

TOWN OF EAGLE, COLORADO
ORDINANCE NO. 20
(Series of 2019)

**AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF EAGLE,
COLORADO AMENDING CHAPTER 9.15 OF THE EAGLE MUNICIPAL CODE
REGARDING TOBACCO PRODUCTS AND UNDERAGE PERSONS**

WHEREAS, House Bill 19-1033, effective July 1, 2019, authorizes the Town to prohibit minors from purchasing "any cigarettes, tobacco products, or nicotine products" and to impose requirements more stringent than those currently provided by state law;

WHEREAS, the U.S. Department of Health and Human Services has found that approximately 96% of adult smokers begin smoking before age 18, with most beginning before age 16;

WHEREAS, the Board of Trustees finds that the use of tobacco products by persons under 21 years of age presents grave health risks, including without limitation nicotine addiction; and

WHEREAS, the Board of Trustees finds that this ordinance furthers and is necessary for the promotion of the public health, safety, and welfare by encouraging responsible tobacco product retailing and reducing the sales of tobacco products to persons under the age of 21.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF EAGLE, COLORADO, AS FOLLOWS:

Section 1. Section 9.05.010 of the Eagle Municipal Code is hereby amended by the addition of the following new definition, to be inserted alphabetically:

Tobacco product means: a product containing, made, or derived from tobacco, nicotine or synthetic nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, without limitation cigarettes, cigars, cigarillos, chewing tobacco, pipe tobacco, mints, and snuff; an electronic device containing or delivering nicotine to the person inhaling from the device, even if marketed as nicotine-free, including without limitation electronic cigarettes and vape pens; and any component, part, paraphernalia, or accessory intended or reasonably expected to be used with a tobacco product, whether or not sold separately, including without limitation filters, rolling papers, rolling machines, and pipes; but *tobacco product* does not include products that the Food and Drug Administration of the United States Department of Health and Human Services has approved as a tobacco use cessation product.

Section 2. Chapter 9.15 of the Eagle Municipal Code is hereby amended by the addition of a new Section 9.15.064 to read as follows:

Section 9.15.064. Tobacco products and underage persons.

A. It is a Class A municipal offense for any person to sell, serve, give away, dispose of, exchange, procure, or deliver or permit the sale, serving, giving or procuring of any tobacco product to or for any person under the age of 21years.

B. Any person under 21 years of age who obtains, or attempts to obtain, a tobacco product by any method in any place where tobacco products are sold commits the municipal offense of illegal purchase of tobacco products by an underage person.

C. Any person under 21 years of age who uses any false, fraudulent or altered identification card or makes other misrepresentations of age in order to purchase, or to attempt to purchase, any tobacco product commits the municipal offense of fraudulent purchase of tobacco products.

D. It is unlawful for any person under 21 years of age to possess or consume tobacco products.

E. The possession or consumption of tobacco products by a person under 21 years of age shall not be a violation of this section if such possession or consumption takes place for religious purposes protected by the U.S. Constitution.

Section 3. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Board of Trustees hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any one, or part, or parts be declared unconstitutional or invalid.

Section 4. Safety. This Ordinance is deemed necessary for the protection of the public health, safety and welfare.

Section 5. Effective Date. This Ordinance shall take effect 30 days after publication following adoption.

**INTRODUCED, READ, PASSED, ADOPTED AND ORDERED PUBLISHED ON AUGUST 27,
2019.**

FAILED

ATTEST:

Jenny Rakow, Town Clerk

TOWN OF EAGLE, COLORADO

Anne McKibbin, Mayor