



COLORADO

Department of Revenue

Enforcement Division – Liquor & Tobacco

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Colorado Liquor Enforcement Division Notice:

FEDERAL AGE 21 TO PURCHASE NICOTINE AND TOBACCO PRODUCTS:

On December 20, 2019, the President signed legislation to amend the Federal Food, Drug, and Cosmetic Act, in order to raise the federal minimum purchase age for tobacco products from 18 to 21 years. It is now illegal for a retailer to sell any tobacco product, including cigarettes, cigars, and e-cigarettes to anyone under 21. The law does **not** include an exemption to purchase tobacco products for those persons who were 18, 19 or 20-years-old as of December 20, 2019 or for active U.S. military personnel under 21 years of age.

In order to comply with the new federal law, Colorado tobacco retailers need to immediately cease selling any kind of tobacco product (i.e., cigarettes, cigars, smokeless tobacco, pipe tobacco, electronic cigarettes, nicotine vapor products, hookah tobacco, etc.) to anyone that is under the age of 21.

Moreover, retailers will be required, under forthcoming federal regulation, to request government-issued photo identification for customers under the age of 30 in order to verify that they are of legal age to purchase tobacco products.

Please feel free to visit the FDA website located at: <https://www.fda.gov/tobacco-products/compliance-enforcement-training/retail-sales-tobacco-products>, the FDA will provide additional details on this issue as they become available.

Notwithstanding the change to federal law, Colorado State statute continues to require the posting of warning signs with the language in section 44-7-103(3), C.R.S., stating “WARNING – IT IS ILLEGAL FOR ANY PERSON UNDER EIGHTEEN YEARS OF AGE TO PURCHASE CIGARETTES, TOBACCO PRODUCTS, OR NICOTINE PRODUCTS, AND UPON CONVICTION, A \$100.00 FINE MAY BE IMPOSED.”

The Liquor Enforcement Division is currently working on new signage that will read: “EFFECTIVE DECEMBER 20, 2019, THE FEDERAL MINIMUM AGE FOR SALE OF TOBACCO PRODUCTS CHANGED FROM 18 TO 21 YEARS. IT IS NOW ILLEGAL, UNDER FEDERAL LAW, FOR A RETAILER TO SELL ANY TOBACCO PRODUCT –INCLUDING CIGARETTES, CIGARS, AND E-CIGARETTES – TO ANYONE UNDER 21.” Such signage is not currently required by statute but may help retailers message the change to customers. As soon as LED can complete the task of updating our signage we will post this information on our website. In the interim, retailers should feel free to post their own signs with the language above if helpful to them in their messaging to customers.

If you have any further questions please contact 303-205-2300 or dor_led@state.co.us.