

25-14-301. Possession of cigarettes or tobacco products by a minor prohibited – definitions

(1) This section shall be known and may be cited as the "Teen Tobacco Use Prevention Act".

(2)(a) Possession of a cigarette or tobacco product by a person who is under eighteen years of age is prohibited.

(b) It shall not be an offense under paragraph (a) of this subsection (2) if the person under eighteen years of age was acting at the direction of an employee of a governmental agency authorized to enforce or ensure compliance with laws relating to the prohibition of the sale of cigarettes and tobacco products to minors.

(3) As used in this section, unless the context otherwise requires:

(a) "Cigarette" shall have the same meaning as set forth in section 39-28-202 (4), C.R.S.

(b) "Possession" means that a person:

(I) Has or holds any amount of cigarettes or tobacco products anywhere on his or her person;

(II) Owns or has custody of cigarettes or tobacco products; or

(III) Has cigarettes or tobacco products within his or her immediate presence and control.

(c) "Tobacco product" shall have the same meaning as set forth in section 18-13-121 (5), C.R.S.

(4) Nothing in this section shall be construed to prohibit any statutory or home rule municipality from enacting an ordinance that prohibits the possession of cigarettes or tobacco products by a person who is under eighteen years of age or imposes requirements more stringent than provided in this section.

(5) A violation of paragraph (a) of subsection (2) of this section is a noncriminal offense.