

## Retail Tobacco Store License Frequently Asked Questions (FAQ)

### 1. What is defined as a tobacco product?

- ✓ Any product containing tobacco or nicotine or that is made or derived from tobacco that may be used to introduce tobacco or nicotine into the human body, including but not limited to, cigarettes, cigars, pipe tobacco, hookah tobacco, snuff, chewing tobacco, dipping tobacco, dissolvable tobacco products, and nicotine-enhanced products.
- ✓ Any electronic device that may be used to deliver nicotine to the person inhaling from the device, including any solution, compound, or other substance containing nicotine to be used with the device; and
- ✓ Any other preparation of tobacco and any product or formulation of matter containing nicotine that may be used to introduce nicotine into the human body.

### 2. If my store sells tobacco products, what do I need to do to be in compliance?

- ✓ Effective October 1, 2019, all Retail Tobacco Stores (RTS) within the City and County of Denver must:
  - (1) Have an active Retail Tobacco Store License with the City and County of Denver
    - [Apply for Denver's Retail Tobacco Store License](#)
  - (2) Have a State issued Tobacco License
    - [Apply for the State of CO's Tobacco License](#)
  - (3) Verify that customers who attempt to purchase tobacco products are at least 21 years old. If a customer looks to be under 50 years old, retailers must ask for proof of age. Any of the documents listed below can be used to verify age:
    - A valid photo driver's license or non-driver ID card issued by a state or other U.S. government agency
    - A valid passport
    - A photo ID issued by the armed forces of the United States
    - **Please Note:** ID cards issued by employers, schools, or colleges are **NOT** acceptable forms of ID
  - (4) Must display required signage per C.R.S § 44-7-103, as amended (see question 19 for more information)
  - (5) Have no sales of tobacco products from vending machines
  - (6) No self-service displays of tobacco products\*
  - (7) No selling tobacco products in any form or condition other than in the packaging provided by the manufacturer

### 3. What is the cost of a Retail Tobacco Store License?

- (1) \$250 one-time, non-refundable application fee
- (2) \$500 license fee, renewed annually

### 4. Are there any proximity restrictions related to the Retail Tobacco Store License?

- ✓ Yes, the Retail Tobacco Store location may not be within 1,000 feet of any school (public or private), city-owned recreation center, or city-owned pool.
  - The measurement for proximity is a straight line from the Retail Tobacco Store's nearest portion of the building to the property line of a school, city-owned rec center, or city-owned pool.
  - Measurements are conducted by the CBH Tobacco Program
  - If the Retail Tobacco Store License application is within 1,000ft of a school, city-owned rec center, and city-owned pool and cannot provide proof of tobacco sales prior to Jan 1, 2021, the Tobacco Program will deny the Retail Tobacco Store License application. You will be issued a letter of denial and information on the next steps.

## 5. Are there any exemptions to the proximity restrictions?

- ✓ These proximity restrictions shall not apply to any application for a Retail Tobacco Store license submitted on or before January 1, 2021, or to an applicant who can produce to the satisfaction of the Director of Excise and Licenses documentation that the sale of tobacco products occurred at the subject location prior to January 1, 2021
  - Proof of tobacco sales includes tax documents, sales receipts, or other documentation deemed sufficient by the director
  - EXL will not accept an affidavit stating that the Retail Tobacco Store sold tobacco products prior to January 1, 2021, a zoning use permit, or a sales tax license as a valid form of proof of tobacco sales.
  - The Department of Excise and Licensure will verify tobacco proof of tobacco sales and accept the proof of sales document. You will need to upload this document to your Retail Tobacco Retail application in order for EXL to verify the document.
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## 6. What if I still have questions about my Retail Tobacco Store License application?

- ✓ If you have questions or issues with applications that have been submitted, email [EXLApplications@denvergov.org](mailto:EXLApplications@denvergov.org)

## 7. What happens if I am found to be selling tobacco products without an active Retail Tobacco Store License?

- ✓ You will be issued a General Violation of \$999 for a violation of selling tobacco without an active license by the Department of Excise & Licensure. You will be provided information on the next steps at the time of issuance.

## 8. How do I surrender a Retail Tobacco Store License that has already been issued?

- ✓ Please use this [online video](#) to walk you through the process of surrendering a license.

## 9. How do I withdraw a Retail Tobacco Store License application before the license is issued and receive a refund?

- ✓ Please fill out this [Refund Form](#) and send it to [licenses@denvergov.org](mailto:licenses@denvergov.org) with your BFN number and location address.
- ✓ Please fill out this [Withdrawal Form](#) and send it to [licenses@denvergov.org](mailto:licenses@denvergov.org) with your BFN number and location address.

## 10. I am selling my establishment which has an active Retail Tobacco Store License. What is my first step?

- ✓ In order to initiate the process of a “transfer of ownership”, your RTS license will need to be amended to allow the buyer to transfer ownership. You will need contact information for the buyer, including first/last name and email address.
- ✓ Please use this [online video](#) to walk you through the process. Please note that this video is titled, “Marijuana Transfer of Ownership”, but the same process can be used for the RTS license you are attempting to amend/transfer ownership.

## 11. I am purchasing an establishment that has an active Retail Tobacco Store License. What is my first step?

- ✓ The first step in this process requires that the current owner amend their active Retail Tobacco Store License. Once they initiate this process, you will receive a notification through email that the license is ready for a transfer of ownership (\$100 transfer fee).
- ✓ Please see additional information in question 8.

## 12. Can I transfer a Retail Tobacco Store License from one location to another?

- ✓ No retail tobacco store license shall be transferable from one location to another.

