

**Colorado Department of Revenue
Liquor Enforcement Division
Adoption of Rule on an Emergency Basis
Colorado Cigarette, Tobacco Product, and Nicotine Product Retailer Rules, 1 C.C.R.
203-1**

Emergency Rule

Rule 7-500 – Fees.

Statement of Emergency Justification and Adoption

Pursuant to sections 24-4-103, 44-7-104(5), 44-7-104.5(1), and 44-7-104.7(3)(b), C.R.S., I, Mark Ferrandino, Executive Director/Chief Executive Officer of the Department of Revenue, hereby adopt the aforementioned rule, which is attached hereto.

Section 24-4-103(6), C.R.S., authorizes the Executive Director of the Department of Revenue to issue an emergency rule if the Executive Director finds that the immediate adoption of the rule is imperatively necessary to comply with a state or federal law or federal regulation or for the preservation of public health, safety, or welfare and compliance with the requirements of section 24-4-103, C.R.S., would be contrary to the public interest.

I find: (1) the adoption of this rule effective April 30, 2021 is necessary to comply with the statutory mandates of the Tobacco Code, sections 44-7-101, C.R.S., *et. seq.*; (2) the adoption of this rule is necessary to preserve the public health, safety, and welfare; and (3) compliance with the notice and public hearing requirements of section 24-4-103, C.R.S., would be contrary to the public interest.

Statutory Authority

The statutory authority for this rule includes but is not limited to subsections 44-7-104(5), , 44-7-104.5(1), and 44-7-104.7(3)(b),C.R.S.

Purpose

The purpose of the promulgation of this rule on an emergency basis is to establish licensing fees for cigarette, tobacco product, and nicotine product retailers in accordance with statutory requirements and the needs of the Liquor Enforcement Division. Pursuant to subsection 44-7-104(5), 44-7-104.5(1)(a)(II), and 44-7-104.7(3)(b), C.R.S., the fees promulgated thereunder shall reflect the direct and indirect costs of the Liquor Enforcement Division and the Executive Director in the administration and enforcement of Article 7 of Title 44, C.R.S. In order to ensure the protection of public health, and in accordance with the legislative declaration of section 44-7-104(5), 44-7-104.5(1)(a)(II), and 44-7-104.7(3)(b), C.R.S., the Executive Director shall promulgate rules establishing necessary and reasonable fee amounts that reflect the direct and indirect costs of administration and enforcement of Article 7 of Title 44, C.R.S. It is imperatively necessary to promulgate these fees in order to exercise proper

regulation and control over the administration and enforcement of Article 7 of title 44, C.R.S., and to meet these legislative charges and responsibilities in order to preserve the public health, safety, and welfare of the State of Colorado.

The Executive Director will file a permanent rulemaking notice regarding this proposed rule after the 2021 rulemaking process, which will include the opportunity for substantial stakeholder and public participation, is concluded and stakeholder input has been duly recognized and considered.

Adoption

The Executive Director is adopting this rule on an emergency basis to comply with subsections 44-7-104(5) and 44-7-104.5(1), C.R.S., requiring the promulgation of rules to set necessary and reasonable fees to reflect the direct and indirect costs of the enforcement and administration of Article 7 of title 44, and to assure the public is provided with notice of the fees that the Executive Director anticipates collecting. Adoption of this emergency rule will clarify the fee schedule for applicants and licensees.

This emergency rule is effective April 30, 2021. The attached emergency rule will remain in effect until its expiration upon 120 days from the adoption date unless sooner terminated or replaced by a permanent rule.

Mark Ferrandino
Executive Director/Chief Executive Officer
Colorado Department of Revenue

Date

DEPARTMENT OF REVENUE

Liquor and Tobacco Enforcement Division

COLORADO CIGARETTE, TOBACCO PRODUCT, AND NICOTINE PRODUCT RETAILER RULES

Rule 7-500. Fees.

Basis and Purpose. The statutory authority for this regulation includes, but is not limited to, subsections 44-7-104(5), 44-7-104.5(1), and 44-7-104.7(3)(b), C.R.S. The purpose of this regulation is to establish fees for certain licenses and permits that may be issued by the Division.

Below are the fees established by the Executive Director:

License Fees

Cigarette, Tobacco Product, or Nicotine Product Retailer License* \$400.00

(* - classifications include: On-Premises Retailer; Off-Premises Retailer; and Cigar Bar).

Temporary License \$35.00

Cigarette, Tobacco Product, or Nicotine Product Retailer License Renewal..... \$400.00

Large Operator License(s) \$400.00*

(* - retailers who have 10 or more retail locations under the same corporate or business entity may apply, simultaneously and on one form, for licenses for all locations that sell tobacco/nicotine products. The large operator license fee, which is to be paid in one transaction regardless of number of licensed retail locations applied for, is to be calculated on a per-retail location basis in order to cover the direct and indirect costs of administration and enforcement of Article 7, Title 44, C.R.S.).

Permit Fees

Delivery Permit \$250.00

Permit Renewal \$250.00