

# Colorado Model Policy Standards: Tobacco Retail Licensing

**This document provides best practice guidance for local communities interested in reducing and eliminating tobacco use. Local health policies are a critical component of a comprehensive approach to reducing the burden of tobacco at all levels of society.**

## Rationale:

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.” (Centers for Disease Control and Prevention. Reducing Tobacco Use: The Community Guide. [thecommunityguide.org](https://www.thecommunityguide.org)) The health benefits of these policies extend into adulthood. (Pediatrics, 2019)

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 Colorado Retailer Violation Rate (RVR) showed a decline after ordinances were passed in nine of eleven Colorado communities where data were available. (Levinson, Community Epidemiology & Program Evaluation Group (CEPEG), University of Colorado Cancer Center, 2019)



## THE HEALTHY KIDS COLORADO SURVEY (2023) REVEALED THAT:

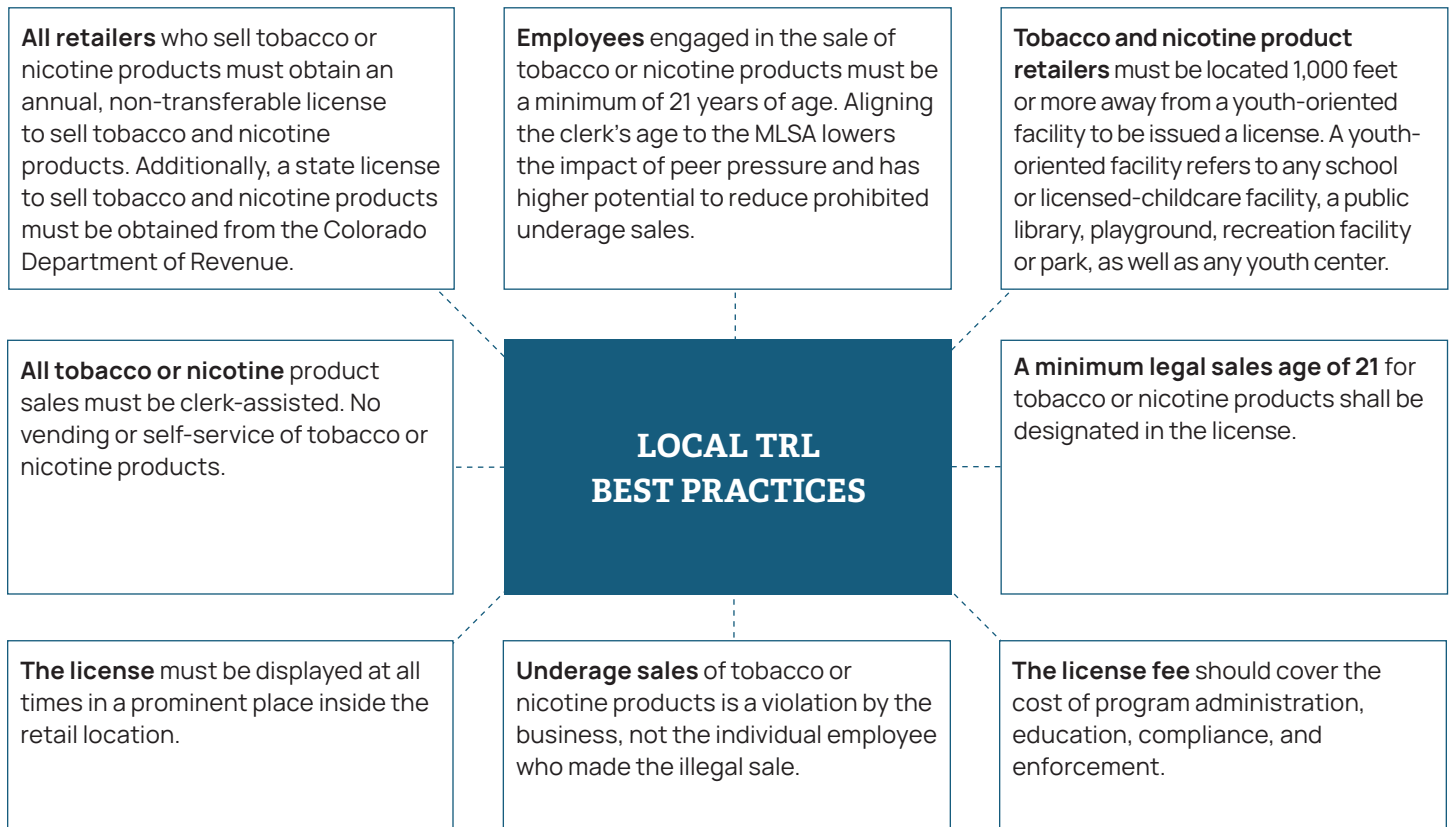
**85%** of underage students who tried to buy tobacco or vaping products in a store were not refused because of age.