**13. Are employees under twenty-one (21) permitted to sell tobacco products?**

- ✓ Yes, employees must be at least eighteen (18) years old to sell or participate in the sale of tobacco products

**14. Can I get a State of Colorado tobacco license before a Retail Tobacco Store License with the City and County of Denver?**

- ✓ No, you are required to submit documentation of the local municipal license in order to receive the state of Colorado tobacco license.

**15. What are the fines for selling or distributing tobacco products to someone who is under 21?**

Violation Type	1st Violation	2nd Violation	3rd Violation	4th and subsequent violation
Underage Sale(s) to Person(s) Under Twenty-one (21) <u>OR</u> Violation of an Order	✓ \$500	✓ \$1,000 ✓ 30-day Suspension Order	✓ \$2,000 ✓ 60-day Suspension Order	✓ \$5,000 ✓ 1-year Suspension Order
Improper Signage, Self-Service Display(s), and Vending Machine (s)	✓ \$250	✓ \$500	✓ \$750	✓ \$999

Fines are assessed over a 36-month period.  
Suspensions are assessed over a 12-month period.

- ✓ The Denver Revised Municipal Code makes it unlawful for any person\* to not comply with a sanction or order issued by the manager, such as those listed in the table above. Failure to comply with such sanctions or orders could result in additional sanctions of fines up to \$5000 and suspensions of up to 1 year. See D.R.M.C. 24-5, 24-24, and 24-406.
- ✓ \*-Article XI Chapter 24-401 (d) defines person as "Person means any firm, corporation, association, or other organization acting as a group or unit as well as an individual. It shall also include an executor, administrator, trustee, receiver, or other representative appointed according to law.

**16. Where can I pay a citation related to operating without a Retail Tobacco Store License?**

- ✓ Please pay [Denver Excise and Licenses \(EXL\) Citations here](#)
- ✓ To appeal a citation issued by EXL, please provide the following information in a typed or handwritten letter, and mail or drop off at 201 W Colfax, Room 206, Denver, CO 80202 Attn: Director of Excise & License,
  - Letter must be received/postmarked within 10 days of citation date
  - \$100 filing Fee (check or money order made out to the Manager of Finance)
  - Name, address, phone number
  - Administrative Citation number
  - The reason the appellant believes the Administrative is objectionable, incorrect, or illegal
  - The amount and type of claim of dispute involved and the time during with it accrued or occurred
  - Letter must be signed by the Responsible Party and/or attorney

## 17. Where can I pay a citation related to an underage sale or other tobacco-related violations?

- ✓ Please pay [Denver Department of Public Health & Environment \(DDPHE\) Citations here](#)
- ✓ To appeal a citation issued by DDPHE, please provide the following information in a typed or handwritten letter, and mail or drop off at 101 W Colfax Ave, Suite 800 Denver, CO 80202 Attn: Administrative Hearings Case Manager.
  - Letter must be received/postmarked within 30 days of the citation date
  - \$25 filing fee (check or money order made out to the Manager of Finance)
  - Name, address, phone number
  - Administrative Citation number
  - Language requesting an appeal
  - Explanation of factual/procedural errors (i.e., Why you disagree with the citation?)
  - Type of relief requested (i.e., What you are requesting the hearings officers do with regards to the fine and/or violation?)
  - Letter must be signed by the Responsible Party and/or attorney

## 18. Can my Retail Tobacco Store License be revoked?

Yes, if a Retail Tobacco Store consistently violates underage sales regulations to individuals under 21 or receives a tobacco suspension Order repeatedly, the CBH Tobacco Program reserves the right to initiate an investigation report for the respective Retail Tobacco Store License to the Department of Excise and Licenses. Subsequently, a hearing will be scheduled with the Department of Excise and Licenses to assess whether the Retail Tobacco Store should maintain its active license status.

## 19. What signage is required for a Retail Tobacco Store?

- ✓ [City and County of Denver Signage](#) – Contact [CBHTobaccoProgram@denvergov.org](mailto:CBHTobaccoProgram@denvergov.org) if you need this signage mailed to your location
  - [Tobacco 21 Signage \(Counter Card\)](#) - optional, not required by Denver law
  - [Tobacco 21 Signage \(Window Cling\)](#) - optional, not required by Denver law
- ✓ Colorado State Signage
  - [Tobacco warning sign](#) - required by CO law
  - [Smoking allowed sign](#) (no one under 21 permitted to enter) - required by CO law for all Retail Tobacco Stores that are exempt from the Colorado Clean Indoor Air Act

## 20. How can I keep up to date on requirements for the Retail Tobacco Store License?

- ✓ Please subscribe to the [Tobacco Information Bulletin](#) for updated information regarding tobacco legislation and implementation. Your email address will not be shared with any third parties.

## 21. Do you still have questions we were not able to answer in this FAQ sheet?

- ✓ Please visit our [Tobacco Program webpage](#) for more information or contact our Tobacco Program.

**Denver Tobacco Program**

**Community & Behavioral Health**

**Department of Public Health & Environment**

Email: [CBHTobaccoProgram@denvergov.org](mailto:CBHTobaccoProgram@denvergov.org)

\*This section 24-404 shall not apply to cigars or pipe tobacco sold or displayed by a person who primarily engages in the business of selling cigars, pipe tobacco, cigar-related accessories, and pipe tobacco related accessories, or the rental of on-premises humidors or other cigar storage units.

Community & Behavioral Health  
Denver's Department of Public Health & Environment  
101 W Colfax Ave, Suite 700 | Denver, CO 80202  
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