Ballot Issue Notice

Notice of Election

General Election

Tuesday, November 4, 2025

Denver Election Division

200 W 14th Ave, Ste 100

Denver, CO 80204

Hon. Paul D. López Clerk and Recorder, City and County of Denver Voter information: DenverVotes.org/VoterInfo Voter registration & updates: GoVoteColorado.gov

A Letter from the Clerk

Denver Voter,

This fall, Denver voters have an opportunity to vote on eight measures that were referred to the ballot by Denver City Council or initiated by the people via a petition process.

By State Statute, county clerks are required to produce and mail a Ballot Issue Notice for all local measures and initiatives that have tax implications under the Taxpayer Bill of Rights (TABOR), mirroring the Blue Book the State produces for statewide ballot measures. (Active registered voters will receive this via mail and it is also available at DenverVotes.org.) The Denver Revised Municipal Code requires our office to also produce this Ballot Information Booklet for all local measures and initiatives that do not have tax implications and are therefore not included in the Ballot Issue Notice.

For this 2025 Coordinated Election, there are three local ballot issues that do not have tax implications. This booklet contains information about each measure or initiative, including the ballot title, full text, fiscal analysis, and public comments for and against the measure.

The comments for and against the ballot items in this booklet come from a public input process that also includes input from the Denver City Council, and the Department of Finance. . Before the election, our office is legally required to allow anyone to submit a comment in favor of or against any measure that will appear on the ballot. This booklet includes all comments received by the submission deadline. **We do not verify or edit the information or claims made in the comments**, except to the extent that comments are summarized to meet the 500-word limit set by law. Denver voters using this booklet are advised to consult other trusted sources to further supplement and/or verify the information submitted in the public comments.

Thank you for participating in the democratic process and voting in this important election. For more information about the election and answers to frequently asked questions, visit DenverVotes.org.

In solidarity,
Paul D. López
Clerk and Recorder

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VOTER CHECKLIST

- Visit GoVoteColorado.gov to register to vote or check your registration. You can also fill out the form on page 17 of this booklet and return it to the Denver Elections Division, 200 W. 14th Ave., Denver, CO 80204.
- Ballots will be mailed Oct. 10. Fill it out and be sure to sign the back of the envelope.
- Take your completed ballot in the signed envelope to any 24-hour drop box or Voter Service & Polling Center (VSPC), or put it in the mail with one "forever" stamp. A complete list of drop box and VSPC locations can be found on page 21 of this booklet. You can also visit DenverVotes.org and click on "Voter Services" or scan the QR code below for a list.
- Sign up to track your ballot at BallotTrax.com.
- If you'd like to vote in person, you can do so at any VSPC beginning Oct. 20. A full list of VSPC locations can be found at DenverVotes.org.
- If you need a new ballot, or yours did not arrive, call 311 or 720-913-VOTE (8683) to request a new one.
- Ballots must be received by **7 p.m. Tuesday, November 4.**

A 'yes/for' vote on any ballot measure is a vote in favor of changing current law or existing circumstances and a 'no/against' vote on any ballot measure is a vote against changing current law or existing circumstances.

Referred Question 2F

Shall the Charter of the City and County of Denver be amended to change the name of the Department of Excise and Licenses to the Department of Licensing and Consumer Protection, change the title of the Director of Excise and Licenses to the Manager of Licensing and Consumer Protection, add the Manager of Licensing and Consumer Protection to the Mayor's cabinet, and update outdated language regarding licensing powers and duties?

Fiscal Information on Referred Question 2F

The City and County of Denver estimates that there would be no fiscal impact to transition the name from Department of Excise and Licenses to Licensing and Consumer Protection.
Assumptions: The Department will transition all applicable marketing materials and branded supplies through the normal replacement cycle and will not require any additional budget.

Written Comments FOR Referred Question 2F

No comments for this measure were submitted.

Written Comments AGAINST Referred Question 2F

No comments for this measure were submitted.

