



City of Chicago



SO2020-3388

Office of the City Clerk

Document Tracking Sheet

Meeting Date: 6/17/2020

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Type: Ordinance

Title: Amendment of Municipal Code Chapters 4-64 to prohibit sale of flavored tobacco products and flavored liquid nicotine products

Committee(s) Assignment: Committee on Health and Human Relations

**SUBSTITUTE
ORDINANCE**

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

SECTION 1. Section 4-64-100 of the Municipal Code of Chicago is hereby amended by adding the language underscored, as follows:

(Omitted text is unaffected by this ordinance)

“Electronic cigarette(s)” shall have the meaning ascribed to that term in Section 7-32-010.

“Flavored liquid nicotine product” means any liquid nicotine product that contains a constituent that imparts a characterizing flavor. As used in this definition, the term “characterizing flavor” means a distinguishable taste or aroma, imparted either prior to or during consumption of a liquid nicotine product, including but not limited to tastes or aromas of menthol, mint, wintergreen, chocolate, vanilla, honey, cocoa, any candy, any dessert, any alcoholic beverage, any fruit, any herb, or any spice, but shall not include the taste or aroma of tobacco. No liquid nicotine product shall be determined to have a characterizing flavor solely because of the use of additives or flavorings or the provision of ingredient information. A public statement or claim made or disseminated by the manufacturer of a liquid nicotine product, or by any person authorized or permitted by the manufacturer to make or disseminate such statement or claim, that a liquid nicotine product has or produces a characterizing flavor shall establish that the liquid nicotine product is a flavored liquid nicotine product.

“Flavored tobacco product” means any tobacco product, other than a liquid nicotine product, that contains a constituent that imparts a characterizing flavor. As used in this definition, the term “characterizing flavor” means a distinguishable taste or aroma, other than the taste or aroma of tobacco, imparted either prior to or during consumption of a tobacco product including but not limited to tastes or aromas of menthol, mint, wintergreen, chocolate, vanilla, honey, cocoa, any candy, any dessert, any alcoholic beverage, any fruit, any herb, or any spice. No tobacco product shall be determined to have a characterizing flavor solely because of the use of additives or flavorings or the provision of ingredient information. A public statement or claim made or disseminated by the manufacturer of a tobacco product, or by any person authorized or permitted by the manufacturer to make or disseminate such statement or claim, that a tobacco product has or produces a characterizing flavor shall establish that the tobacco product is a flavored tobacco product.

“Illegal sale of cigarettes” means any violation of Sections 3-42-020(d), 4-64-345 or 4-64-350.

(Omitted text is unaffected by this ordinance)

SECTION 2. Section 4-64-355 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

4-64-355 Prohibition on sale of certain products. ~~Sale of bidi cigarettes and other tobacco products—Prohibited.~~

(Omitted text is unaffected by this ordinance)

(c) No person shall sell, give away, barter, exchange or otherwise furnish to any other person any flavored liquid nicotine product.

(d) Any person who violates this section shall be subject to a fine of not less than \$1,000 nor more than \$5,000 for each offense. Each day that a violation continues shall constitute a separate and distinct offense.

SECTION 3. Section 4-64-510 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

4-64-510 Additional prohibited acts – Retail tobacco dealers.

In addition to the applicable prohibited acts set forth in Chapter 4-4 of this Code and in Article III of this Chapter, it shall be unlawful for any licensee engaged in the business of retail tobacco dealer to:

(Omitted text is unaffected by this ordinance)

(2) Display any tobacco product or tobacco accessories, as defined in Section 4-64-100, or any electronic cigarette or liquid nicotine product, as defined in Section 3-47-020, or other liquid, gel, or other solution intended to be used in an electronic cigarette, except: (i) behind a retail sales counter; and (ii) accessible only to the licensee or his agent or employee. This paragraph (2) shall not apply to any flavored liquid nicotine product, or a retail tobacco store, as defined in Section 7-32-010.

(3) Display any flavored liquid nicotine product.

~~(3)~~ (4) Violate the Illinois Drug Paraphernalia Control Act.

~~(4)~~ (5) Purchase cigarettes from any person other than a wholesale tobacco dealer.

~~(5)~~ (6) Purchase cigarettes from any wholesale tobacco dealer within the City that is not properly licensed under this Chapter to engage in the business of wholesale tobacco dealer.

SECTION 4. This ordinance shall be in full force and effect following due passage and publication.