

**TOWN OF PALISADE, COLORADO
ORDINANCE NO. 2024-07**

**AN ORDINANCE OF THE TOWN OF PALISADE, COLORADO,
AMENDING AND RESTATING CHAPTER 10, ARTICLE X OF THE
PALISADE MUNICIPAL CODE TO PROHIBIT THE FURNISHING OF
CIGARETTES, TOBACCO PRODUCTS OR NICOTINE PRODUCTS TO
INDIVIDUALS UNDER THE AGE OF 21 AND POSSESSION OF
CIGARETTES AND TOBACCO PRODUCTS BY INDIVIDUALS UNDER
THE AGE OF 21.**

WHEREAS, the Town of Palisade ("Palisade" or the "Town") is a Colorado municipality organized pursuant to Title 31 of the Colorado Revised Statutes and with the authority set forth therein; 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, Section 10-207 of the Palisade Municipal Code (the "Code") sets forth the standards and law for the sale and possession of tobacco products to individuals under the age of 21; and

WHEREAS, the Town Board of Trustees finds and determines that the following updates and amendments to Chapter 10, Article X of the Code are in the best interest of the public health, safety and welfare of the citizens of Palisades.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF PALISADE, COLORADO THAT:

Section 1. The foregoing recitals are incorporated herein as if set forth in full.

Section 2. Article X of Chapter 10 of the Palisade Municipal Code is hereby amended and restated as follows:

Sec. 10-207. Furnishing, purchasing or possessing tobacco products.

- (a) Any person who knowingly furnishes to an individual under 21 years of age, by gift, sale or any other means, any cigarettes, tobacco products or nicotine product commits a misdemeanor as set forth in Chapter 1, Article IV of the Palisade Municipal Code.

- (b) Any individual under twenty-one (21) years of age who purchases or attempts to purchase any cigarettes, tobacco products or nicotine product, and/or is found to be in possession of any cigarettes, tobacco products or nicotine product commits a violation of this ordinance.
- (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, including, but not limited to, cigarettes, cigars, cheroots, stogies, periques, granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco, snuff, snuff flour, cavendish, plug cuttings and sweepings of tobacco, and other kinds and forms of tobacco, prepared in such manner as to be suitable for chewing or for smoking in a pipe or otherwise, or both for chewing and smoking, including all synthetic derivative products, simulated tobacco or hybrid products used in vape pens and other electronic devices;
 - (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*, *nicotine product*, or *synthetic derivative* 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, nicotine, or any synthetic of either, to the person inhaling from the device, including an electronic cigarette, cigar, cigarillo, or pipe.

(f) Penalties:

- (1) A person under twenty-one (21) years of age who possesses, uses, or openly and publicly displays any of the listed items in paragraph 3 anywhere within the Town of Palisade for a first offense commits a noncriminal municipal offense and shall be subject to a fine up to one hundred dollars (\$100.00) and any treatment program or other conditions ordered by the Municipal Court; and/or
 - (2) A person under twenty-one (21) years of age who possesses, uses, or openly and publicly displays any of the listed items in paragraph 3 anywhere within the Town of Palisade commits for a second offense or subsequent offense a criminal municipal offense punishable by up to a three-hundred-dollar fine (\$300.00), up to ninety (90) days incarceration or by both such fine and jail sentence.
- (g) 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, READ, PASSED, APPROVED AND ORDERED PUBLISHED BY
TITLE, at the regular meeting of the Board of Trustees of the Town of Palisade, Colorado held on October 8, 2024.

TOWN OF PALISADE, COLORADO

By:


Greg Mikolai, Mayor

ATTEST:


Keli Frasier, CMC
Town Clerk

