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Legislation Details (With Text)

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Final action: 5/24/2023
Title: Amendment of Municipal Code Sections 4-64-230 and 4-64-515 by further regulating tobacco retailer license requirements
Sponsors: Mitts, Emma
Indexes: Ch. 64 Tobacco Dealers
Attachments: 1. O2019-4150.pdf

Date	Ver.	Action By	Action	Result
5/24/2023	1	City Council	Failed to Pass	
6/12/2019	1	City Council	Referred	

ORDINANCE

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

SECTION 1. Section 4-64-230 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

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

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

- 1) if, following an investigation pursuant to Section 4-64-220(b), the Commissioner determines that the applicant or licensee, as applicable, or any person with a substantial or controlling interest in the applicant or licensee: (i) has ever been convicted, in custody, under parole, or under any other non-custodial supervision resulting from an adjudication of guilt in any judicial or administrative proceeding in any jurisdiction of a felony of any kind or a criminal offense of whatever degree that is rationally related to such person's fitness or capacity to engage in the covered business activity or to be entrusted with the sale of cigarettes; or (ii) has ever admitted guilt in connection with any such felony or criminal or criminal offense under circumstances where such admission of guilt is a matter of record; or (iii) otherwise lacks the character, reputation or fitness to engage in the covered business activity or to be entrusted with the sale of cigarettes; or
 - 2) if applicant or licensee, as applicable: (i) intends to or does sell, give away, barter, exchange or otherwise deal in tobacco products or tobacco accessories at the licensed location, and (ii) such location has a property line within 100 feet of the property line of any building or location used primarily as a school, child care facility, or for the education or recreation of children under 18 years of age, as set forth in Section 4-64-515(a) or Section 4-64-615(a), as applicable;
 - 3) if the applicant or licensee, as applicable: (i) 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;
 - 4) if the applicant or licensee, as applicable, or any person with a substantial ownership or controlling interest in the applicant or licensee, has had any license under this Chapter 4-64 revoked for cause within the four-year period prior to the date of the application, as set forth in Section 4-64-935(b);
- (§) (4) if: (i) the applicant or licensee, as applicable, or any person with a substantial ownership or controlling

interest in the applicant or licensee, or the parent, child, sibling, spouse or domestic partner of the applicant or licensee, has ever had any license under this Chapter not renewed for any reason set forth in Section 4-64-940; and (ii) the applicant or licensee is seeking a tobacco license at the same location governed by the non-renewal decision; and (iii) the one-year period of ineligibility for the issuance of a new tobacco license at the same location, as set forth in Section 4-64-935(c), has not expired.

SECTION 2. 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.

a) No licensee engaged in the business of retail tobacco dealer shall sell, give away, barter, exchange or otherwise deal in tobacco products or tobacco accessories at any location that has a property line within 100 feet of the property line of any building or other location used primarily as a school, child care facility, or for the education or recreation of children under 18 years of age.

b) ~~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) 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) (b) 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.~~

~~{dHe) 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.~~
Emma Mitts Alderman, 37th Ward

SECTION 2. This ordinance shall be in full force and effect upon passage and

publication.

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