



Office of the City Clerk

City Hall
121 N. LaSalle St.
Room 107
Chicago, IL 60602
www.chicityclerk.com

Legislation Details (With Text)

File #: SO2020-3388

Type: Ordinance **Status:** Passed

File created: 6/17/2020 **In control:** City Council

Final action: 9/9/2020

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

Sponsors: O'Shea, Matthew J., Sawyer, Roderick T., Tabares, Silvana, Coleman, Stephanie D., La Spata, Daniel, Hopkins, Brian, Harris, Michelle A., Sadlowski Garza, Susan, Curtis, Derrick G., Rodriguez, Michael D., Sigcho-Lopez, Byron, Reboyras, Ariel, Waguespack, Scott, Vasquez, Jr., Andre, Smith, Michele, Gardiner, James M., Cappleman, James, Martin, Matthew J., Osterman, Harry, Silverstein, Debra L., Villegas, Gilbert, Dowell, Pat, Nugent, Samantha

Indexes: Ch. 64 Tobacco Dealers

Attachments: 1. SO2020-3388.pdf, 2. O2020-3388.pdf

Date	Ver.	Action By	Action	Result
9/9/2020	1	City Council	Passed	Pass
9/8/2020	1	Committee on Health and Human Relations	Add Co-Sponsor(s)	
9/4/2020	1	Committee on Health and Human Relations	Add Co-Sponsor(s)	
9/4/2020	1	Committee on Health and Human Relations	Recommended to Pass	
9/4/2020	1	Committee on Health and Human Relations	Substituted in Committee	
7/14/2020	1	Committee on Health and Environmental Protection	Remove Co-Sponsor(s)	
7/6/2020	1	Committee on Health and Human Relations	Held in Committee	
6/24/2020	1	Committee on Health and Human Relations	Add Co-Sponsor(s)	
6/17/2020	1	City Council	Referred	

ORDINANCE

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

SECTION 1. Section 4-64-210 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

4-64-210 License application.

(Omitted text is unaffected by this ordinance)

Additional information - Required when. In addition to the requirements set forth in Section 4-4-050, an application for, and, if requested, a renewal of, a tobacco license under this Chapter shall be accompanied by the following information:

(7) an affirmative statement whether that the applicant or licensee, as applicable, intends to will not sell, give away, barter, exchange or otherwise deal in flavored tobacco products or accessories for flavored tobacco products;

(Omitted text is unaffected by this ordinance)

SECTION 2. Section 4-64-230 of the Municipal Code of Chicago is hereby amended by deleting the language struck through, as follows:

4-64-230 License issuance and renewal - Prohibited when.

No tobacco license under this Chapter shall be issued to any person under the following circumstances:

(Omitted text is unaffected by this ordinance)

(3) if the applicant or licensee, as applicable, ~~intends to sell, give away, barter, exchange or otherwise deal in flavored tobacco products or accessories for such products at the licensed location, and (ii) such location has a property line within 500 feet of the property line of any public, private or parochial secondary school located in the City of Chicago, as set forth in Section 4-64-515(b) or Section 4-64-615(b), as applicable. Provided, however, that this prohibition on license issuance shall not apply to: (1) retail tobacco stores, as set forth in Section 4-64-515(b) or Section 4-64-615(b), as applicable; or (2) renewals of licenses existing as of December 31, 2016, as set forth in Section 4-64-515(c)(1) or Section 4-64-615(c)(1), as applicable; or (3) applications for a new tobacco license to engage in the business of retail tobacco dealer pursuant to a purchase of a retail tobacco business at a location that holds such a license on or after December 31, 2016, as set forth in Section 4-64-515(c)(2) or Section 4-64-615(c)(2), as applicable;~~

(Omitted text is unaffected by this ordinance)

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:

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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)

(5) 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.

6) Sell, give away, barter, exchange, or otherwise deal in flavored tobacco products or accessories for such products.

SECTION 4. Section 4-64-515 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

4-64-515 Prohibited locations - Retail tobacco dealers.

(Omitted text is unaffected by this ordinance)

(e) ~~No licensee engaged in the business of retail tobacco dealer shall sell, give away, barter, exchange, or otherwise deal in flavored tobacco products or accessories for such products at any location that has a property line within 500 feet of the property line of any public, private, or parochial secondary school located in the City of Chicago. This subsection (b) shall not apply to retail tobacco stores. For purposes of this subsection, "retail~~

tobacco store" has the meaning ascribed to that term in Section 7-32-010.

(e)£b) The Commissioner of Business Affairs and Consumer Protection shall not issue any new tobacco license to engage in the business of retail tobacco dealer at any location that has a property line within 500 feet of the property line of any public, private, or parochial secondary school located in the City of Chicago. This subsection (c) shall not apply to: (1) renewals of licenses existing as of December 31, 2016, or (2) applications for a new tobacco license to engage in the business of retail tobacco dealer pursuant to a purchase of a retail tobacco business at a location that holds such a license on or after December 31, 2016.