Text of Measure

BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:

Section 1. There is hereby submitted to the properly qualified and registered electors of the City and County of Denver for their approval or rejection at a special municipal election to be conducted at the same time and in conjunction with the coordinated election to be held in the City and County of Denver on November 4, 2025, a proposed amendment to the Charter of the City and County of Denver, as follows:

Effective upon publication and filing with the Secretary of State in accordance with the Constitution and laws of the State of Colorado, the following sections of the Charter of the City and County of Denver are amended to read as follows:

§ 2.2.6 - Administrative appointments. (D) Notwithstanding any other provision of law to the contrary, the Mayor shall nominate in a reasonable and timely manner, and, by and with the consent of City Council, appoint the following officers:
(viii) The ~~Director of Excise and Licenses~~Manager of Licensing and Consumer Protection, as described in section 2.7.2 of this Charter;

§ 2.2.10 - Mayor's cabinet. (A) The Mayor and the cabinet, which shall consist of the Manager of the Department of Transportation and Infrastructure, the Manager of the Department of Finance, the Manager of the Department of Parks and Recreation, the Manager of the Department of Environmental Health, the Manager of the Department of Safety, the Manager of the Department of General Services, the Manager of the Department of Human Services, the Manager of the Department of Aviation, the Manager of the Department of Community Planning and Development, the Manager of the Department of Human Rights and Community Partnerships, the Manager of Licensing and Consumer Protection, and the City Attorney, shall formulate the general administrative policies of the City and County, and each Manager and Officer in its department, shall be responsible for and have full power to carry out such policies.

PART 7. - ~~EXCISE AND LICENSES~~LICENSING AND CONSUMER PROTECTION

§ 2.7.1 - ~~Department of Excise and Licenses~~Licensing and Consumer Protection created; powers and duties. There shall be and hereby is created a Department of ~~Excise and Licenses~~Licensing and Consumer Protection which shall have the duty ~~of~~ to protect the public interest through the administration of business and professional licenses. The Department shall ~~determining the qualifications of applicants for licenses, of~~ determine~~ing~~ whether such licenses should be issued, renewed, ~~or~~ suspended, or revoked, pursuant to law, ~~and of ordering such licenses revoked,~~ except for those licenses issued in connection with motor vehicles. ~~The Department shall provide as nearly as practicable for the consolidation of the clerical functions of receiving applications for licenses, and fees therefor, of the issuance of license certificates upon order of the department or agency charged with the substantive administration of such licensing functions.~~ No license or permit shall issue until the fee therefor has been paid to the Treasurer.

§ 2.7.2 - ~~Director of Excise and Licenses~~Manager of Licensing and Consumer Protection. The ~~Director of Excise and Licenses~~Manager of Licensing and Consumer Protection shall be in full charge and control of the Department, shall devote full time to the duties of the office, shall be nominated and, by and with the consent of City Council, appointed by the Mayor, and shall hold office at the pleasure of the Mayor.

§ 2.7.3 - Regulation of licenses and excises to be prescribed by ordinance. ~~What excise taxes shall be imposed, and the purposes thereof, and~~ Except as otherwise provided by the Charter, what license fees shall be exacted, ~~for regulatory or revenue purposes~~, ~~and~~ what ~~calling~~activity, business, or occupation shall be licensed, and the conditions upon which

licenses and permits shall be issued shall~~, except as otherwise provided by the Charter~~ be prescribed by general ordinance.

§ 2.7.4 - Licensing authority for alcohol beverages.
The Manager of Licensing and Consumer Protection is hereby designated as and shall perform the functions of the licensing authority u~~U~~nder ~~any designation by~~ state law~~s of any County officers to perform the functions of a licensing authority in any regulatory or licensing program~~ pertaining to malt, vinous, or spirituous liquors, or fermented malt beverages~~, the Director of Excise and Licenses shall perform the functions of such licensing authority~~; provided, however, that said ~~Director~~Manager is authorized to appoint one or more hearing officers~~, who shall be employees of the Department~~ to conduct ~~such~~ hearings as may be assigned, to consult with the ~~Director~~Manager with respect thereto, and to certify the record or a summary thereof as required by the ~~Director~~Manager along with his or her recommended findings, conclusions, and decision~~s~~. Any party to such hearing shall have an opportunity to file with the ~~Director~~Manager written objections to any such summary, and to the recommended findings, conclusions, and decisions of the hearing officer~~,~~ prior to the ~~Director's~~Manager's decision thereon.

