



ARAPAHOE COUNTY

Board of County Commissioners Study Session
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Updating Arapahoe County Ordinances to Reduce the Impacts of Tobacco and Nicotine

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Agenda

1. Review existing county ordinances
2. Overview of policy best practices
3. Recommendations for revisions



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Existing Arapahoe County Ordinances and Policies



1. Smoking in Public Places, 1988 Ordinance
2. Tobacco, Minor in Possession, 2008 Ordinance
3. Resolution No. 150552: Smoking Policy county buildings, 2015
4. Smoke & Vapor Free Parks, Trails, Open Spaces, Open Spaces Department Rules and Regulations, 2024

1988 Smoking in Public Places Ordinance

- Concerns
 - Superseded by Colorado Clean Indoor Air Act, enacted in 2006 and substantially amended in 2019.
 - Smoking prohibited, except in list of permitted places - conflicts with statute.
 - 2019 [Colorado Clean Indoor Air Act](#)
 - Comprehensive list of prohibitions.
 - Definitions crafted to avoid loopholes as new products are created.
 - Vague enforcement language, pretty much left to local jurisdictions.
 - BOCC has authority to adopt local regulation of smoking, but it cannot be less stringent than the Clean Indoor Air Act. C.R.S. Sec. 30-15-401(1.5); 25-14-207.
 - Recommendation: Repeal 1988 ordinance.
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Youth Nicotine Use

According to Healthy Kids Colorado (2023), among Arapahoe County high schoolers:

- 8.3% used any tobacco product in the last 30 days compared to 9.2% of all high schoolers in Colorado.
- Vaping within the last 30 days decreased from 16% in 2021 to 8% in 2023.
- The percent of youth who tried vaping before age 13 increased from 7% in 2021 to 8% in 2023.

E-cigarettes and disposable vapes are the most used tobacco products among young people.



2008 Tobacco Possession by Minors Ordinance

- Concerns
 - Conflicts with new Minimum Legal Sales Age (21 years old) for tobacco/nicotine products. C.R.S. 18-13-121.
 - Ordinance is limited to minors' possession on school grounds. Each school board has authority to prohibit all use of tobacco products on school grounds. C.R.S. 25-14-103.5.
 - Minors in possession no longer criminal conduct, effective 2020. Unfairly punishes youth who are addicted to nicotine and does not reduce consumption.
 - Unlawful to Sell Tobacco Products to Anyone Under 21. C.R.S. 18-13-121.
 - Shifts focus to holding retailers accountable for illegal sales to minors.
 - BOCC has authority to regulate possession or sale to a minor that are consistent with or more stringent than state statute. C.R.S. 30-15-401(1.5).
 - Recommendation: Repeal 2008 Tobacco Possession by Minors Ordinance.
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Resolution No. 150552: Smoking Policy county buildings, 2015

- Concerns
 - Passed prior to Colorado Clean Indoor Air Act update
 - Definition of smoking provides loopholes for future tobacco and nicotine products.
 - Language requirement on signs is outdated.
 - Recommendations
 - Comply with CCIAA
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Recommendations

- Repeal: 1988 Smoking in Public Places Ordinance
 - Repeal: 2008 Tobacco Possession by Minors Ordinance
 - Update 2015 Resolution
 - Comply with CCIAA
 - Revise definitions
 - Designate where smoking is permitted
 - Narrow language of resolution
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Recommendations (cont.)

- Seek BOCC input re: Local regulations
 - Draft local regulations to clarify enforcement authority and process.
 - Enforce the Colorado Clean Indoor Air Act. Violation of Clean Indoor Air Act is a petty offense punished by \$300 fine and/or up to 10 days imprisonment in county jail. Each day a separate violation. C.R.S. Sec. 25-14-207 and 208; 18-1.3-503.
 - Sale to those under 21 a civil infraction punished by \$200 fine. C.R.S. 18-13-121.
 - Upon receiving a complaint, ACPH provides repeated outreach and education to businesses with violations.
 - Enforcement not a primary focus for ACSO. Initial outreach by Public Health Department will make it easier to coordinate with ACSO in egregious situations.
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Thank you

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