Denver’s Retail Tobacco Store License

CML Panel
February 13, 2020

Objectives

- History of TB Program in Denver
- Overview of Tobacco License
- Current State vs. Future State
- Successes
- Challenges

History

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<th>TIMELINE</th>
<th>ACTION</th>
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<tr>
<td>Jan. 2017</td>
<td>Gap identified in compliance checks of tobacco retailers in Denver – secured budget for compliance/enforcement program</td>
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<td>June 2018</td>
<td>High-level discussion of T21 with the Mayor’s Policy Review Committee (PRC)</td>
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<td>Dec. 2019</td>
<td>Presented T21 policy without license component - not favorable</td>
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<td>July 2019</td>
<td>Held stakeholder meetings with retailers to review modified proposed ordinance that included licensure</td>
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<td>Held meeting with EXL and City Attorneys to discuss feedback and consider changes</td>
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<td>Aug.-Sept. 2019</td>
<td>Final presentation to Mayor’s PRC and City Council</td>
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<td>Oct. 1, 2019</td>
<td>Mayor signs T21 and Licensure Bill</td>
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OVERVIEW OF TB LICENSE

- Effective Jan. 2021, all retailers must obtain a valid TB license
- Grounds for Denial:
  - Previous violations of tobacco laws (federal, state and local)
  - Temporary, mobile or pop-up operations with exception
  - Proximity Restrictions*: 1,000 ft. from any school, city-owned recreation center or pool
  - Must apply by July 1, 2020 to enjoy grandfathering clause
- Annual renewal of license required
- $250 application fee and $500 license fee

CURRENT STATE (PRE-IMPLEMENTATION STAGE)

- "Soft Enforcement" of every tobacco retailer
  - One visit of every retailer
  - All violations result in a "warning letter"

FUTURE STATE (IMPLEMENTATION STAGE)

- "Routine Enforcement" of every tobacco retailer
  - 3-4 routine inspections of every retailer
  - Follows program fine/suspension order schedule

- Development of tobacco license online (first of its kind)
- Launch of online application
- Education/Outreach to retailers
  - Retailer Toolkit, in-person outreach to deliver postcards re: license requirements and in-person DEMOS of online application
- Ongoing-education/outreach to retailers
  - Address gaps and needs identified by tobacco retailers

COMPLIANCE/ENFORCEMENT

- Denver Department of Public Health & Environment (primary enforcement)
  - 3-4 inspections/12-month period
- Excise and Licenses Department (issues licenses and secondary enforcement)

...continued
SUCCESSES

- Engagement Process
  - Invited 586 retailers to two sessions
  - Held 10+ meetings with tobacco industry representatives and Council Members
  - Compliance and Enforcement in place since 2017
  - Current ordinance fits well with HB-1001

CHALLENGES

- Can’t make everyone happy!
- Retailer outreach
- Capacity

QUESTIONS?