§ 9.1.1 - Career Service personnel system. (E) The Career Service shall comprise all employees of the City and their positions except: (iii) ~~the Director of Excise and Licenses~~[Reserved];

§ 9.2.1 - Salaries and benefits of certain Charter officers set by ordinance. The annual salaries and benefits of the following officers of the City and County of Denver shall be set by ordinance as hereinafter provided: (B) Appointed Charter officers. Manager of the Department of Public Health and Environment; Manager of the Department of Transportation and Infrastructure; City Attorney; Manager of the Department of Safety; Manager of the Department of Finance; Manager of the Department of Parks and Recreation; Manager of the Department of General Services; Manager of the Department of Human Services; Manager of the Department of Aviation; Manager of the Department of Community Planning and Development; ~~Director of Excise and Licenses~~Manager of Licensing and Consumer Protection; Manager of Human Rights and Community Partnerships.

§ 9.10.2 - Definitions.

As used in this Section, the following terms shall, unless the context requires a different interpretation, have the following meanings: (G) "Executive employees" means bargaining-eligible employees of the Mayor, the Managers making up the Mayor's ~~C~~cabinet, ~~the Director of the Department of Excise and Licenses,~~ and all other bargaining-eligible employees employed in executive offices, agencies, and departments under control of the Mayor.

Referred Question 2G

Shall the Charter of the City and County of Denver be amended to change the method for electing the two at-large councilmembers by designating a Councilmember-at-large seat A and Councilmember-at-large seat B and requiring that a candidate for election to either seat be elected in the same manner as the Mayor, Auditor, and Clerk and Recorder?

Fiscal Information on Referred Question 2G

Currently there is a single at-large election, with the top two vote getters being elected. If the initiative passes, the at-large seats could be subject to a runoff election. A runoff election will incur administrative costs but can be accomplished within existing resources. It is possible that

the runoff election could more quickly deplete the Fair Elections Fund, a fund that provides matching dollars to eligible general and runoff election candidates on a first come first serve basis up to a capped amount. It is not possible to predict the number of candidates who will draw upon the fund in any given election year. Therefore, the measure is not anticipated to have a reportable fiscal impact.

Written Comments FOR Referred Question 2G

There are two main reasons Denver's At-Large City Council seats should be on separate ballots:

1. Citywide officials should be elected by a citywide majority. This amendment guarantees that result.
2. The current election method dissuades a great many voters from casting both of their votes. This amendment resolves that dilemma. In fact, the original intent when the At-Large seats were established was that they be elected by a majority of the vote like all other city officials. This amendment restores that intent. Right now, Denver elects its mayor, district council members, auditor, and clerk and recorder by majority vote. To win, a candidate must get more than 50%. But the two At-Large City Council Members are elected only by plurality due to our current system of "vote-for-two" on a single ballot. The top two vote-getters win even if they get only a small share of the vote. Some have won with as little as 17% of the vote. Over the last nine elections, the average winning
percentage is just 29%.

This amendment fixes that by putting each At-Large seat on their own ballot as Seat A and Seat B. That way, a candidate can be required to earn a majority of the vote, just like every other city official. If no candidate earns a majority, a runoff would be held for that seat.

This was the voters' intent when the At-Large seats were created for the 1971 elections. However, a last-minute court ruling that year changed the At-Large election process. We believe the voters, not judges, should determine how Denver elects its city officials.

This amendment solves another problem: Wasted votes. Under our current system, many voters choose only one At-Large candidate, a strategy called "single-shot voting." This happens when voters worry that using their second vote might hurt the chances of their preferred candidate. In fact, there have been At-Large campaigns that openly encouraged supporters to use only one of their two allowable votes. As a result, an average of 32% of voters in the last nine elections have left blank at least one of their two votes for At-Large. That's an enormous number that is significantly higher than any other race. It's triple the average under-voting in district council races and more than 12 times the average under-voting in the mayoral race. Denver should not keep an election system that entices voters not to cast all of their votes. That's bad for democracy.

Putting the seats on separate ballots makes single-shot voting impossible. Voters will be able to make clear choices for each position without undercutting their favorites. This will increase the total vote. It may also encourage more candidates to run for City Council. Separate ballots will ensure At-Large Council Members are supported by a majority of the voters.

Written Comments AGAINST Referred Question 2G

No comments for this measure were submitted.

