

**ORDINANCE NO. 2022-002**

**AN ORDINANCE AMENDING CHAPTER 9.22 OF THE CASTLE ROCK  
MUNICIPAL CODE RAISING THE MINIMUM AGE FOR THE SALE  
AND POSSESSION OF TOBACCO PRODUCTS**

**WHEREAS**, on December 20, 2019, President Trump signed legislation amending the Federal Food, Drug, and Cosmetic Act, raising the federal minimum age for sale of tobacco products from 18 to 21 years; and

**WHEREAS**, it is now illegal for a retailer to sell any tobacco product—including cigarettes, cigars, and e-cigarettes—to anyone under 21; and

**WHEREAS**, the new federal minimum age of sale applies to all retail establishments and persons with no exceptions; and

**WHEREAS**, corresponding legislation, in the form of House Bill 20-1001, was adopted by the Colorado Legislature and went into effect on July 14, 2020; and

**WHEREAS**, according to that legislation, no home rule municipality, including the Town of Castle Rock (the “Town”), shall enact an ordinance that establishes a minimum age to purchase cigarettes, tobacco products, or nicotine products that is under twenty-one (21) years of age;

**WHEREAS**, at present, the minimum age to purchase cigarettes, tobacco products, or nicotine products under the Town Code is eighteen (18) years; and

**WHEREAS**, the Town Council finds that it is in the best interests of the Town and its residents to revise its code to ensure compliance with this legislation.

**NOW, THEREFORE, IT IS ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CASTLE ROCK, COLORADO:**

**Section 1. Legislative Findings.** The recitals of this ordinance are adopted as findings of the Town Council in support of the enactment of this Ordinance.

**Section 2. Amendment.** Section 9.22.010 of the Castle Rock Municipal Code is amended to read as follows:

9.22.010 - Definitions.

AS USED IN THIS CHAPTER, THE FOLLOWING TERMS SHALL HAVE THE MEANINGS INDICATED:

Cigarette, tobacco product, or nicotine product means:

A. A product that contains nicotine, tobacco, synthetic tobacco, cloves, marijuana, tobacco derivatives, or other plant matter and is intended to be ingested, absorbed, inhaled, chewed, or applied to the skin of an individual; or

B. Any device that can be used to deliver nicotine, tobacco, synthetic tobacco, cloves, marijuana, tobacco derivatives, or any other plant matter to the person ingesting, absorbing, or inhaling from the device, including, but not limited to, an electronic cigarette, cigar, cigarillo, vaporizer, vape pen, or pipe.

~~Minor means a person under the age of eighteen (18) years of age.~~

**Section 3. Amendment.** Section 9.22.020 of the Castle Rock Municipal Code is amended to read as follows:

9.22.020 - Prohibition.

A. It is unlawful for any person ~~eighteen (18) years of age or older~~ to ~~furnish to any minor by gift, sale or other means~~ GIVE, SELL, DISTRIBUTE, DISPENSE, OR OFFER FOR SALE any cigarettes, tobacco products, or nicotine products TO ANY PERSON UNDER TWENTY-ONE (21) YEARS OF AGE.

B. It is unlawful for any ~~minor~~ PERSON UNDER TWENTY-ONE (21) YEARS OF AGE to consume, possess, or to purchase or attempt to purchase, either directly or through an intermediary, or in any other manner obtain any cigarette, tobacco product, or nicotine product.

**Section 4. Safety Clause.** The Town Council finds and declares that this ordinance is promulgated and adopted for the public health, safety and welfare and this ordinance bears a rational relation to the legislative object sought to be obtained.

**APPROVED ON FIRST READING** this 4th day of January, 2022, by a vote of 7 for and 0 against, after publication in compliance with section 2.02.100C of the Castle Rock Municipal Code; and

**PASSED, APPROVED AND ADOPTED ON SECOND AND FINAL READING** this 18<sup>th</sup> day of January, 2022, by the Town Council of the Town of Castle Rock by a vote of \_\_ for and \_\_ against.

**ATTEST:**

**TOWN OF CASTLE ROCK**

\_\_\_\_\_  
Lisa Anderson, Town Clerk

\_\_\_\_\_  
Jason Gray, Mayor

**Approved as to form:**

**Approved as to Content:**

\_\_\_\_\_  
Michael J. Hyman, Town Attorney

\_\_\_\_\_  
Jack Cauley, Chief of Police