

**TOWN OF FRISCO
COUNTY OF SUMMIT
STATE OF COLORADO
ORDINANCE 25- 07**

AN ORDINANCE AMENDING ARTICLE VI OF CHAPTER 110 OF THE CODE OF ORDINANCES OF THE TOWN OF FRISCO, CONCERNING TOBACCO PRODUCT RETAILER LICENSING AND SALE REGULATIONS, TO PROHIBIT THE SALE OF FLAVORED TOBACCO PRODUCTS AND THE SALE BY DISCOUNTING OF ANY TOBACCO PRODUCTS IN ORDER TO SAFEGUARD THE PUBLIC HEALTH, PARTICULARLY THE HEALTH OF MINORS.

WHEREAS, the Town of Frisco (the "Town") has been duly organized and is validly existing as a home rule town under Article XX, Section 6 of the Colorado Constitution and the Town Charter; and

WHEREAS, pursuant to C.R.S. § 31-15-401, the Town possesses the authority to adopt laws and ordinances within its police power in furtherance of the public health, safety, and welfare; and

WHEREAS, C.R.S. § 31-15-501 further allows the Town the authority to regulate businesses within the Town limits and, further, Article 7 of Title 44 of the Colorado Revised Statutes provides the Town with the authority to regulate tobacco sales; and

WHEREAS, the Town has previously adopted comprehensive regulations to require the licensing of tobacco retailers and to prohibit the sale of tobacco products to persons under twenty-one (21) years of age; and

WHEREAS, there is a special interest in reducing the number of individuals of all ages, but particularly young people, who use tobacco products, which causes nicotine dependance, illness, and premature death; and

WHEREAS, the Town Council has determined that it is in the best interest of the health, safety, and welfare of the citizens of the Town to disallow the sale of flavored tobacco products, and to prohibit the sale by discounting of any tobacco products.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FRISCO, COLORADO, THAT:

Section 1. Article VI of Chapter 110 of the Code of Ordinances of the Town of Frisco, concerning tobacco product retailer licensing and regulations, is hereby amended by amending section 110-86, concerning legislative intent, to read in its entirety as follows:

§ 110-86. Legislative Intent.

The intent of this Article is to safeguard the public health, safety and welfare and to reduce the number of individuals of all ages who use tobacco products, with a particular interest in protecting young people from tobacco product use, flavored tobacco product use and associated nicotine dependence, illness and premature death associated with tobacco use ~~prohibit the sales of tobacco products to youth, to encourage responsible tobacco product retailing and to reduce the impact of tobacco product use by young people in the Town of Frisco.~~

Section 2. Article VI of Chapter 110 of the Code of Ordinances of the Town of Frisco, concerning tobacco product retailer licensing and regulations, is hereby amended by amending section 110-88, concerning definitions, to add the following defined terms in their appropriate alphabetic order:

Coupon means any voucher, rebate, card, paper, note, form, statement ticket image or other issue, whether in paper digital or other form, used for commercial purposes to obtain an article, product, service or accommodation without charge or at a discounted price.

Flavored Tobacco Product means:

(a)

(1) any tobacco product that contains a taste or smell, other than the taste or smell of tobacco, that is distinguishable by an ordinary consumer either prior to or during the consumption of the product, including, but not limited to, any taste or smell relating to chocolate, cocoa, menthol, mint, wintergreen, vanilla, honey, fruit, or any candy, dessert, alcoholic beverage, herb, or spice; or

(2) any tobacco product that imparts a cooling or numbing sensation distinguishable by an ordinary consumer either prior to during the consumption of such tobacco product.

(b) Any public statement or claim, whether express or implied, made or disseminated by the manufacturer or retailer of a licensed product, or by any person authorized or permitted by the manufacturer to make or disseminate public statements concerning such products, that a product has or produces a taste or smell other than a taste or smell of tobacco or a cooling or numbing sensation will constitute presumptive evidence that the product is a flavored product. Presumptive evidence may include but is not limited to the use of terms such as, "cool," "chill," "ice," "fresh," "artic, or "frost" to describe the product.

Full Retail Price means the price listed for a tobacco product on its packaging or on any related shelving, advertising, or display where the tobacco product is sold or offered for sale, plus all applicable taxes and fees if such taxes and fees are not included in the listed price.

Section 3. Article VI of Chapter 110 of the Code of Ordinances of the Town of Frisco, concerning tobacco product retailer licensing and regulations, is hereby amended by amending section 110-90 concerning the minimum legal sales age for tobacco products and limitations on the tobacco product retailing, to add new subsections “F” and “G” thereto to read in their entirety as follows:

F. Prohibition of sale or offering for sale of flavored tobacco products. On and after January 1, 2026, it is unlawful for a licensee to sell or offer for sale a flavored tobacco product.

G. Prohibition of tobacco product coupons and discounts. On and after January 1, 2026, it is unlawful for a tobacco product retailer to:

(i) honor or redeem, or offer to honor or redeem, a coupon to allow a consumer to purchase a tobacco product for less than the full retail price; or

(ii) sell any tobacco product to a consumer through a multi-package discount or otherwise provide any such product for less than the full retail price; or

(iii) Provide any free or discounted item to a consumer in consideration for the purchase of any tobacco product.

Section 4. Severability. If any section, paragraph, sentence, clause, or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The Town Council hereby declares that it would have adopted this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 5. Safety Clause. The Town Council hereby finds, determines, and declares that this ordinance is promulgated under the general police power of the Town, that it is promulgated for the health, safety, and welfare of the public, that this ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare, and that this ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 6. Effective Date. This ordinance shall become effective in accordance with the Home Rule Charter of the Town of Frisco.

INTRODUCED, PASSED ON FIRST READING AND PUBLICATION AND POSTING ORDERED THIS 22nd DAY OF APRIL, 2025.

ADOPTED ON SECOND AND FINAL READING AND PUBLICATION BY TITLE ORDERED THIS 13th DAY OF MAY, 2025.

TOWN OF FRISCO, COLORADO

Frederick J. Ihnken, Mayor

Attest:

Stacey Nell, Town Clerk