Text of Measure

BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:

Section 1. There is hereby submitted to the properly qualified and registered electors of the City and County of Denver for their approval or rejection at a special municipal election to be conducted at the same time and in conjunction with the coordinated election to be held in the City and County of Denver on November 4, 2025, a proposed amendment to the Charter of the City and County of Denver, as follows:

Effective upon publication and filing with the Secretary of State in accordance with the Constitution and laws of the State of Colorado, the following sections of the Charter of the City and County of Denver are amended to read as follows:

§ 3.1.1 - Composition of City Council; terms. There shall be elected one Councilmember by the voters of each of the eleven Council Districts, and two to be elected at-large designated as Councilmember at-large Seat A and Councilmember at-large Seat B, by the qualified electors of the City and County of Denver, all for a term of four (4) years or until their successors are duly qualified as in the Charter provided.

§ 3.1.7 - Vacancies in the Office of District Councilmember and Councilmember-at-large.

When any ~~District~~ Councilmember is unable, by reason of resignation, unexcused absence as provided in Section 3.1.6 of this Charter, moving from the district in which the Councilmember resided when elected, or death, to perform the duties of office for the time remaining prior to expiration of his or her term of office, the Council shall declare by resolution that a vacancy exists. Such vacancy shall be filled by a special election, or special election within the Council District in the case of a district Councilmember, which shall be called by the Council to be held not less than seventy-five (75) days nor more than eighty-nine (89) days after the Council declares that such vacancy exists, unless another City-wide election has been scheduled to be held within ninety (90) days after such vacancy is declared; and the candidate receiving the greatest number of votes at said election shall qualify and take such office immediately, and shall hold such office for the unexpired portion of the term in which the vacancy occurs. The name of a candidate filling a vacancy for district Councilmember shall be placed upon the ballot in same manner as provided in section 8.2.7 of this Charter, except that a verified petition shall have been filed in the candidate's behalf not more than fifteen (15) days after such vacancy is declared.

§ 3.1.8 ~~Vacancies in the Office of Councilmember-at-large.~~ Reserved.

~~When any Councilmember-at-large is unable, by reason of resignation, death or unexcused absence as provided in Section 3.1.6 of this Charter, to perform the duties of the office for the time remaining prior to expiration of the term of office, the Council shall declare by resolution that a vacancy exists. Notwithstanding any provision of Section 8.2.3 of this Charter, such vacancy shall be filled by a special election, which shall be called by the Council to be held not less than 120 days nor more than 130 days after the Council declares that such vacancy exists unless another City-wide election has been scheduled to be held within 160 days after such vacancy is declared; and the candidate receiving the greatest number of votes at said election shall qualify and take such office immediately and shall hold such office for the unexpired portion of the term in which the vacancy occurs. If two (2) vacancies exist in the office of councilmember-at-large, then the two (2) candidates who have received the greatest number of votes cast for that office shall fill such vacancies as provided in this Section.~~

§ 8.2.6 - Limitation on consecutive terms of office.

Elected officers shall serve no more than three consecutive four-year terms in their respective offices. If, in order to fill a vacancy in an elective office, the officer first takes office by way of succession, appointment or special election occurring more than two years prior to a general City and County election, the officer shall thereafter serve no more than two consecutive four-year terms in that same office. For purposes of this Section, terms are

considered consecutive unless they are at least four years apart and the office of Councilmember shall constitute a singular office. The limitation set forth in this Section shall apply to all officers who are first elected, appointed, or succeed to a particular office on or after January 1, 2001. ~~Any officer who has first been elected, appointed, or succeeds to a particular office prior to January 1, 2001 shall be subject to the limitation on consecutive terms set forth in Section 11(2) of Article XVIII of the Colorado Constitution.~~

§ 8.2.7 - Nomination of candidates.

The name of a candidate for district Councilmember shall be placed upon the ballot when a verified petition of not less than one hundred (100) signatures of registered electors, who reside in the district in which the candidate resides, shall have been filed in the candidate's behalf at least seventy-five (75) days before the day of election in the manner and form and under the conditions established by the Clerk and Recorder, unless otherwise provided by ordinance in pursuance of this Charter. The name of a candidate for Mayor, Auditor, Clerk and Recorder or Councilmember-at-large Seat A or Seat B shall be placed upon the ballot when a verified petition of not less than three hundred (300) signatures of registered electors shall have been filed in the candidate's behalf at least seventy-five (75) days before the day of election in the manner and form and under the conditions established by the Clerk and Recorder.

§ 8.2.19 Number of votes required for election.