**19%** of underage students who used tobacco products in the last 30 days got them from a convenience store, gas station, or drug store. Only 7.7% of underage students who used tobacco products in the last 30 days bought them over the internet. Research shows, regulations on the retail environment can interrupt the availability of tobacco products from social sources. (Report of the Surgeon General, 2012)

**49%** of Colorado high schoolers think it would be easy or very easy to get a vape if they wanted one.

**Local, community-level tobacco retail licensing (TRL) is a necessary policy** for identifying and tracking retail businesses that are selling tobacco, educating retailers about tobacco laws, and ensuring compliance with tobacco laws. TRL policy is also an important foundation for a community wanting to expand and strengthen their existing tobacco policies.

## BEST PRACTICE LICENSING REQUIREMENTS AND RESTRICTIONS:



## LICENSE ADMINISTRATION, COMPLIANCE, ENFORCEMENT & CONSEQUENCES GUIDELINES:

- Require an annual audit of the TRL program by the local governmental authority to ensure communication, enforcement, licensing fees, and penalties for violation are effective.
- Include a graduated penalty structure that requires increasing license suspension time for every violation, eventually resulting in revocation.
- Conduct a minimum of two (2) inspections and compliance checks of all tobacco and nicotine product retailers annually.
- Inspections and compliance checks may be conducted by the health department.
  - Inspections, or underage buys, involve a person under the minimum legal sales age attempting to purchase tobacco products without the retailer's knowledge.
  - Compliance Checks, or license checks, involve an inspector investigating for violations, such as selling unauthorized products.
- Inspections shall be conducted with persons under the minimum legal sales age who enter the store and attempt to purchase tobacco 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 the licensing authority, public health department, or other agency as designated.
- A violation of any local, state and/or federal tobacco law is a violation of the license and shall result in suspension or revocation of the license.



## POLICIES TO STRENGTHEN TRL PROGRAMS AND MAXIMIZE PUBLIC HEALTH BENEFITS

- Prohibit the sale of all flavored tobacco and nicotine products.
- Prohibit price discounts on tobacco and nicotine products.
- Include capping, density, and proximity requirements.
- Prohibit the exterior display of tobacco and nicotine products.
- Prohibit the shipment and delivery of tobacco and nicotine products to private residences.
- Prohibit pharmacies from selling tobacco or nicotine products.



## EQUITABLE PRACTICES FOR TOBACCO RETAIL LICENSING



### POLICY LANGUAGE

Define tobacco and nicotine products as commercial tobacco and not for ceremonial use.

Create community-level policy that holds businesses responsible instead of penalizing individual behaviors.



### ENGAGE COMMUNITY

Seek to create an inclusive and accessible process that offers opportunities for communities to exercise power in decision-making. Outreach to community members should validate their experiences and knowledge.



### RETAILER EDUCATION

Visit retail locations in-person to provide education on TRL programs, including materials in preferred languages explaining key provisions of the license and information about under-age compliance inspections.



### ENFORCEMENT ROLES

Ensure equal application of the law by developing standard operating procedures for compliance checks and inspections of licensed tobacco retailers.



### POLICY EVALUATION

Determine that all aspects of the licensing program are administered in an equitable manner including enforcement. Identify loopholes in policy and/or implementation that are or may increase disparities.

\*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 your Policy + System Change Network technical assistance provider.

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