

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Health & Insurance.

HB19-1033 be amended as follows:

1 Amend printed bill, page 3, after line 11 insert:

2 "SECTION 3. In Colorado Revised Statutes, **add** article 30 to  
3 title 29 as follows:

4 **ARTICLE 30**

5 **Regulation of Cigarettes, Tobacco Products, and**  
6 **Nicotine Products**

7 **29-30-101. Regulation of cigarettes, tobacco products, and**  
8 **nicotine products.** THE CITY COUNCIL OF A STATUTORY OR HOME RULE  
9 CITY OR THE TOWN COUNCIL OF A STATUTORY TOWN MAY ADOPT AN  
10 ORDINANCE TO REGULATE THE POSSESSION OR PURCHASING OF  
11 CIGARETTES, TOBACCO PRODUCTS, OR NICOTINE PRODUCTS, AS DEFINED  
12 IN SECTION 18-13-121 (5), BY A MINOR OR TO REGULATE THE SALE OF  
13 CIGARETTES, TOBACCO PRODUCTS, OR NICOTINE PRODUCTS TO MINORS.".

14 Renumber succeeding sections accordingly.

15 Page 5, line 1, strike "CITY, TOWN," and substitute "STATUTORY OR HOME  
16 RULE MUNICIPALITY,".

17 Page 7, after line 25 insert:

18 "(4) (a) EACH MUNICIPALITY IN THE STATE IS AUTHORIZED TO  
19 LEVY, COLLECT, ENFORCE, AND ADMINISTER A MUNICIPAL SPECIAL SALES  
20 TAX UPON ALL SALES OF CIGARETTES, TOBACCO PRODUCTS, OR NICOTINE  
21 PRODUCTS.

22 (b) A SPECIAL SALES TAX SHALL NOT BE LEVIED PURSUANT TO  
23 SUBSECTION (4)(a) OF THIS SECTION UNTIL THE PROPOSAL HAS BEEN  
24 REFERRED TO AND APPROVED BY THE ELIGIBLE ELECTORS OF THE  
25 MUNICIPALITY IN ACCORDANCE WITH ARTICLE 10 OF TITLE 31. ANY  
26 PROPOSAL FOR THE LEVY OF A SPECIAL SALES TAX IN ACCORDANCE WITH  
27 SUBSECTION (4)(a) OF THIS SECTION MUST BE SUBMITTED TO THE ELIGIBLE  
28 ELECTORS OF THE MUNICIPALITY ON THE DATE OF THE STATE GENERAL  
29 ELECTION, ON THE FIRST TUESDAY IN NOVEMBER OF AN ODD-NUMBERED  
30 YEAR, OR ON THE DATE OF A MUNICIPAL BIENNIAL ELECTION. ANY  
31 ELECTION ON THE PROPOSAL MUST BE CONDUCTED BY THE CLERK OF THE  
32 MUNICIPALITY IN ACCORDANCE WITH THE "COLORADO MUNICIPAL  
33 ELECTION CODE OF 1965", ARTICLE 10 OF TITLE 31.

34 (5) IF A COUNTY OR MUNICIPALITY OBTAINED APPROVAL FROM THE  
35 ELIGIBLE ELECTORS OF THE COUNTY OR MUNICIPALITY PRIOR TO THE  
36 EFFECTIVE DATE OF THIS SUBSECTION (5), TO LEVY, COLLECT, ENFORCE,

1 AND ADMINISTER A SPECIAL SALES TAX ON THE SALE OF CIGARETTES,  
2 TOBACCO PRODUCTS, OR NICOTINE PRODUCTS, THE SPECIAL SALES TAX IS  
3 VALID AND THE COUNTY OR MUNICIPALITY IS AUTHORIZED TO CONTINUE  
4 TO LEVY, COLLECT, ENFORCE, AND ADMINISTER THE SPECIAL SALES TAX;  
5 EXCEPT THAT, IN THE CASE OF A COUNTY, THE COUNTY IS AUTHORIZED TO  
6 CONTINUE TO LEVY, COLLECT, ENFORCE, AND ADMINISTER THE SPECIAL  
7 SALES TAX SO LONG AS THE COUNTY COMPLIES WITH SUBSECTION (2) OF  
8 THIS SECTION. IF A COUNTY LEVIES, COLLECTS, ENFORCES, AND  
9 ADMINISTERS A SPECIAL SALES TAX IN A MUNICIPALITY THAT HAS  
10 ALREADY OBTAINED VOTER APPROVAL TO LEVY A MUNICIPAL SPECIAL  
11 SALES TAX ON THE SALE OF CIGARETTES, TOBACCO PRODUCTS, OR  
12 NICOTINE PRODUCTS, THE COUNTY SPECIAL SALES TAX IS INVALID WITHIN  
13 THE CORPORATE LIMITS OF THE MUNICIPALITY UNLESS THE COUNTY  
14 ENTERS INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE  
15 MUNICIPALITY PURSUANT TO SUBSECTION (3) OF THIS SECTION THAT  
16 AUTHORIZES THE COUNTY TO CONTINUE TO LEVY, COLLECT, ENFORCE, AND  
17 ADMINISTER THE SPECIAL SALES TAX ON CIGARETTES, TOBACCO  
18 PRODUCTS, OR NICOTINE PRODUCTS WITHIN THE CORPORATE LIMITS OF THE  
19 MUNICIPALITY."

20 Renumber succeeding subsections accordingly.

21 Page 8, line 12, strike "(4)(b)." and substitute "(6)(b).".

22 Page 9, after line 2 insert:

23 "SECTION 7. In Colorado Revised Statutes, **amend** 39-28.5-109  
24 as follows:

25 **39-28.5-109. Taxation by cities and towns.** ~~No provision of This~~  
26 ~~article shall be construed to~~ ARTICLE 28.5 DOES NOT prevent the A  
27 STATUTORY OR HOME RULE MUNICIPALITY, COUNTY, OR CITY AND COUNTY  
28 FROM imposing, levying, and collecting ~~of~~ any SPECIAL SALES tax upon  
29 sales of CIGARETTES, tobacco products, OR NICOTINE PRODUCTS, AS THAT  
30 TERM IS DEFINED IN SECTION 18-13-121 (5), or upon the occupation or  
31 privilege of selling ~~such~~ CIGARETTES, TOBACCO PRODUCTS, OR NICOTINE  
32 products. ~~by any city or town in this state, nor shall the provisions of This~~  
33 ~~article be interpreted to~~ ARTICLE 28.5 DOES NOT affect any existing  
34 authority of local ~~municipalities~~ GOVERNMENTS to impose a SPECIAL  
35 SALES tax on CIGARETTES, tobacco products, OR NICOTINE PRODUCTS, IN  
36 ACCORDANCE WITH SECTION 39-28-112, to be used for local and  
37 ~~municipal~~ GOVERNMENTAL purposes."

38 Renumber succeeding section accordingly.

\*\* \*\* \*\* \*\* \*\*