To be elected Mayor, Auditor, Clerk and Recorder, ~~or D~~district Councilmember, Councilmember-at-large Seat A, or Councilmember at-large Seat B, a person shall have received a majority of the votes cast for such office at either a general City and County election or at a run-off election as herein provided. ~~To be elected Councilmember-at-large, each person shall have received either the greatest number of votes or the next greatest number of votes at the general City and County election as herein provided. Present elected officials shall serve the term for which they are elected.~~

§ 8.2.20 - Counting of votes; declaration of results.

After the official abstract of votes cast for all candidates, ballot issues and questions has been certified, the following persons shall be declared elected and entitled to a certificate of election:

(C) Each candidate for the office of ~~D~~district Councilmember, the candidate for Councilmember at-large Seat A, and the candidate Councilmember at-large Seat B, who has received a majority of the votes cast for that office in the respective districts or for the respective seat.

~~(D) The two (2) candidates for the office of Councilmember-at-large who have received the greatest number of votes cast for that office.~~

~~(E)~~(D) The candidate for the Office of Clerk and Recorder who has received a majority of the votes cast for that office.

§ 8.2.21 - Run-off elections.

If, at a general City and County election, no candidate receives a majority of the votes cast for the office of Mayor, ~~for~~ Auditor, ~~for~~ Clerk and Recorder, ~~or for~~ district Councilmember in the respective districts, Councilmember-at-large Seat A, or Councilmember at-large Seat B, a run-off election shall be held for that office on the first Tuesday in June following the general election. The run-off election shall be held in the same manner as a general election, except:

(A) Certification of candidates and publication of election notice shall be on or before the tenth (10th) day before election.

(B) ~~If a run-off election for Mayor is required, the two (2) persons with the highest number of votes for Mayor in the general City and County election shall appear on the ballot as candidates for Mayor.~~

~~(C) If a run-off election for Auditor is required, the names of the two (2) persons with the highest number of votes for Auditor in the general City and County election shall appear on the ballot as candidates for Auditor.~~
~~(D) In each Council district in which a run-off election is required, the names of the two (2) persons with the highest number of votes for district Councilmember of the respective district in the general City and County election shall appear on the ballot.~~
~~(E) If a run-off election for Clerk and Recorder is required, the names of the two (2) persons with the highest number of votes for Clerk and Recorder in the general City and County election shall appear on the ballot as candidates for Clerk and Recorder.~~ Only the two (2) candidates with the highest number of votes for the office in the general City and County election shall appear on the runoff ballot for that office.
~~(F)~~(C) The names of candidates shall be arranged in the same order as the candidates filed their nomination petitions, with the first name being that of the first person to file.
~~(G)~~(D) After the official abstract of votes cast for all candidates has been certified, the candidates receiving the greatest number of votes cast at said election for the respective offices shall be declared elected and entitled to a certificate of election.
§ 8.3.1 - Rights of initiative, referendum and recall reserved to the people.
(E) Recall may be exercised by petition of registered electors entitled to vote for a successor and numbering at a minimum twenty-five (25) per cent of the vote cast for that office in the municipal election in which the official was elected. ~~For Councilmember-at-large, registered electors shall number at a minimum ten (10) per cent of the total vote cast for the offices of Councilmember-at-large at the election at which the official was elected.~~

Referendum 310

Shall the voters of the City and County of Denver retain ordinance number 24-1765, entitled "A bill for an ordinance amending Chapters 24 and 34 of the Denver Revised Municipal Code regarding the sale of tobacco products including flavored tobacco products," which prohibits the sale of flavored tobacco products by retail tobacco stores?

Fiscal Information on Referendum 310

Denver's sales tax reporting categories are broad—based on retailer type rather than product type—making it impossible to accurately isolate the share of flavored tobacco products within overall city sales tax collections. This prevents the City's Department of Finance from being able to provide a specific estimate of the revenue impact. The City and County of Denver may experience a decrease in sales tax revenue if the ordinance banning flavored tobacco products is retained.

Assumptions: Any enforcement would be rolled into existing tobacco enforcement costs and not require additional resources. Denver's Department of Public Health and Environment has not yet begun enforcing the ban and does not plan to until January 1, 2026.

Written Comments FOR Referendum 310

No comments for this measure were submitted.

