

COLORADO COMMUNITIES STILL NEED LOCAL TOBACCO RETAIL LICENSING

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Colorado now has a state **tobacco retail licensing (TRL)** program that requires all tobacco retailers to obtain a license to sell cigarettes, tobacco products and nicotine products by July 1, 2021. State and local licenses accomplish different goals. A state license authorizes and supports local licensing efforts, so communities should still consider local tobacco retail licensing laws that build on the strengths and fill in the gaps of the state law, and further protect public health, safety and welfare.

Local **tobacco retail licensing** can:

1 BUILD ON STRENGTHS IN STATE AND FEDERAL LAW

The state and federal legal sales age for tobacco products is 21. Key components of Colorado State HB20-1001 include: 1) the removal of possession language applicable to most jurisdictions that punish youth; 2) a prohibition against the sale of tobacco products in most vending machines, and 3) a requirement that electronic smoking devices (ESD) not be advertised in a manner that is visible from outside of a retail location. Local communities can and should build upon the strengths provided by federal and state law by enacting strong local tobacco control laws.

2 FILL GAPS IN STATE AND FEDERAL LAW

A state-wide one-size fits all approach to tobacco control doesn't work in Colorado. Colorado's communities are unique and the best way to approach local issues is within the community. A local TRL can fill gaps not comprehensively addressed in HB20-1001, including: compliance and penalty structures, flavor restrictions, and density or zoning opportunities. Colorado communities can also act quickly to ensure that the health of those under 21 years is protected through the implementation of a local TRL.

3 RESPOND TO EMERGING TRENDS

Youth are under constant attack from the predatory marketing practices of the tobacco and vape industry. Witness the dramatic rise in vape use among young people due to JUUL's targeting of school age children through fun flavors and images. Local policy can be used to respond to negative trends and prevent their impact on the youth in their community.

4 ADDRESS EQUITY IN TOBACCO POLICY

Inequities often arise when policies single out victims of industry targeting instead of the industries themselves. Evidence based local tobacco retail licensing policies can help counter the tobacco industry's predatory practices that disproportionately affect youth of color (e.g. not including or removing policy language that penalizes minors for possession, use, and purchase of tobacco products – also known as PUP laws).

5 REGULATE FLAVORS THAT ATTRACT KIDS

It is well established that young people like and use flavored tobacco and vape products. In the absence of federal and state policy that fully protect youth from getting hooked through flavors, local policy can restrict or ban the sale of these products in a community.

6 LIMIT WHERE AND HOW TOBACCO IS SOLD

By limiting the number of local licenses that are issued, local governments can cap the number of tobacco outlets while continuing to support economic development and healthy (tobacco-free) businesses in their communities. To address where tobacco product sales occur, communities may create a buffer around sensitive areas such as youth-serving organizations (schools, rec centers, day cares, etc.) by restricting where tobacco licenses are issued. This can prevent tobacco retailers from clustering by requiring a minimum distance between licensed stores.

7 ENSURE EQUITABLE COMPLIANCE & ENFORCEMENT

Equitable enforcement is a process of ensuring compliance with laws and policies that consider and minimize harms to under-resourced communities. Local tobacco retail licensing can ensure that enforcement leads to equitable outcomes rather than exacerbating inequities. Compliance models other than police enforcement (e.g. code enforcement, health department, or outside NGO or contractor enforcement) can be explored at the local level.

8 COMMUNICATE IMPORTANCE

Passing a tobacco retail licensing policy and committing to regular and equitable enforcement sends a message to all local tobacco retailers that the community is serious about protecting youth from addictive tobacco products.

For more information about state and local tobacco laws and how to strengthen tobacco protections in your community, contact the Colorado School of Public Health's Training and Technical Assistance Team.

