language into existing municipal codes or organizational policy structures.

For more information and free assistance, contact the Tobacco Control Training and Technical Assistance Team at 303-724-9285.

Licensing requirements and restrictions

- All retailers who sell tobacco or nicotine products must obtain an annual, non-transferable license to sell tobacco and nicotine products.
- License fee covers the cost of program administration, education, compliance, and enforcement.
- License must be displayed at all times in a prominent place in retail location.
- No tobacco and nicotine product retail license shall be issued within 1000 feet of a school or a youth centered facility.
- No self-service display of tobacco or nicotine products except in adult-only facilities. An adult-only facility shall be required to demonstrate sufficient procedures in place to ensure that persons under the minimum legal sales age for tobacco products are not permitted access into the establishment at any time.
- Minimum legal sales age for tobacco or nicotine products shall be designated in the license.
- Illegal sale of tobacco and nicotine products by employees, agents or officers of the licensee is a violation of the license.

License enforcement, compliance & consequences guidelines:

- Graduated penalty structure for violations that include suspension and revocation of the license.
- Conduct a minimum of (2) compliance checks of all tobacco and nicotine product retailers. Checks shall be conducted with persons under the minimum legal sales age to enter licensed premises to attempt to purchase tobacco and products.
- All tobacco and nicotine product retail locations with compliance or inspection violations shall be re-checked for compliance within 45 days of a violation.
- A database of compliance check results and hearing outcomes shall be maintained by licensing authority, public health department, or other as designated.
- A violation of any local, state and/or federal tobacco law is a violation of the license and may result in suspension or revocation of the license.

These provisions run counter to an effective and comprehensive regulatory approach and should not be included in any policy.

- Retailer registry⁵
- "Minor in Possession" (MIP) or "Possession, Use and Purchase (PUP) laws."⁶

1. Healthy Kids Colorado Survey, (2017).
2. Centers for Disease Control and Prevention. Reducing Tobacco Use: The Community Guide. <https://www.thecommunityguide.org>.
3. A Levinson. Community Epidemiology & Program Evaluation Group (CEPEG), University of Colorado Cancer Center, 2019.
4. "Electronic Smoking Device" means an electronic device that can be used to deliver an inhaled dose of nicotine, or other substances, including any component, part, or accessory of such a device, whether or not sold separately. "Electronic Smoking Device" includes any such device, whether manufactured, distributed, marketed, or sold as an electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, an electronic hookah, or any other name or descriptor.
5. Tobacco Control Legal Consortium. (2010). License to Kill?: Tobacco Retailer Licensing as an Effective Enforcement Tool. <https://www.publichealthlawcenter.org/sites/default/files/resources/tclc-syn-retailer-2010.pdf>
6. Wakefield, M., Giovino, G. (2003). Teen penalties for tobacco possession, use, and purchase: evidence and issues. Tobacco Control 12, i6-i13.

