

**AN ORDINANCE AMENDING CHAPTER 70, "OFFENSES"  
OF THE CODE OF ORDINANCES**

WHEREAS, the City of Rolling Meadows is a home rule government pursuant to the 1970 Illinois Constitution, Article VII, Section 6(a); and

WHEREAS, pursuant to its home rule power, the City of Rolling Meadows may exercise any power and perform any function relating to its government and affairs, including the power to regulate for the protection of the public health, safety, morals and welfare; and

WHEREAS, the use of tobacco products has devastating health and economic consequences; and

WHEREAS, national data shows that 95 percent of adult smokers begin smoking before they turn 21. The ages of 18 to 21 are a critical period when many smokers move from experimental smoking to regular, daily use; and

WHEREAS, young people are particularly susceptible to the addictive properties of nicotine as demonstrated by tobacco industry documents showing those who start smoking by the age of 18 are almost twice as likely to become lifetime users as those who start after they turn 21; and

WHEREAS, in 2015, The Institute of Medicine concluded that raising the minimum legal sales age for tobacco products nationwide will reduce tobacco initiation, improve health across the lifespan, and save lives; and that raising the minimum legal sales age for tobacco products nationwide to 21 would, over time, lead to a 12 percent decrease in smoking prevalence; and

WHEREAS, in January, 2018, The National Academies of Sciences, Engineering, and Medicine reported that there is substantial evidence that e-cigarette use by young adults increases their risk of ever using conventional cigarettes and there is conclusive evidence that e-cigarette use increases airborne concentrations of particulate matter and nicotine in indoor environments compared with background levels

NOW THEREFORE BE IT ORDAINED, by the City Council of the City of Rolling Meadows, Illinois, as follows:

SECTION ONE: Chapter 70 "Offenses", Section 70-186 of the Code of Ordinances is hereby repealed and replaced with the following:

Sec. 70-186 Definitions.

For the purpose of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them:

(1) "Tobacco Products" means and includes any substance containing tobacco leaf, or any product that is made from or derived from tobacco, and is intended for human consumption or is likely to be consumed, whether smoked, heated, chewed, absorbed, dissolved, inhaled or ingested by any other means, including, but not limited to, a cigarette, a cigar, pipe tobacco, chewing tobacco, snuff, snus, or an electronic smoking device. The term includes any component or accessory used in the consumption of a tobacco product, such as filters, roiling papers, pipes, or liquids used in electronic smoking devices, including but not limited to cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, or dipping tobacco. "Tobacco product" does not include drugs, devices, or combination products authorized for sale by the U.S. Food and Drug Administration as a tobacco cessation product, or as a tobacco dependence product, or for other medicinal purposes.

(2) "Electronic Cigarette" is a battery powered device which simulates tobacco or other smoking. It uses a heating device or other mechanism that vaporizes a liquid solution. An "Electronic Cigarette" includes devices known as personal vaporizer or electronic nicotine delivery system. "Electronic cigarette" does not include drugs, devices, or combination products authorized for sale by the U.S. Food and Drug Administration as a tobacco cessation product, or as a tobacco dependence product, or for other medicinal purposes.

(3) "Electronic Cigarette Product" is a product designed or intended for use with an electronic cigarette, such as atomizers, cartomizers, batteries, bottles, or vaporizing liquid (e-juice).

(4) "Alternative Nicotine Product" is a product or device not consisting of or containing tobacco that provides for the ingestion into the body of nicotine, whether by chewing, smoking, absorbing, dissolving, inhaling, snorting, sniffing, or by any other means. This does not include tobacco products as that term is defined In this Section or any product approved by the United States Food and Drug Administration as a nontobacco product for sale as a tobacco cessation product, or as a tobacco dependence product, or for other medicinal purposes.

SECTION TWO: Chapter 70 "Offenses", Section 70-187 of the Code of Ordinances is hereby repealed and replaced with the following:

Sec. 70-187 Sale or Delivery To Persons Under Age 21.

(A) Sale or Delivery of Tobacco or Electronic Cigarette Products to Persons Under Age 21.

It shall be unlawful for any person to sell, offer for sale, give away, or deliver any tobacco product, electronic cigarette, electronic cigarette product, or alternative nicotine product to any person under the age of twenty-one (21) years. If any person suspects that a minor is attempting to purchase or obtain any tobacco product, electronic cigarette, electronic cigarette product, or alternative nicotine product, such person shall request and examine identification from the purchaser or acquirer and positively establish the purchaser's or acquirer's age as twenty-one (21) years or greater before allowing the purchase or delivery of such products to occur.

(B) Purchase of Tobacco or Electronic Cigarette Products by Persons Under Age 21. It shall be unlawful for any person under the age of Twenty-one years of age to purchase any tobacco product, electronic cigarette, electronic cigarette product, or alternative nicotine product, or for any person under the age of twenty-one (21) years to misrepresent his or her identity or age, or to use any false or altered identification for the purpose of purchasing tobacco products, electronic cigarette, electronic cigarette product, or alternative nicotine product.

SECTION THREE: Sections 70-188, 70-189, 70-190 and 70-192, Chapter 70 "Offenses" are hereby repealed.

SECTION FOUR: Chapter 70, "Offenses" , Section 70-194 Is hereby repealed and replaced with the following:

Every person who sells tobacco or Electronic Cigarette Products, shall display at all times where those products are sold, a warning which reads as follows:

Warning: Any person, firm, partnership, company or corporation operating a place of business where tobacco products are sold or offered for sale shall post in a conspicuous place upon the premises a sign upon which there shall be imprinted the following statement, "SALE OF TOBACCO PRODUCTS TO PERSONS UNDER 21 YEARS OF AGE OR THE MISREPRESENTATION OF AGE TO PROCURE SUCH A SALE IS PROHIBITED BY LAW".

The sign shall be printed on a white card in red letters at least one-half inch in height.

SECTION FIVE: This Ordinance shall be in full force and effect from and after its date of passage and approval as required by law.

SECTION SIX: This Ordinance shall be printed and published in pamphlet form by order of the City Council of Rolling Meadows, Illinois.

YEAS: Williams, Cannon, Budmats, Majikes, Gallo, Banger, D'Astice,

NAYS: 0


ABSENT: 0

Passed this 12<sup>th</sup> day of February, 2019.


Approved this 12<sup>th</sup> day of February, 2019.

  
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Len Prejna, Mayor

ATTEST:

  
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Judith Brose, Deputy City Clerk

Published this 13<sup>th</sup> day of February, 2019

  
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Judith Brose, Deputy City Clerk