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.
November 18, 2019

Representative Perry Will
House District 57
200 E. Colfax, Rm. 307
Denver, CO 80203
perry.will.house@state.co.us

Senator Bob Rankin
Senate District 8
200 E. Colfax, Rm. 346
Denver, CO 80203
bob.rankin.senate@state.co.us

Re: Request for support in expansion of tobacco sales regulation.

Dear Representative Will and Senator Rankin:

The Garfield County Board of County Commissioners has been working on approaches to best address concerns with an increase in use, by youth, of cigarettes and other tobacco or nicotine products including e-cigarettes or vapes. Representatives from local, regional and state public health departments have presented us with information that the use of vaping products by Colorado youth are two times the US average.

We are writing to you as our representatives in State government to ask you to strongly consider supporting a Statewide system of regulating stores selling cigarettes and other tobacco and/or nicotine products to limit those sales to persons 21 years of age and older and to limit the sale of flavored products. Although the legislature, through HB 19-1033, did provide an avenue for local regulation of youth use of tobacco and nicotine products, we as a Board believe this to be better addressed as a statewide regulation. A statewide regulation would allow tobacco retailers to comply with the same regulatory system throughout Colorado rather than a checkerboard of different regulations created within local government boundaries. A statewide system would also remove the opportunity for youth to choose to make their purchases in a local jurisdiction that has more lenient rules than another.

After the passage of HB 19-1033, more and more local governments have taken the opportunity to enact regulatory and tax schemes with the desired result to decrease the use of tobacco products by the youth in their communities. This Board is very concerned with the use of tobacco products by the youth of our community and, as stated above, we strongly believe this could be best addressed at the state level. However, if it appears that a statewide regulatory system seems unlikely, we ask that some clarification language to HB 19-1033 be adopted so that we may feel more able to create local regulations.
Because statutory counties, such as Garfield County, can only adopt regulatory schemes that are delegated to us by the State, we request that licensing authority be expressly delegated through Section 30-15-401(1.5) C.R.S. and we ask the delegation to regulate flavors sold be expanded to all users not just minors.

We believe that all are concerned about the increase in the use of tobacco and nicotine products by our youth and we hope that we can work together to decrease the ready availability of these products to those under 21 years of age. We think this issue would be best approached though a statewide system, to make regulations more uniform for retailers and to decrease the opportunity for youth to adjust their purchases across local government boundaries. If a statewide system does not appear to be feasible, however, we do ask for clarification of our delegated authority to regulate in this area.

The Garfield County Board of County Commissioners thank you for your time and attention to this very urgent and important issue.

Sincerely,

John Martin
Chairman

Mike Samson
Commissioner

Tom Jankovsky
Commissioner