

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Health & Insurance.

HB20-1001 be amended as follows:

1 Amend printed bill, page 20, strike lines 6 through 8 and substitute:

2 (b) A retailer that does not claim an affirmative defense pursuant  
3 to section 44-7-106 (2) may waive its right to a hearing and pay the  
4 appropriate fine."

5 Page 23, strike lines 19 through 27.

6 Page 24, strike lines 1 through 13 and substitute:

7 "(2) Notwithstanding subsection (1) of this section, ~~no~~ A fine for  
8 a violation of section 44-7-103 (1) shall NOT be imposed upon a retailer  
9 that can establish an affirmative defense to the satisfaction of the division  
10 or the hearing officer that, prior to the date of the violation, it:

11 (a) Had adopted and enforced a written policy against selling  
12 cigarettes, tobacco products, or nicotine products to persons under  
13 ~~eighteen~~ TWENTY-ONE years of age;

14 (b) Had informed its employees of the applicable laws regarding  
15 the sale of cigarettes, tobacco products, or nicotine products to persons  
16 under ~~eighteen~~ TWENTY-ONE years of age;

17 (c) Required employees to verify the age of cigarette, tobacco  
18 product, or nicotine product customers by way of photographic  
19 identification; and

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

22 (3) The affirmative defense established in subsection (2) of this  
23 section may be used by a retailer only ~~twice~~ ONCE at each location within  
24 any twenty-four-month period.

25 (4) (a) (I) THE PENALTY for a violation of section 44-7-103 (2) or  
26 (3), the penalty shall be as follows: (4.5) IS

27 (a) (I) ~~For a violation of section 44-7-103 (2),~~ a fine of  
28 twenty-five dollars for a first violation committed".

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