Written Comments AGAINST Referendum 310

This ban isn't just about products, it's about people. Every small business supports jobs, and flavored tobacco retailers across Denver employ thousands of workers who depend on these shops to provide for their families. By removing flavored products, the city did not just eliminate

a product line; it eliminated paychecks. Workers who did nothing wrong are now facing inevitable unemployment. These are clerks, managers, delivery drivers, and part-time staff who will lose stable income.

The flavored tobacco ban worsens economic inequity in Denver. Larger corporations and online retailers will continue to thrive, while small, family-owned and minority-owned shops are forced to close.

Repealing the ban protects hundreds of jobs at a time when Denver cannot afford more unemployment. The city should be supporting workers and families, not pushing them out of jobs and reducing economic opportunity. Repealing the ban will allow Denver's small businesses to survive, employees to keep their jobs, and neighborhoods to keep the shops they rely on. More than 100 small businesses in Denver are at risk of closure because of the flavored tobacco ban. For many, flavored products are not just a small part of business operations; they represent the majority of revenue. Without these sales, landlords still expect rent, employees still need paychecks, and bills still arrive.

Protecting small businesses is protecting Denver's local economy. Instead of protecting our community, the law shifts sales to nearby cities like Lakewood and Aurora, hurting Denver while doing nothing to reduce use. Local businesses should not be sacrificed while competitors outside Denver reap the benefits. A more equitable approach is to preserve opportunities for minority entrepreneurs and family-owned shops, while maintaining strong age restrictions and responsible regulation.

Denver is enduring one of its most serious budget deficits. To close a projected $200 million gap for 2026, the city has already laid off 169 city employees and eliminated 666 vacant positions, equivalent to approximately 7.6% of the general-fund workforce. These deep cuts reflect a broader challenge: revenue growth has stalled after years of expansion, leaving the city unable to sustain vital services.

Denver must maximize every possible source of funding to avoid further harm to city services or additional layoffs. The flavored tobacco ban directly harms local businesses and simultaneously strips Denver of up to $13 million annually in revenue that's crucial for supporting neighborhoods, libraries, parks, and public safety programs. By repealing the ban, Denver can reclaim this essential income stream, reduce pressure on city budgets, and help avoid further workforce reductions.

Adults should be trusted to make their own decisions about legal products. There are already strict laws and enforcement that are taken seriously by both tobacco retailers and Denver authorities - a system we trust with alcohol and marijuana. This measure does nothing to improve enforcement, it simply removes legal products from the market and punishes small family and minority-owned businesses who are already playing by the rules.

Text of Measure

BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:

Section 1. That article XI, division 1, of chapter 24, D.R.M.C., shall be amended by deleting the language stricken and adding the language underlined, to read as follows:

Sec. 24-401. - Definitions. (a) *Board* means the board of public health and environment of the City and County of Denver. (b) *Director* means the director of the department of excise

