



Office of the City Clerk

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Legislation Details (With Text)

File #: O2019-6970
Type: Ordinance **Status:** Failed to Pass
File created: 9/18/2019 **In control:** City Council
Final action: 5/24/2023

Title: Amendment of Municipal Code Titles 3, 4 and 7 prohibiting sale of liquid nicotine products

Sponsors: Lopez, Raymond A., Beale, Anthony, Martin, Matthew J., Maldonado, Roberto, Osterman, Harry, Hairston, Leslie A., Hopkins, Brian, Tabares, Silvana, Smith, Michele, Waguespack, Scott, Dowell, Pat, Taylor, Jeanette B., Nugent, Samantha, Austin, Carrie M., Mitts, Emma, O'Shea, Matthew J., Cappleman, James, Cardona, Jr., Felix, Scott, Jr. Michael, Moore, David H., Brookins, Jr., Howard, Coleman, Stephanie D., Harris, Michelle A., Sigcho-Lopez, Byron, Cardenas, George A., Burke, Edward M., Quinn, Marty, Reboyras, Ariel

Indexes: Ch. 4 Uniform Revenue Procedures, Ch. 32 Chicago Clean Indoor Air Ordinance of 2005, Ch. 49 Chicago Other Tobacco Products Tax, Ch. 64 Tobacco Dealers

Attachments: 1. O2019-6970.pdf

Date	Ver.	Action By	Action	Result
5/24/2023	1	City Council	Failed to Pass	
9/18/2019	1	City Council	Referred	

Committee on Health & Human Services Chicago
City Council Meeting September 18, 2019

ORDINANCE

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

SECTION 1. Section 3-4-186 of the Municipal Code of Chicago is hereby amended by deleting the language struck through, as follows:

3-4-186 Annual returns.

(Omitted text is unaffected by this ordinance)

Hotel Accommodation Tax	3-24
Liquid Nicotine Product Tax	3-4-7
Liquor Tax	3-44

(Omitted text is unaffected by this ordinance)

SECTION 2. Chapter 3-47 of the Municipal Code of Chicago is hereby repealed in its entirety.

SECTION 3. Section 3-49-020 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

3-49-020 Definitions.

(Omitted text is unaffected by this ordinance)

"Other Tobacco Products" ("OTP") means cigars, pipe tobacco, smokeless tobacco, and smoking tobacco. For purposes of this chapter, the term "Other Tobacco Products" does not include cigarettes, or electronic cigarettes and liquid nicotine products, as defined in Chapter 3-47 4-64 of this Code.

(Omitted text is unaffected by this ordinance)

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

4-64-100 Definitions.

(Omitted text is unaffected by this ordinance)

"Large cigar" means any cigar weighing at least four pounds per one thousand units.

"Liquid nicotine product" means: (1) any electronic cigarette (i) containing liquid, gel, salt-based nicotine liquid, or other solution that contains nicotine, or (ii) packaged with a liquid, gel, salt-based nicotine liquid, or other solution that contains nicotine; and (2) any other container of liquid, gel, salt, salt-based nicotine liquid, or other solution where the liquid, gel, salt-based nicotine liquid, or other solution (i) contains nicotine and (ii) is intended to be utilized in an electronic cigarette. The term "liquid nicotine product" does not include any product regulated by the United States Food and Drug Administration under Chapter V of the Food, Drug, and Cosmetic Act. 21 U.S.C. § 301. etseg.

"Little cigar" means any cigar weighing less than four pounds per one thousand units.

(Omitted text is unaffected by this ordinance)

SECTION 5. 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 tobacco 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 electronic cigarette, liquid nicotine product, or any replacement part or accessory intended for an electronic cigarette.

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 6. 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 electronic cigarette, liquid nicotine product, or a retail tobacco store, as defined in Section 7-32-010.~~

3) Display any electronic cigarette or liquid nicotine product, or other liquid, gel, or other solution intended to be used in an electronic cigarette.

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

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

(£ 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 7. Section 7-32-010 of the Municipal Code of Chicago is hereby amended by deleting the language struck through, as follows:

7-32-010 Definitions.

(Omitted text is unaffected by this ordinance)

Retail tobacco store" means a retail establishment: (1) that derives more than 80 percent of its gross revenue from the sale, in any combination, of loose tobacco, cigarettes, cigarillos, cigars, pipes, other smoking devices and accessories, hookahs and related products, ~~or electronic cigarettes and related products, components or parts thereof;~~ and (2) in which the sale of products other than those listed in item (1) of this definition is merely incidental. The term "retail tobacco store" does not include a tobacco department or section of a larger commercial establishment or any establishment with a liquor or retail food establishment license.

(Omitted text is unaffected by this ordinance)

SECTION 8. Section 7-32-035 of the Municipal Code of Chicago is hereby amended by deleting the language struck through, as follows:

7-32-035 Exemptions.

Notwithstanding any other provision of this chapter, smoking is allowed in the following areas:

(Omitted text is unaffected by this ordinance)

(2) Retail tobacco stores as defined in Section 010 of this chapter in operation prior to January 1, 2008. Any retail tobacco store that begins operation after January 1, 2008 may only qualify for an exemption if located in a freestanding structure occupied solely by the business and smoke from the business does not migrate into an enclosed area where smoking is prohibited. ~~Notwithstanding any other provision in this subsection, the use of electronic cigarettes is allowed in any retail tobacco store.~~

SECTION 9. This ordinance shall be in full force and effect 60 days following

Alderman Daniel La Spata, 1st Ward

Alderman Brian Hopkins, 2nd Ward

Alderman Jeanette B. Taylor, 20th Ward

Alderman Howard B. Brookins, Jr., 21st Ward

Alderman Michael D. Rodriguez, 22nd Ward

Alderman Silvana Tabares, 23rd Ward

Alderman Gregory I. Mitchell, 7th Ward

Alderman Byron Sigcho - Lopez, 25th Ward

Alderman Roberto Maldonado, 26th Ward

Alderman Susan Sadlowski Garza, 10th Ward

Alderman Jason Ervin, 28th Ward

Alderman Christopher Taliaferro, 29th Ward

Alderman Ariel E. Reboyras, 30th Ward

Alderman Felix Cardona Jr., 31st Ward

Alderman Scott Waguespack, 32nd Ward

Alderman Rossana Rodriguez - Sanchez, 33rd Ward

Alderman Carrie M. Austin, 34th Ward