



## MEMORANDUM

P.O. Box 4100 ♦ FRISCO, COLORADO 80443

**TO: MAYOR AND TOWN COUNCIL**  
**FROM: THAD RENAUD, TOWN ATTORNEY**  
**RE: ORDINANCE 23-\_\_ : AMENDING THE CODE CONCERNING THE PROHIBITION ON SMOKING IN PUBLIC PLACES**  
**DATE: APRIL 11, 2023**

### **Summary and Background:**

In 2006, the state legislature adopted a statute that prohibited smoking in most public places within the state. As a part of that statute, local governments were expressly authorized to adopt local smoking prohibitions that, with certain exceptions, could be no less stringent than the state restrictions. The Town adopted such local restrictions in 2006, and amended them in 2015 to reflect changes in both the state smoking prohibition, and advent of vaporizing devices that had not been specifically addressed in 2006.

Since 2015, the state statute has been amended to make its provisions more stringent and restrictive of smoking in public locations and all workplaces. In particular, the allowance for 25% of the rooms in hotels and motels to be designated as smoking rooms has been removed, as has the allowance of smoking in workplaces that are not open to the public and employ three or fewer people. Similarly, the allowance of smoking on casino floors has been removed, and a 21-year-old minimum age limit and mandatory signage established for retail tobacco businesses.

Those changes have caused certain of the Town's regulations to be less stringent than the state statute and, accordingly, the regulations should be amended to be at least equally stringent.

### **Analysis:**

The purpose of the attached ordinance is to amend the Town's Code of Ordinances in order that the Town's prohibition of smoking in public places and workplaces is no less stringent than the state statute that addresses the same topics.

In particular, the Code is amended to:

- (1) remove the allowance for 25% of hotel and motel rooms to be designated as smoking rooms;
- (2) remove the allowance for smoking in certain small workplaces;
- (3) remove the allowance for smoking on the floor of a casino;
- (4) establish a minimum age of entry to a retail tobacco business to 21 years of age; and
- (5) require certain signage concerning entry into a retail tobacco business.

**Financial Impact:**

There is no financial impact anticipated to result from the proposed changes to the Town Code.

**Alignment with Strategic Plan:**

The proposed updates to the Town Code do not appear to implicate the Town's Strategic Plan.

**Environmental Sustainability:**

The proposed updates to the Town Code do not appear to implicate matters of environmental sustainability.

**Staff Recommendation:**

For all the reasons described above, it is my recommendation that the Frisco Town Council approve the amendments as provided in the attached ordinance.

**Attachments:**

Ordinance 23-\_\_\_\_\_