(4Hc) The Commissioner of Business Affairs and Consumer Protection and the Commissioner of Health are hereby authorized to promulgate rules necessary or appropriate to enforce this section.

SECTION 5. Section 4-64-900 of the Municipal Code of Chicago is hereby amended by adding the language underscored, as follows:

4-64-900 Fines - Specific offenses.

(Omitted text is unaffected by this ordinance)

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(b) Except as otherwise provided in subsection (c) of this section, and in addition to any other penalty provided by law, any person found liable of violating Sections 3-42-060, 3-42-100, 4-64-200(a), 4-64-300, 4-64-310, 4-64-315, 4-64-340, 4-64-400(1), 4-64-500(1), 4-64-500(2), 4-64-500(3), 4-64-510(1), 4-64-510(6), 4-64-515, 4-64-520, 4-64-710 or 4-64-820(a) or any rule duly promulgated thereunder shall be punished by a fine of not less than \$1,000.00 nor more than \$5,000.00 each offense. Each day that a violation continues shall constitute a separate and distinct offense.

(Omitted text is unaffected by this ordinance)

SECTION 6. Section 17-17-0200 of the Municipal Code of Chicago is hereby amended by deleting the language struck through, as follows:

17-17-0200 General Terms.

(Omitted text is unaffected by this ordinance)

17-17-0269 Home Occupation. An accessory use of a dwelling unit for business or commercial purposes. Home occupations are subject to the standards of Sec. 17-9-0202.

17-17-0269.5 Hookah bar. An establishment where patrons share flavored tobacco from a communal hookah or similar type water pipe, smoking device while seated at a table or bar.

17-17-0270 Household. One or more persons related by blood, marriage, legal adoption or guardianship, plus not more than 3 additional persons, all of whom live together as a single housekeeping unit; or one or more handicapped persons, as defined in the Fair Housing Amendments Act of 1988, plus not more than 3 additional persons, all of whom live together as a single housekeeping unit.

(Omitted text is unaffected by this ordinance)

SECTION 7. This ordinance shall be in full force and effect 60 days following passage and publication.

Matthew J. O'Shea Alderman, 19th Ward
Roderick T. Sawyer Alderman, 6th Ward

Silvana Tabares Alderman, 23rd Ward
Stephanie Coleman Alderman, 16th Ward

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Daniel LaSpata Alderman, Ward 1 Brian Hopkins Alderman, Ward 2 Michelle Harris Alderman, Ward 8 Susan Sadlowski
Garza Alderman, Ward 10 Derrick G. Curtis Alderman, Ward 18 Michael G. Rodriguez Alderman, Ward 22 Byron Sigcho-
Lopez Alderman, Ward 25 Ariel Reboyras Alderman, Ward 30 Scott Waguespack Alderman, Ward 32 Andre Vasquez, Jr.
Alderman, Ward 40 Michele Smith Alderman, Ward 43 James Gardiner Alderman, Ward 45 James Cappleman Alderman,
Ward 46

Matthew J. Martin Alderman, Ward 47 Harry Osterman Alderman, Ward 48 Maria E. Hadden Alderman, Ward 49

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CouncUGo-SponsorForm
Of&Of THE C.TY CLERK '

Chicago City

Adding Co-Sponsor(s) " . ■ ■ - ^

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Date Filed: _____
which legislation was

To Be Filed With: • Chairman of Gommittee.to
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LASALLE STREET

ROOM: 107, CHICAGO,

,21 NORTH

CITY OF CHICAGO

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OFFICE OF THE CITY CLERK ANNA M. VALENCIA

Chicago City Council Co-Sponsor Form

02020-3388

Amendment of Municipal Code Chapters 4-64 and 17-17 to prohibit sale of flavored tobacco products or accessories

Adding Co-Sponsor(s)

Please ADD Co-Sponsor(s) Shown Below-(Principal Sponsor's Consent Required)

Gilbert Villegas

(Signature)

Alderman

(Signature)

Principal Sponsor:

(Signature)

Removing Co-Sponsor(s) Please REMOVE Co-Sponsor(s) Below - (Principal Sponsor's Consent NOT Required)

Alderman

(Signature)

Alderman

(Signature)

Date Filed:

Final Copies To Be Filed With: • Chairman of Committee to which legislation was referred
• City Clerk

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CITY OF CHICAGO

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OFFICE OF THE CITY CLERK ANNA M.
VALENCIA

Chicago City Council Co-Sponsor Form

O2020-3388

Amendment of Municipal Code Chapters 4-64 and 17-17 to prohibit sale of flavored tobacco products or accessories

Adding Co-Sponsor(s)

Please ADD Co-Sponsor(s) Shown Below-(Principal Sponsor's Consent Required)

Samantha Nugent
Alderman

(Signature) Principal Sponsor

*Removing Co-Sponsor(s) Please REMOVE Co-Sponsor(s) Below-(Principal Sponsor's Consent
NOT Required)*

.(CZZIward)

(Signature)

Alderman

(Signature)

Date Filed:

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