and licenses of the City and County of Denver and the director's authorized representative. (c) *Flavored tobacco product* means any tobacco product that imparts a cooling sensation, numbing sensation, taste, or smell, other than the taste or smell of tobacco, that is distinguishable by an ordinary consumer either prior to or during the consumption of a tobacco product, including but not limited to any taste or smell relating to fruit, menthol, mint, wintergreen, chocolate, cocoa, vanilla, honey, or any candy, dessert, alcoholic beverage, herb, or spice. A tobacco product shall not be determined to be a flavored tobacco product solely because of the use of additives or flavorings or the provision of ingredient information. (d) *Hookah* means a type of waterpipe used to smoke shisha tobacco, maassel, narghile, or argileh, with a long flexible tube for drawing aerosol through water. Components of a hookah may include heads, stems, bowls, and hoses. (e) *Hookah tobacco* means shisha tobacco, maassel, narghile, and argileh intended to be smoked in a hookah. (~~c~~f) *Manager* means the manager of the department of public health and environment of the City and County of Denver and the manager's authorized representative. (g) *Nicotine* means any form of the chemical nicotine, including any salt or complex, regardless of whether the chemical is naturally or synthetically derived, and includes nicotinic alkaloids and nicotine analogs such as metatine. (~~d~~h) *Person* means any firm, corporation, association, or other organization acting as a group or unit as well as an individual. It shall also include an executor, administrator, trustee, receiver, or other representative appointed according to law. (i) Pipe tobacco means any tobacco that, because of its appearance, type, packaging, or labeling, is suitable for use and likely to be offered to or purchased by consumers as tobacco to smoke in a pipe, and excluding any tobacco product which, because of its appearance, type, packaging, or labeling, is suitable for use and likely to be offered to, or purchased by, consumers as tobacco for making cigarettes, including roll-your-own cigarettes. (j) Premium cigar means a cigar that meets all the following characteristics: (1) is handmade or hand rolled; (2) is not mass produced through the use of mechanization; (3) has a wrapper that is made entirely from whole tobacco leaf; (4) has a filler composed of at least fifty percent natural long-leaf filler tobacco; (5) does not have a filter, tip, or nontobacco mouthpiece; (6) is capped by hand; (7) weighs more than 6 pounds per 1,000 units; and (8) has a wholesale price per cigar of: a. for the calendar year ending December 31, 2024, twelve dollars ($12), and b. for each calendar year thereafter, twelve dollars ($12) plus the amount reflecting any percentage increase in the U.S. Department of Labor's Bureau of Labor Statistics Consumer Price Index for Denver-Aurora-Lakewood for all items and all urban consumers, or its successor index. (~~e~~k) *School* means a public or private preschool or a public or private elementary, middle, junior high, or high school. (~~f~~l) *Retail tobacco store* means a business of any kind that sells, gives, delivers, or furnishes tobacco products to a user or consumer. (~~g~~m) Tobacco product means: (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. Excluded from this definition are ~~any products specifically approved the United States Food and Drug Administration for use in reducing, treating or eliminating nicotine or tobacco dependence or for other medical purposes, when the products are being marketed and sold solely for such approved purpose~~ any drugs, devices, or combination products authorized for sale by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug, and Cosmetic Act. (~~h~~n) *Vending machine* means any mechanical, electric or

electronic device that, on insertion of money, tokens or any other form of payment, automatically dispenses tobacco products.

Sec. 24-404. - Sale of flavored tobacco products prohibited. (a) It shall be unlawful for any retail tobacco store to sell, offer for sale, give, barter, deliver or furnish to a user or consumer any flavored tobacco product or samples of such products. (b) This section shall not apply to hookah tobacco. (c) A violation of this section shall be a noncriminal violation upon which the manager is authorized to assess civil penalties as provided in article I, chapter 24. (d) Upon review on appeal pursuant to article I, chapter 24, there shall be a presumption, rebuttable by clear and convincing evidence, that a tobacco product is a flavored tobacco product if a retail tobacco store, tobacco product manufacturer, or any employee or agent of a retail tobacco store or tobacco product manufacturer has: (1) Made a public statement or claim that the tobacco product imparts a flavor other than tobacco, or imparts a cooling or numbing sensation, during consumption of that product; (2) Used text or images, or both, on the tobacco product's labeling or packaging to explicitly or implicitly indicate that the tobacco product imparts a flavor other than tobacco or imparts a cooling or numbing sensation during consumption of that product; or (3) Taken action directed to consumers that would be reasonably expected to cause consumers to believe the tobacco product imparts a flavor other than tobacco or imparts a cooling or numbing sensation during consumption of that product.

Sec. 24-4045. - Access to tobacco products. (a) It shall be unlawful for any ~~person~~ retail tobacco store to sell or display, or permit to be sold or displayed, any tobacco product in such a manner that it can be reached or purchased by customers without it being requested from, and provided by, an employee of the establishment. (b) This section ~~24-404~~ shall not apply to premium cigars or pipe tobacco sold or displayed by a person who primarily engages in the business of selling cigars, pipe tobacco, cigar related accessories, and pipe tobacco related accessories, or the rental of on-premises humidors or other cigar storage units.

Sec. 24-4056. - Packaging of tobacco products. (a) It shall be unlawful for any ~~person~~ retail tobacco store to sell tobacco products in any form or condition other than in the packaging provided by the manufacturer. ~~(b) It shall be unlawful for any person to permit or allow that person's agent, servant, or employee to sell tobacco products in any form or condition other than in the packaging provided by the manufacturer.~~ (~~c~~b) This section ~~24-405~~ shall not apply to premium cigars or pipe tobacco sold by a person who primarily engages in the business of selling cigars, pipe tobacco, cigar related accessories, and pipe tobacco related accessories, or the rental of on-premises humidors or other cigar storage units.

