

Tobacco 21 and Licensure FAQ

What are the changes to Chapter 24 of the Denver Revised Municipal Code?

- ✓ The minimum age of sale for tobacco products has increased from 18 to 21
- ✓ The sale of tobacco products from vending machines or any coin-operated machine is prohibited
- ✓ All retailers must obtain a Retail Tobacco Store License from the Department of Excise and Licenses to sell tobacco products in the City and County of Denver.

When do these changes go into effect?

- ✓ Effective October 1, 2019 it is illegal to sell tobacco products to anyone under the age of 21
- ✓ To be exempt from proximity restrictions related to the Retail Tobacco Store License, all retailers must apply by July 1, 2020. The proximity restrictions include 1,000 feet of any school, city-owned recreation center or city-owned outdoor pool
- ✓ All retailers must be licensed by January 1, 2021

What tobacco products are included under Tobacco 21?

- (1) Any product containing tobacco or nicotine or that is made or derived from tobacco that may be used to introduce tobacco or nicotine into the human body, including but not limited to, cigarettes, cigars, pipe tobacco, hookah tobacco, snuff, chewing tobacco, dipping tobacco, dissolvable tobacco products, and nicotine-enhanced products;
- (2) Any electronic device that may be used to deliver nicotine to the person inhaling from the device, including any solution, compound, or other substance containing nicotine to be used with the device; and
- (3) Any other preparation of tobacco and any product or formulation of matter containing nicotine that may be used to introduce nicotine into the human body.

If my store sells tobacco products, what do I need to do to be in compliance?

Starting on October 1, 2019 all tobacco retailers within the City will need to:

- (1) Ensure that all employees are educated on the City's Tobacco 21 policy.
- (2) Verify that customers who ask for cigarettes, other tobacco products or electronic cigarettes are at least 21 years old. If a customer looks to be under 30 years old, retailers must ask for proof of age. Any of these documents constitute proof of age:
 - a. A valid photo driver's license or non-driver ID card issued by a state or other U.S. government agency
 - b. A valid passport
 - c. A photo ID issued by the armed forces of the United States
 - d. **Please Note:** ID cards issued by employers, schools, or colleges are NOT acceptable forms of ID

Starting in January of 2020, applications will be made available for Retail Tobacco Store Licenses. All retailers must have obtained a license by January 1, 2021.

How will I know when to apply for a Retail Tobacco Store License?

In January, 2020 Retail Tobacco Store Licenses will be available online through the Department of Excise and License website: bit.ly/RetailTobaccoStoreLicense. The Department of Public Health & Environment and the Department of Excise and Licenses will provide information to assist applicants with this process. **Please Note:** Businesses selling tobacco products should begin the process to obtain a Zoning Use Permit as soon as possible. The process can take more than 90 days. Please check the Department of Excise and Licenses website for updates on how to start that process.

How can I keep up to date on requirements for the Retail Tobacco Store License?

Subscribe to our bulletin at bit.ly/RetailTobaccoStoreLicenseBulletin. Your e-mail address will not be shared with any third parties.

Are employees under 21 permitted to sell tobacco products?

Yes, the City ordinance does not address an age restriction for employees who may sell tobacco products.

May my store remove the Colorado Tobacco Law sign?

No. The state’s signs must still be displayed. Colorado law still applies – “No sale to minors under 18 years of age.”

Please Note: Please use the materials enclosed to ensure the public is aware of the new law under City ordinance.

What are the fines for selling or distributing tobacco products to someone who is under 21?

Please see fine schedule below.

	1 st Level Fine	2 nd Level Fine	3 rd Level Fine	4 th Level Fine
*Fines for Selling Tobacco to someone under 21	\$250	\$500	\$750	\$999
*Maximum Amount per Inspection	\$250	\$500	\$750	\$999
**Suspension of Right to Sell Tobacco Products	DPHE may issue a warning that future violation in a year may result in suspension	DPHE may suspend right to sell for up to 30 days	DPHE may suspend right to sell for up to 60 days	DPHE may suspend right to sell for up to 1 year

*Issued for violations that occur within a 24-month period

**Issued for violations that occur within a 12-month period

Will there be a fine for someone under 21 who purchases, uses or is found in possession of tobacco products?

No. There will be no fines issued for possession of tobacco products.

Where can I receive more information?

Please visit the Department of Public Health & Environment website, bit.ly/Tobacco21Denver, for more information or contact our Tobacco Program Supervisor.

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