



Klein - DOR, Alexander <alexander.klein@state.co.us>

Fwd: TRWG Comments

1 message

LED_Rulemaking - DOR, DOR <dor_led_rulemaking@state.co.us>

Thu, Jun 20, 2024 at 10:25 AM

To: dor_ledtobacco_rulemaking - DOR <dor_ledtobacco_rulemaking@state.co.us>, Alexander Klein - DOR <alexander.klein@state.co.us>

Colorado Liquor Enforcement Division



COLORADO
Department of Revenue
Specialized Business Group—
Liquor & Tobacco

1707 Cole Blvd, Suite 300, Lakewood, CO 80401
office: 303-205-2300 | fax: 303-866-2428

Service | Teamwork | Accountability | Integrity | Respect



Licensing Email: dor_liqlicensing@state.co.us
Enforcement Email: dor_led@state.co.us
LED Legal Email: dor_led_legal@state.co.us

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----- Forwarded message -----

From: **Stone-Principato - DOR, Michelle** <michelle.stone-principato@state.co.us>
Date: Thu, Jun 20, 2024 at 9:50 AM
Subject: Re: TRWG Comments
To: LED_Rulemaking - DOR, DOR <dor_led_rulemaking@state.co.us>

please ensure all the comments are being shared with industry members

On Thu, Jun 20, 2024 at 9:45 AM LED_Rulemaking - DOR, DOR <dor_led_rulemaking@state.co.us> wrote:
I already forwarded it to Alex, but I'm flagging it for you, too. No response is necessary on your part.

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----- Forwarded message -----

From: **Nick Torres** <Nick.Torres@lung.org>
Date: Tue, Jun 18, 2024 at 1:59 PM

Subject: TRWG Comments
To: dor_led_rulemaking@state.co.us <dor_led_rulemaking@state.co.us>

Dear Director Stone-Principato,

I'm writing with comments following Tobacco Rules Working Group meeting #1 on May 30, 2024.

First with respect to the routine review of Rule 7-500, Fees.

CRS 44-7-104 authorizes the executive director to increase license fees up to \$600 if the Division determines that underage sales compliance falls below 90%. As the Tobacco Rules Working Group and the Division perform routine review of the license fees rule, a review of the current compliance rate is important context.

- What is the current statewide compliance rate? How does the Division determine this rate?

Second, I would like to share my concerns regarding the discussion of draft tobacco festival rules. I understand your position to be that the Division will not order compliance checks of tobacco festivals out of concern for the individuals under 21 performing the compliance checks. This would beg the question: what about compliance checks among the 250+ licensed Cigar-tobacco Bars and Indoor Age Restricted Retailers where smoking and vaping occur? I may have misunderstood. Could you please clarify your intentions?

I was also concerned to hear such strong resistance, from both industry and the Division, to enforcement of the 500 feet minimum distance law of retail locations from school properties in the context of tobacco festivals.

If products are being sold to a consumer at a tobacco festival, then the tobacco festival should be treated as a retail location for the purposes of regulatory actions like compliance checks, inspections, distance rules, taxation, etc. Licensees participating in a tobacco festival, not just the permit holder, should be accountable for following the law, and the Division should be clear about how it plans to enforce the applicable laws.

Given that the need for legislation and rules for tobacco festivals arose from a licensee operating a questionable festival for years, a higher degree of scrutiny is needed.

Thank you for considering these comments, and I look forward to the ongoing dialogue.

Sincerely,
Nick Torres

Nick Torres

Director | Advocacy | CO, UT, WY

American Lung Association

O: 303-847-0267 | C: 419-302-0511

Pronouns: He/Him/Él



Michelle Stone-Principato

She | Her | Hers

Director



Cole Center 1707 Cole Boulevard, Suite 300, Lakewood, CO 80401

office: 303-866-2443 | fax: 303-866-2428

email: michelle.stone-principato@state.co.us

<https://sbg.colorado.gov/liquor>

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Liquor Enforcement Division Email Subscription:

<https://sbg.colorado.gov/liquor-industry-members>

For licensing questions: Licensing: DOR_LIQLICENSING@state.co.us

For enforcement questions: Enforcement: DOR_LED@state.co.us,

Have a Tip: <https://sbg.colorado.gov/liquor-responsible-vendor-trainers>

Are you a Clerk? Clerks Corner: <https://sbg.colorado.gov/clerks-corner>

6/20/24, 10:40 AM

State.co.us Executive Branch Mail - Fwd: TRWG Comments

The Division offices' email addresses and contact information are on the "contact us" page of Led's website. <https://sbg.colorado.gov/contact-the-liquor-and-tobacco-enforcement-division>

The Liquor Code and Regulations are available (in searchable PDFs) on our website on the <https://sbg.colorado.gov/liquor-enforcement-laws-rules-regulations> page.



