HB1076_L.007

HOUSE COMMITTEE OF REFERENCE AMENDMENT
Committee on Health & Insurance.

HB19-1076 be amended as follows:

Amend printed bill, page 7, before line 21 insert:

"SECTION 7. In Colorado Revised Statutes, 25-14-208, amend (3) as follows:

25-14-208. Unlawful acts - penalty - disposition of fines and surcharges. (3) Except as otherwise provided in section 25-14-208.5, a person who violates this part 2 is guilty of a class 2 petty offense and, upon conviction thereof, shall be punished by a fine not to exceed two hundred dollars for a first violation within a calendar year, a fine not to exceed three hundred dollars for a second violation within a calendar year, and a fine not to exceed five hundred dollars for each additional violation within a calendar year. Each day of a continuing violation shall be deemed a separate violation.

SECTION 8. In Colorado Revised Statutes, add 25-14-208.5 as follows:

25-14-208.5. Signage violations - limitation on fines. (1) For a violation of section 25-14-204(2), the penalty shall be as follows:

(a) A written warning for a first violation committed within a twenty-four-month period; and

(b) Fines as specified in section 25-14-208(3) for a second or subsequent violation within a twenty-four-month period.

(2) Notwithstanding subsection (1) of this section, no fine for a violation of section 25-14-204(2) shall be imposed upon a person that can establish as an affirmative defense that, prior to the date of the violation, it:

(a) Had adopted and enforced a written policy against allowing persons under eighteen years of age to enter the premises;

(b) Had informed its employees of the applicable laws regarding the prohibition of persons under eighteen years of age to enter or remain in areas where smoking is permitted;

(c) Required employees to verify the age of persons on the premises by way of photographic identification; and

(d) Had established and imposed disciplinary sanctions for noncompliance.

(3) The affirmative defense established in subsection (2) of this section may be used only twice at each location within any twenty-four-month period."

Renumber succeeding sections accordingly.