



City of Chicago



O2014-2375

Office of the City Clerk

Document Tracking Sheet

Meeting Date:	4/2/2014
Sponsor(s):	Burke (14) Burns (4)
Type:	Ordinance
Title:	Amendment of Municipal Code Chapter 4-64 regulating liquid nicotine
Committee(s) Assignment:	Committee on Health and Environmental Protection

ORDINANCE

WHEREAS, the City of Chicago is a home rule unit of government pursuant to the Illinois Constitution, Article VII, Section 6 (a); and

WHEREAS, pursuant to its home rule power, the City of Chicago may exercise any power and perform any function pertaining to its government and affairs, including promoting the quality of life, health, safety, and the welfare of its citizens; and

WHEREAS, on January 15, 2014, the Chicago City Council adopted an ordinance which banned the smoking of e-cigarettes in most indoor public places, including restaurants and bars, and subjected e-cigarettes to many of the regulations applicable to other tobacco products; and

WHEREAS, liquid nicotine, or e-liquid, is more dangerous than tobacco because it can be absorbed into the bloodstream quicker than tobacco and it is becoming increasingly popular as e-cigarettes become increasingly reusable; and

WHEREAS, the dangerous stimulant is sold by the vial, the gallon, and the barrel at both low and high concentrations; and

WHEREAS, at a high concentration, as little as one teaspoon of liquid nicotine can kill a baby or a small child and less than one tablespoon can kill an adult; and

WHEREAS, according to the National Poison Data System, reports of poisonings caused by accidental ingestion of e-liquids tripled from 2012 to 2013, from 459 to 1,414; and

WHEREAS, a reported 365 cases of e-liquid poisonings were referred to hospitals in 2013, which is triple the amount in 2012; and

WHEREAS, according to industry estimates, between one million and two million liters of liquid nicotine will be sold this year in the United States; and

WHEREAS, the European Parliament limits the amount of nicotine in e-cigarettes to 20 milligrams per milliliter, or 2% concentration, which is rarely fatal to children, and requires childproof and tamper-proof packaging and graphic warnings; and

WHEREAS, Canada regulates liquid nicotine and e-cigarettes under the strict rules that govern the safety of drugs and requires manufacturers to submit scientific evidence demonstrating safety, quality and efficacy; and

WHEREAS, the corporate authorities of the City of Chicago intend to regulate the sale of liquid nicotine in order to protect the public health and safety of its residents, particularly children; now, therefore

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:

SECTION 1. Chapter 4-64 of the Municipal Code of Chicago is hereby amended by creating Sections 4-64-097 and 4-64-195, as follows:

4-64-097 E-Liquid defined.

As used in this chapter:

“E-Liquid” means any tobacco product in liquid form containing nicotine that is derived from tobacco, which product is intended to enable human consumption of the nicotine, whether smoked, absorbed, dissolved, inhaled or ingested by any other means.

4-64-195 E-Liquid products.

(a) No person shall sell, give away, barter, exchange or otherwise furnish any E-Liquid product unless said product:

- (1) contains no greater than 36 milligrams of nicotine per milliliter of total fluid volume;
- (2) is packaged in a child-proof, leak-proof, and tamper-resistant container; and
- (3) is clearly labeled with the following:
 - (i) nicotine content in mg/mL;
 - (ii) ingredients; and
 - (iii) a cautionary statement in the following format:
“WARNING: Keep away from children and pets.”

(b) The label required under subsection (a) of this section shall be displayed in a prominent location on the container, wrapper or other packaging of the E-Liquid product and the word “WARNING” shall appear in capital letters and all text shall be in conspicuous and legible type size. The text shall be black on a white background, or white on a black background, in a manner that contrasts, by typography, layout, or color, with all other printed material on the container, wrapper or other packaging of the E-Liquid product.

(c) The requirements of this section shall not apply to disposable, pre-filled electronic cigarettes as that term is defined in section 7-32-010 of the Code.

SECTION 2. Sections 4-64-240 and 4-64-330 of the Municipal Code of Chicago are hereby amended by inserting the language underscored, as follows:

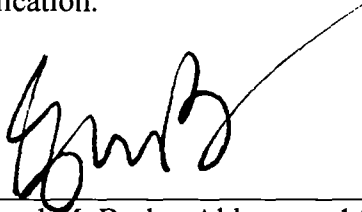
4-64-240 Suspension, revocation and nonrenewal of licenses.

(a) Knowing or repeated violation of any provision of Sections 4-64-100, 4-64-101, 4-64-180, 4-64-181, 4-64-190, 4-64-195, 4-64-200, 4-64-205, 4-64-210 and 4-64-220 by a licensee shall be grounds for revocation or suspension of such license. For purposes of this section, "license" includes any and all licenses issued by any officer, department or agency of the City of Chicago required for retail or other business operations at the location at which the offense occurred, and includes but is not limited to retail tobacco licenses.

4-64-330 In general.

(a) Alleged violations of the provisions of Sections 4-64-100, 4-64-101, 4-64-131, 4-64-132, 4-64-140, 4-64-150, 4-64-160, 4-64-170, 4-64-180, 4-64-181, 4-64-195, 4-64-200, 4-64-205, 4-64-220, and Sections 3-42-060 and 3-42-100 shall be adjudicated by the circuit court of Cook County or the department of administrative hearings pursuant to citation. Penalties shall be as prescribed in this section, notwithstanding any other general penalty provision in this Code.

SECTION 3. This ordinance shall be in full force and effect upon passage and publication.



Edward M. Burke, Alderman, 14th Ward



Will Burns, Alderman, 4th Ward