



# Arapahoe County

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## Board Summary Report

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**File #:** 25-541

**Agenda Date:** 10/7/2025

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**To:** Board of County Commissioners

**Through:** Jennifer Ludwig, Director, Public Health

**Prepared By:**

Leslie Levine, Sr. Community Health Promotion Specialist, Public Health; Monica Kovaci, Sr. County Attorney, County Attorney's Office

**Presenter:** Leslie Levine, Sr. Community Health Promotion Specialist, Public Health; Monica Kovaci, Sr. County Attorney, County Attorney's Office

**Subject:**

1:30 PM \*Arapahoe County Tobacco-related Ordinance Revisions and Updates

**Purpose and Request:**

The purpose of this study session is to inform the process of updating tobacco control-related ordinances at the county level. Arapahoe County has two smoking related ordinances in effect and a resolution. Arapahoe County Public Health (ACPH) recommends repealing the two outdated ordinances and updating the resolution to bring all into compliance with the Colorado Clean Indoor Air Act. ACPH also requests to engage the Board of County Commissioners (BOCC) on regulatory enforcement possibilities at the county level.

This briefing seeks direction from the BOCC on the following items:

- Requested repeal of the 1988 Smoking in Public Places ordinance (attached);
- Requested repeal of the 2008 Tobacco, Possession by Minors ordinance (attached);
- Requested amendment to the 2015 Resolution defining smoking areas on county property; and
- Consideration of an additional study session to explore new local regulations focusing on enforcement of smoke and vape-free indoor and outdoor spaces, as well as licensing for tobacco retailers in unincorporated Arapahoe County.

**Alignment with Strategic Plan:** Safe and Healthy Communities - Improve public health initiatives, including access to food security programs, healthcare, and immunizations.

**Background and Discussion:** 1988 Smoking in Public Places Ordinance. Arapahoe County's Smoking in Public Places ordinance, passed in 1988, has become outdated, especially since passage of the 2019 Colorado Clean Indoor Air Act (CCIAA) and Colorado enacted Nicotine Product Regulations (HB20-1001). The 1988 ordinance has been superseded by the CCIAA and much of the permissive language conflicts with the state statute. ACPH requests that the BOCC repeal the 1988 ordinance.

2008 Tobacco Possession by Minors Ordinance. This ordinance, the scope of which is limited to minors' possession on school grounds, has also become outdated and should be repealed. The authority to prohibit tobacco products on school grounds is granted to school boards, not the county. In addition, possession of tobacco products by minors is no longer criminal conduct, and instead, the legal landscape has shifted to holding retailers accountable for illegal sales to anyone under 21 years of age. C.R.S. 18-13-121. ACPH therefore recommends that the BOCC repeal the 2008 Tobacco Possession by Minors Ordinance.

Resolution 150552, Smoking Policy on County Property. Although this resolution from 2015 does not directly conflict with the CCIAA, there are definitions in the resolution that are outdated and fail to capture the ever-evolving scope of smoking products. ACPH recommends amending (and/or revoking and restating) this resolution to reaffirm the county's compliance with the CCIAA, as amended, to designate smoking areas as no closer than 50 feet from any county building entrance, and the prohibition of smoking in county vehicles.

Thoughts on Implementing Local Regulations. The final purpose of the study session is to seek direction from the BOCC on enacting local regulations to permit local enforcement of the CCIAA and the updated tobacco retail laws. ACPH recommends implementing mandated local licensing to sell tobacco and nicotine products with provisions that require: An additional two compliance checks for sales to minors. Reinspection within 45 days after an initial violation occurs. Prohibition of employees under 21 from handling tobacco products. Data from the 2023 Healthy Kids Colorado survey from Arapahoe County high school students indicate that: 8% of Arapahoe County high school students reported vaping in the past 30 days and early experimentation with vaping has increased, with 7.7% of Arapahoe County high school students trying vaping before age 13. Compliance checks for sales to minors is one indicator of youth access to tobacco and nicotine products at retailers. Healthy Kids Colorado data in 2023 indicates that almost 84% of Arapahoe County high school students were not refused due to age when they tried to purchase tobacco or vaping products in a store. The Colorado Department of Revenue (CDOR) tobacco retail license database does not identify retailers located in unincorporated areas; thus, we rely on county-level statistics to determine the violation rate for sales to minors. There are approximately 528 tobacco retail licenses in the county. In 2024, the violation rate was 4% (56 violations).

**Alternatives:** The BOCC could choose not to repeal the current policies or enforce the Colorado Clean Indoor Air Act, but doing so would conflict with state law.

**Fiscal Impact:** Repealing the current policies and adopting the CCIAA would require new signage. Per the Arapahoe County Print Shop, vinyl signs vary in cost ranging from .13 to .24 per unit. The exact number of signs to be replaced has not yet been determined. This process can be done over time using A35 grant funds.

**Alignment with Strategic Implementation Strategies:** The attached framework helps Arapahoe County institutionalize values-based, transparent decision-making, documenting how we make decisions and carry out actions to achieve the county's strategic plan.

**Staff Recommendation:** Staff recommends the following:

1. Repeal the 1988 Smoking in Public Places ordinance.
2. Repeal the 2008 Tobacco, Possession by Minors ordinance.
3. Update the 2015 Resolution regarding smoking on county property.

4. Schedule a second study session to explore local tobacco retail licensing for unincorporated Arapahoe County and expand CCIAA to address loopholes in indoor spaces and extend to outdoor spaces.

**Concurrence:** The County Attorney's Office, Arapahoe County Sheriff's Office, and Public Works & Development are in concurrence with this recommendation.