AGENDA ITEM SUMMARY

MEETING DATE: November 18, 2019  
AGENDA CATEGORY: Consent Agenda  
DATE OF AGENDA SHEET: November 13, 2019  
PREPARED BY: Jan Shute

SUBJECT: Follow-up from October 8 tobacco prevention work session

SUMMARY: On October 8 the Board and staff continued a discussion revolving around the increase in teen use of tobacco and nicotine products, such as vape products, observed by public health officials. At the close of that discussion, staff was directed to follow-up with a letter to our State Representatives expressing our concerns and a resolution limiting the sale of tobacco and nicotine products to only those aged 21 and over.

REQUESTED ACTION: You will find drafts of both documents following this item summary. We, of course, can make any changes to these documents needed. If these documents are acceptable, as is, we ask that you approve them for signature.
STATE OF COLORADO

COUNTY OF GARFIELD

At a regular meeting of the Board of County Commissioners for Garfield County, Colorado, held at the County Administration Building in Glenwood Springs on Tuesday, the 18th day of November, 2019, there were present:

  Tom Jankovsky, Commissioner
  Mike Samson, Commissioner
  John Martin, Commissioner Chairman
  Tari Williams, County Attorney
  Kevin Batchelder, County Manager
  Jean Alberico, Clerk to the Board

when the following proceedings, among others were had and done, to-wit:

RESOLUTION NO. 19 -

A RESOLUTION PROHIBITING THE SALE OF CIGARETTES AND ALL OTHER TOBACCO AND NICOTINE PRODUCTS, IN UNINCORPORATED GARFIELD COUNTY, TO THOSE UNDER TWENTY-ONE YEARS OF AGE

WHEREAS, tobacco use remains the most preventable cause of disease, disability and death in Colorado, killing more than 5,000 Coloradans each year; and

WHEREAS, cigarettes, tobacco products and nicotine products are designed and manufactured to be both enticing and addictive to young people, such that it promotes initiation of such products’ use, and once initiated, leads to dependence and difficulty quitting; and

WHEREAS, according to a 2014 study by the US Department of Health and Human Services, tobacco product use is started and established primarily during adolescence. Nearly nine out of ten cigarette smokers first try cigarette smoking by age eighteen (18), and 98 percent first try smoking by age twenty-six (26); and

WHEREAS, Colorado has the highest rate of youth use of e-cigarettes in the nation, and Garfield County schools have some of the highest use rates in the state; and

WHEREAS, teen tobacco and nicotine use continues to be a top public health concern nationwide and in Garfield County and according to the November 2017 Healthy Kids Colorado survey, both cigarette and vaping use by Garfield County youths is on the rise; and

WHEREAS, approximately 96 percent of smokers begin smoking before the age of twenty-one (21), and smokers frequently transition from experimentation to addiction between the ages of eighteen (18) to twenty-one (21); and

WHEREAS, the Garfield County Board of Commissioners is authorized by statute, including through Sections 18-13-121 and 30-15-401 of the Colorado Revised Statutes, to
regulate the sale of cigarettes, tobacco products or nicotine products and to regulate the sale of such products in a manner more stringent than provided for in Section 18-13-121; and

WHEREAS, the adoption of this Resolution is necessary for the preservation and protection of the public health, safety and welfare of the citizens of Garfield County.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Garfield County, State of Colorado, as follows:

1. The Board of County Commissioners intends to regulate and restrict the sale of cigarettes, tobacco products, and nicotine products to those persons who are under the age of twenty-one (21) years.

2. A Cigarette, Tobacco Product, or Nicotine Product has the same meaning as defined in section 18-13-121(5).

3. Minor means a person under the age of twenty-one (21).

4. It is unlawful to sell any Cigarette, Tobacco Product, or Nicotine Product in unincorporated Garfield County to a Minor.

5. All retailers in unincorporated Garfield County must comply with this Resolution and all other applicable State and local laws, rules, and regulations, as amended.

6. This restriction on the sale of cigarettes, other tobacco and nicotine products is effective as of December 1, 2019.

7. If any provision of these regulations is invalidated by a court of competent jurisdiction, only the provision subject to the court’s decision will be appealed or amended. All other provisions remain in full force and effect.

DATED this ____ day of ____________, 2019.

ATTEST:

BOARD OF COUNTY COMMISSIONERS OF
GARFIELD COUNTY, STATE OF COLORADO

By: ____________________________

Chairperson

Clerk to the Board
Upon motion duly made and seconded the foregoing Resolution was adopted by the following vote:

Tom Jankovsky       Aye
Mike Samson         Aye
John Martin         Aye
Commissioners

STATE OF COLORADO  
) ss.
COUNTY OF GARFIELD )

I, Jean Alberico, County Clerk and ex-officio Clerk of the Board of County Commissioners in and for the County and State aforesaid do hereby certify that the annexed and foregoing Resolution is truly copied from the Records of the Proceedings of the Board of County Commissioners for said Garfield County, now in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County, at Glenwood Springs, this ___ day of ___________, A.D. 2019.

County Clerk and ex-officio Clerk of the Board of County Commissioners