Sec. 24-4067. - Suspension of right privilege to sell tobacco products. (a) Upon a determination that a violation of this division 1 has occurred at a given location, the manager may issue a warning that a future violation within one (1) year may result in the suspension of the person's privilege to sell tobacco products where the violation occurred. (b) ~~Upon a determination that a second violation of this division 1 has occurred at the same location within one (1) year after the first violation t~~The manager may suspend the ~~person's right~~ retail tobacco store's privilege to sell tobacco products ~~for a period not to exceed thirty (30) days~~ at ~~the~~ a location where ~~the~~ multiple violations of this division have occurred. Such suspension order shall be effective thirty (30) days from the date of issuance and shall not exceed the following number of days: (1) For a suspension order issued on or before December 31, 2026, a. For a second violation within one (1) year at the same location, thirty (30) days; b. For a third violation within one (1) year at the same location, sixty (60) days; and c. For a fourth or subsequent violation within one (1) year at the same location, one (1) year. (2) For a suspension order issued on or after January 1, 2027, a. For a second violation within two (2)

years at the same location, thirty (30) days; b. For a third violation within two (2) years at the same location, sixty (60) days; and c. For a fourth or subsequent violation within two (2) years at the same location, one (1) year.

(3) For a suspension order issued on or after January 1, 2028, a. For a second violation within three (3) years at the same location, thirty (30) days; b. For a third violation within three (3) years at the same location, sixty (60) days; and c. For a fourth or subsequent violation within three (3) years at the same location, one (1) year. ~~(c) Upon a determination that a third violation of this division 1 has occurred at the same location within one (1) year after the first violation, or upon a determination of a violation of the terms or conditions of an order suspending sales privileges entered pursuant to the provisions of this section, the manager may suspend the person's privilege to sell tobacco products at the location where the violations occurred for a period not to exceed sixty (60) days. Such suspension order shall be effective thirty (30) days from the date of issuance.~~

~~(d) Upon a determination that a fourth or subsequent violation of this division 1 has occurred at the same location within a one-year period, or upon a determination that two (2) or more violations of the terms or conditions of an order suspending sales privileges entered pursuant to the provisions of this section have occurred, the manager may suspend the person's privilege to sell tobacco products at the location where the violations occurred for a period not to exceed one (1) year. Such suspension order shall be effective thirty (30) days from the date of issuance.~~

(~~e~~c) The manager may take any actions the manager deems necessary to ensure compliance with a suspension of the privilege to sell tobacco products, including, but not limited to, requiring the person to remove all tobacco products from the sales area of the location where tobacco is sold for the duration of the suspension, and inspecting any and all documentation relevant to the suspension. The manager may post, in a prominent place at the premises of the location where tobacco sales have been suspended, a notice that tobacco sales have been suspended for the duration of the suspension. (d) It shall be a violation of this division if a retail tobacco store violates or fails to comply with the terms and conditions of a suspension order. If the manager determines that an order issued pursuant to this division has been violated or that the retail tobacco store has failed to comply with a suspension order, the manager may reimpose the originally ordered suspension up to the full term. Any reimposed suspension shall be in addition to any penalty ordered for a new violation.

Sec.24-408. - Liability. A retail tobacco store shall be liable for the actions of their officers, agents, representatives or employees regarding the sale, offer to sell, and furnishing of tobacco products on the premises.

Sec. 24-409. - Reporting.*Report to city council.* The manager shall report in writing to city council by July 1 of each year, beginning in 2026, regarding the implementation and effectiveness of section 24-404.

Secs. 24-410—24-419. - Reserved. Section 2. That article IV, chapter 34 of the code be amended by deleting the language stricken and adding the language underlined, to read as follows:**Sec. 34-64. – Purchase, possession and admission to certain places** (a) It shall be unlawful for any minor to purchase or procure any material which any person is forbidden by law to sell give, deliver, or furnish to minors, provided however that this subsection shall not apply to tobacco products, as defined in article XI, chapter 24. (b) It shall be unlawful for any minor to gain admission to places prohibited to minors. ~~(c) It shall be unlawful for any minor to purchase or procure any cigarettes or any other tobacco product.~~ (d~~c~~) ~~It shall be~~

~~unlawful for any minor to possess any cigarettes or any other tobacco product.~~ A violation of this section is hereby declared to be a noncriminal violation.

Section 3. Effective Date. This ordinance shall become effective 90 days after final publication

This is the end of the Ballot Information Booklet