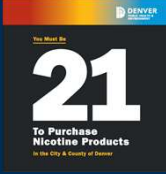




# Denver's Retail Tobacco Store License



**21**  
To Purchase  
Nicotine Products  
in the City & County of Denver



CML Panel  
February 13, 2020

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## Objectives



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

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## History

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






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## OVERVIEW OF TB LICENSE

### ORDINANCE SPECIFICS

- 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

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## ...continued

### 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)



	1 <sup>st</sup> Level Fine	2 <sup>nd</sup> Level Fine	3 <sup>rd</sup> Level Fine	4 <sup>th</sup> Level Fine
*Fines for Selling Tobacco to a Minor	\$250	\$500	\$750	\$999
*Maximum Amount per Inspection	\$250	\$500	\$750	\$999
**Suspension of Right to Sell Tobacco Products	ONE may issue a warning, ONE future violation will result in suspension	ONE may suspend right to sell for up to 30 days	ONE may suspend right to sell for up to 90 days	ONE may suspend right to sell for up to 1 year

\*Based on violations that occur within 28 months.  
\*\*Based on violations that occur within 12 months.

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CURRENT STATE (PRE-IMPLEMENTATION STAGE)	FUTURE STATE (IMPLEMENTATION STAGE)
<p><i>"Soft Enforcement"</i> of every tobacco retailer</p> <ul style="list-style-type: none"> <li>• One visit of every retailer</li> <li>• All violations result in a "warning letter"</li> </ul>	<p><i>"Routine Enforcement"</i> of every tobacco retailer</p> <ul style="list-style-type: none"> <li>• 3-4 routine inspections of every retailer</li> <li>• Follows program fine/suspension order schedule</li> </ul>
<p><i>Development of tobacco license online (first of it's kind)</i></p>	<p><i>Launch of online application</i></p>
<p><i>Education/Outreach to retailers</i></p> <ul style="list-style-type: none"> <li>• Retailer Toolkit, in-person outreach to deliver postcards re: license requirements and in-person DEMOS of online application</li> </ul>	<p><i>Ongoing-education/outreach to retailers</i></p> <ul style="list-style-type: none"> <li>• Address gaps and needs identified by tobacco retailers</li> </ul>

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## SUCCESSSES

- 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

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## CHALLENGES

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

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## QUESTIONS?



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