

# **LIQUOR & TOBACCO ENFORCEMENT DIVISION**

## **Tobacco Retailers Information Pamphlet**

Colorado Law Under Colorado law, an individual who furnishes tobacco products to a person under 18 years of age commits a class two petty offense and is subject to a two hundred dollar fine. Tobacco product retailers whose employees or vending machines furnish tobacco products to persons under 18 years of age are now subject to the imposition of administrative penalties. These administrative penalties range from a written warning for a first offense, up to a fine of \$15,000 for a fifth offense committed within two year period of time. Colorado law also requires tobacco retailers to post a minor warning sign. Additionally, tobacco vending machines that are accessible to minors are required to have devices attached to the machines that allow an adult employee to prevent the dispensing of tobacco products to minors. Retailers who violate either of these two provisions are also subject to the imposition of administrative penalties. Penalties for a violation of these provisions range from a written warning for a first offense, up to a \$1000.00 fine for a fifth offense committed within a one years' period of time.

Enforcement of Colorado Law Local law enforcement agencies and the Colorado Liquor Enforcement Division are empowered to investigate Colorado tobacco law violations. These agencies may employ the use of underage operatives to conduct a compliance check of a retailer to determine if the retailer will sell or furnish tobacco products to minors. These compliance checks can occur at any time and retailers, to help avoid selling to minors, should establish policies, procedures and training for their employees to prevent making unlawful sales to minors. Retailers who can establish that they have provided employee training and have policies and procedures in place to prohibit tobacco sales to minors are rewarded with the ability to claim an affirmative defense from state administrative penalties for up to two underage sales violations. Even though an affirmative defense may help a retailer avoid paying an administrative fine, retailers are still cautioned that they will continue to be rechecked to insure compliance.

Violations by Minors Colorado law also makes it a criminal violation for a minor to purchase or attempt to purchase tobacco products. Minors who violate either of these provisions commit a class two petty offense and are subject to a one hundred dollar fine. If your store is constantly being subjected to attempted tobacco purchases by minors, please contact the Liquor Enforcement Division's Tobacco Enforcement Unit at 303-205-2300. The Division, upon request, will provide investigators who will spend time in your store to detect underage purchase attempts. Minors found attempting to purchase will be issued a criminal citation.

What's at Stake? Aside from the fact that furnishing tobacco products to minors is against the law, the federal government has mandated that all states have a tobacco enforcement program in place. States that do not have a tobacco enforcement program in place and/or who fail to establish a minimum 80% compliance rate by tobacco retailers can lose federal matching grant funds for alcohol and drug abuse treatment programs. To Colorado, this loss would amount to approximately 8 million dollars annually.

The Colorado Perspective Colorado law, under HB 98-1387, was drafted with the assumption that the majority of tobacco retailers would, or already do, comply with tobacco sale to minor restrictions. Our current law does not require retailer licensing or similar provisions to control tobacco sales that have been enacted by other states.

How to Get Help or Information about Colorado Tobacco Laws:

Colorado Liquor & Tobacco Enforcement  
1881 Pierce Street, Suite 108A  
Lakewood, CO 80214-1495  
Phone 303-205-2300  
FAX: 303-205-2341  
E-mail: Anita.Synko@state.co.us

**- WARNING -**  
**IT ILLEGAL FOR ANY PERSON UNDER EIGHTEEN YEARS**  
**OF AGE TO PURCHASE OR ATTEMPT TO PURCHASE**  
**CIGARETTES OR TOBACCO PRODUCTS &, UPON**  
**CONVICTION, A \$100.00 FINE MAY BE IMPOSED.**