STATE OF
COLORADO

- DOR , dor_ledtobacco_rulemaking <dor_ledtobacco_rulemaking@state.co.us>

Legally - authorized for sale tobacco products for US

1 message

Carolyn CO Dresler <cmdresler@gmail.com>

Tue, Jul 9, 2024 at 3:48 PM

To: dor_ledtobacco_rulemaking - DOR <dor_ledtobacco_rulemaking@state.co.us>

I had requested that Colorado tobacco festivals are ONLY allowed to demonstrate, market, sell legally authorized for sale tobacco products. This list of legally marketed products for the US are at:

<https://www.accessdata.fda.gov/scripts/searchtobacco/>

Thank you,

Carolyn Dresler, MD, MPA

Searchable Tobacco Products Database

This database provides entries for tobacco products that may be legally marketed because they are 1) new tobacco products authorized through one of [three pathways to market](#), 2) established through a voluntary determination program as [pre-existing tobacco products](#) (commercially marketed as of Feb. 15, 2007), or 3) provisional tobacco products that were [removed from review](#). For more information on database terminology and Q&A, visit [Searchable Tobacco Products Database - Additional Information](#).

FDA also maintains a [printable flyer of authorized e-cigarettes](#).

No tobacco product is safe, and it is illegal to sell tobacco products to anyone under 21. Products in this database may be the subject of agency action for other reasons.

[Download All Records](#) 

Search the Database


Company, Product Name, STN, MRTP, Additional Information

Category


Sub-Category


Submission Type - Marketing Authority

Date of Action From **From Date**

Date of Action To **To Date**

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Company	Product Name	Category	Sub-Category	Submission Type - Marketing Authority	Date of Action	Order Letter	Decision Summary	Environmental Assessment	FONSI	STN	Associated MRTP	Additional Information
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STATE OF COLORADO

Hutchinson - DOR, Hilary <hilary.hutchinson@state.co.us>

Re: Legally - authorized for sale tobacco products for US

1 message

- DOR , dor_ledtobacco_rulemaking <dor_ledtobacco_rulemaking@state.co.us>

Tue, Jul 30, 2024 at 3:24 PM

To: Carolyn CO Dresler <cmdresler@gmail.com>

Good afternoon,

After careful consideration, the Division has determined we would not have the enforcement authority to require tobacco festival participants to only sell/demonstrate tobacco products approved by the FDA.

As stated in our working group meetings, the Liquor and Tobacco Enforcement Division does not have any authority to regulate manufacturers. Federal approval of these products is an authority given to the FDA in federal law or regulation. The State of Colorado's Liquor and Tobacco Enforcement Division is not granted any enforcement or regulatory authority over FDA authorization. It is likely that the Liquor and Tobacco Enforcement Division would be overstepping its bounds by creating this provision in the rule, potentially resulting in a challenge from OLLS or potentially opening the Division up to lawsuits.

For this reason, the Liquor and Tobacco Enforcement Division cannot implement this proposal into the Tobacco Festival Permit Rule.

Thank you for reaching out to LED and for your consideration.

On Tue, Jul 9, 2024 at 3:48 PM Carolyn CO Dresler <cmdresler@gmail.com> wrote:

I had requested that Colorado tobacco festivals are ONLY allowed to demonstrate, market, sell legally authorized for sale tobacco products. This list of legally marketed products for the US are at:

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Thank you,

Carolyn Dresler, MD, MPA

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LED Legal Email: dor_led_legal@state.co.us
<https://sbg.colorado.gov/liquor-tobacco/tobacco>

7/30/24, 3:31 PM

State.co.us Executive Branch Mail - Re: Legally - authorized for sale tobacco products for US

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