

**CITY OF RIFLE, COLORADO
ORDINANCE NO. 4
SERIES OF 2020**

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO AMENDING
CHAPTER 10, ARTICLE VII OF THE RIFLE MUNICIPAL CODE TO
PROHIBIT THE FURNISHING OF CIGARETTES, TOBACCO PRODUCTS
OR NICOTENE PRODUCTS TO INDIVIDUALS UNDER THE AGE OF 21
AND POSSESSION OF CIGARETTES AND TOBACCO PRODUCTS BY
INDIVIDUALS UNDER THE AGE OF 21.

WHEREAS, the City of Rifle (“Rifle” or the “City”) is a home-rule municipality organized pursuant to Article XX of the Colorado Constitution and with the authority of the Rifle Home Rule Charter; and

WHEREAS, the General Assembly for the State of Colorado has prohibited the furnishing of cigarettes, tobacco products, or nicotine products to minors in Section 18-13-121, C.R.S.; and

WHEREAS, the General Assembly for the State of Colorado has prohibited the possession of cigarettes, tobacco products, or nicotine products by minors in Section 25-14-301, C.R.S.; and

WHEREAS, the City Council finds and determines that the following amendments to Chapter 10, Article VII of the Code are in the best interest of the public health, safety and welfare of the citizens of Rifle.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF RIFLE, COLORADO, ORDAINS THAT:

1. The foregoing recitals are incorporated by reference as findings and determinations of the City Council.

2. Chapter 10, Article VII of the Rifle Municipal Code is hereby amended as follows, with addition of a new Section 10-7-80:

Sec. 10-7-80. – Possession of Cigarettes and Tobacco Products by Individuals Under the Age of 21.

- (a) Any person who knowingly furnishes to an individual under 21 years of age, by gift, sale or any other means, any cigarettes or tobacco products commits a Class A Misdemeanor.
- (b) Any individual under 21 years of age who purchases or attempts to purchase any cigarettes or tobacco products, and/or is found to be in possession of any cigarettes or tobacco products commits a Class C Misdemeanor.

- (c) As used in this section, *cigarette* means any product that contains nicotine, is intended to be burned or heated under ordinary conditions of use, and consists of or contains:
 - (1) Any roll of tobacco wrapped in paper or in any substance not containing tobacco;
 - (2) Tobacco, in any form, that is functional in the product, which, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette; or
 - (3) Any roll of tobacco wrapped in any substance containing tobacco that, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette.

- (d) As used in this section, *possession* means that a person:
 - (1) Has or holds any amount of cigarettes or tobacco products anywhere on his or her person;
 - (2) Owns or has custody of cigarettes or tobacco products;
 - (3) Has cigarettes or tobacco products within his or her immediate presence and control.

- (e) As used in this section, *cigarette, tobacco product, or nicotine product* means:
 - (1) A product that contains nicotine or is derived from tobacco and is intended to be ingested or inhaled by or applied to the skin of an individual;
 - (2) Any device that can be used to deliver tobacco or nicotine to the person inhaling from the device, including an electronic cigarette, cigar, cigarillo, or pipe.

- (f) Notwithstanding any provision of this section to the contrary, cigarette, tobacco product, or nicotine product does not mean a product that the Food and Drug Administration of the United States Department of Health and Human Services has approved as a tobacco use cessation product.

INTRODUCED on April 1, 2020 read by title, passed on first reading, and ordered published as required by the Charter.

INTRODUCED a second time at a regular meeting of the Council of the City of Rifle, Colorado held on April 15, 2020, passed without amendment, approved, and ordered published in full as required by the Charter.

DATED this _____ day of _____, 2020.

CITY OF RIFLE, COLORADO

By _____
Mayor

ATTEST:

City Clerk