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**STATE OF COLORADO**  
**DEPARTMENT OF LAW**

October 28, 2021

Deanna Maiolo  
Colorado Department of State  
1700 Broadway, Suite 200  
Denver, CO 80290

RE: Correction to Colorado Cigarette, Tobacco Product, and Nicotine Product  
Retailer Rules, Rule 7-601, 1 CCR 203-1  
Tracking Number 2021-00397 (Correction Filing Tracking Number 2021-  
00674)

Dear Ms. Maiolo:

On June 30, 2021, the Executive Director of the Department of Revenue adopted rules at 1 CCR 203-1 to implement requirements and restrictions on sales of cigarettes, tobacco products, and nicotine products without a license pursuant to article 7 of title 44. The rules, together with the Attorney General's opinion, were submitted to the Secretary of State under Tracking Number 2021-00397.

In the adopted rules, a typographical error has been discovered in Rule 7-601, which outlines the penalties for certain violations established in article 7 of title 44. Rule 7-601(B)(1) outlines the penalty ranges for sales of cigarettes, tobacco products, and nicotine products to underage persons. Subsection (B)(1)(d) as approved reads as follows:

- d. Fourth or Subsequent Violation. If the retailer has had three or more previous underage sale violations in the preceding twenty-four month period, the retailer shall be subject to:
  - i. A fine of at least \$1,000.00 and not more than \$1,500.00; and
  - ii. If the retailer holds a state license, a suspension or revocation of the retailer's

state license or, if the retailer does not hold a state license, a prohibition against the retailer selling cigarettes, tobacco products, or nicotine products at the retail location at which the violation occurred for up to three years.

The typographical error can be found at subsection (B)(1)(d)(i) and should read:

- i. A fine of at least \$1,000.00 and not more than ~~\$1,500.00~~15,000; and . . .

There was a typographical error when transcribing the statutory penalties established section 44-7-106 (1)(a)(IV), C.R.S., to Rule 7-601, which does not impact the substantive provisions of the rule. The statement of basis and purpose for the rule makes it clear that the rule is intended to be consistent with the provisions established in section 44-7-106, C.R.S.

Pursuant to the rulemaking provisions of the State Administrative Procedure Act, typographical errors may be corrected upon submission of a request by the agency. C.R.S. § 24-4-103(11)(d)(II), C.R.S. On October 18, 2021, the Department of Revenue, Liquor and Tobacco Enforcement Division filed a correction request (Tracking Number 2021-00674).

I have reviewed this error and have determined that it is a nonsubstantive typographical error. I respectfully request that you make this correction to the above referenced rule.

Thank you for your assistance with correcting this error. Please do not hesitate to contact me if you have any questions or concerns.

Sincerely,

FOR THE ATTORNEY GENERAL

*/s/ Shawn C. Casey*

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SHAWN C. CASEY

Senior Assistant Attorney General  
Revenue & Utilities Section