
**THE CITY OF BLUE ISLAND
COOK COUNTY, ILLINOIS**

**ORDINANCE
NUMBER 2020-008**

**AN ORDINANCE AMENDING CHAPTER 112 (TOBACCO) OF
TITLE XI (BUSINESS REGULATIONS) OF THE MUNICIPAL CODE
OF THE CITY OF BLUE ISLAND.**

**DOMINGO F. VARGAS, Mayor
Randy Heuser, City Clerk**

**DEXTER JOHNSON
FRED BILOTTO
NANCY RITA
TOM HAWLEY
MICHAEL MECH
CANDACE CARR
ALECIA SLATTERY**

**ANNETTE ALEXANDER
WILLIAM CAZARES
KEVIN DONAHUE
BILL FAHRENWALD
JOHNNY RINGO HILL
RAEANN CANTELO-ZYLMAN
JAMES KLINKER**

Aldermen

ORDINANCE NO. 2020-008

**AN ORDINANCE AMENDING CHAPTER 112 (TOBACCO) OF TITLE XI
(BUSINESS REGULATIONS) OF THE MUNICIPAL CODE OF
THE CITY OF BLUE ISLAND**

WHEREAS, the City of Blue Island, County of Cook, Illinois (the “City”) is a duly organized and existing municipal corporation created under the provisions of the laws of the State of Illinois and under the provisions of the Illinois Municipal Code, as from time to time supplemented and amended; and

WHEREAS, the Public Act 101-002 raises the age for purchase of certain tobacco and alternative nicotine products from 18 to 21; and

WHEREAS, the Mayor and City Council (the “Corporate Authorities”) seek to align the municipal code with state statute; and

WHEREAS, the Corporate Authorities find it to be in the best interest of the City to amend Chapter 112 (Tobacco) of Title XI (Business Regulations) of the Municipal Code of the City of Blue Island to align with state statute.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Blue Island, Cook County, Illinois, as follows:

Section 1: That the above recitals and legislative findings are found to be true and correct and are hereby incorporated herein and made a part hereof, as if fully set forth in their entirety.

Section 2: That Chapter 12 (Tobacco) of Article XI (Business Regulations) of the Municipal Code of the City of Blue Island, Illinois is hereby amended by deleting the stricken language and inserting the underlined language to read as follows:

§ 112.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ALTERNATIVE NICOTINE PRODUCT. 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. Alternative nicotine product does not include: cigarettes as defined in Section 1 of the Cigarette Tax Act and tobacco products as defined in Section 10-5 of the Tobacco Products Tax Act of 1995; tobacco product and electronic cigarette as defined in the Section; or any product approved by the United States Food and Drug Administration for the sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes and is being marketed and sold solely for that approved purpose.

BIDI CIGARETTE. A product that contains tobacco that is wrapped in temburni or tendu leaf or that is wrapped in any other material identified by rules of the Department of Public Health that is similar in appearance or characteristics to the temburni or tendu leaf.

SMOKELESS TOBACCO. Any tobacco products that are suitable for dipping or chewing.

ELECTRONIC CIGARETTE. "Electronic cigarette" means: (1) any device that employs a battery or other mechanism to heat a solution or substance to produce a vapor or aerosol intended for inhalation; (2) any cartridge or container of a solution or substance intended to be used with or in the device or to refill the device; or (3) any solution or substance, whether or not it contains nicotine intended for use in the device.

"Electronic cigarette" includes, but is not limited to, any electronic nicotine delivery system, electronic cigar, electronic cigarillo, electronic pipe, electronic hookah, vape pen, or similar product or device, and any components or parts that can be used to build the product or device. "Electronic cigarette" does not include: cigarettes as defined in Section 1 of the Cigarette Tax Act and tobacco products as defined in Section 10-5 of the Tobacco Products Tax Act of 1995; tobacco product and alternative nicotine product as defined in this Section; any product approved by the United States Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for that approved purpose; any asthma inhaler prescribed by a physician for that condition and is being marketed and sold solely for that approved purpose; or any therapeutic product approved for use under the Compassionate Use of Medical Cannabis Pilot Program Act.

SMOKING HERBS. All substances of plant origin and their derivatives, including, but not limited to, broom, calea, California poppy, damiana, hops, ginseng, lobelia, jimson weed and other members of the Datura genus, passion flower and wild lettuce, which are processed or sold primarily for use as smoking materials.

TOBACCO ACCESSORIES. Cigarette papers, pipes, holders of smoking materials of all types, cigarette rolling machines and other items, designed primarily for the smoking or ingestion of tobacco products or of substances made illegal under any statute or of substances whose sale, gift, barter or exchange is made unlawful under this chapter.

TOBACCO PRODUCT. Any product containing or made from tobacco that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to, cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, snuff, snus, and any other smokeless tobacco product which contains tobacco that is finely cut, ground, powdered, or leaf and intended to be placed in the oral cavity. "Tobacco product" includes any component, part, or accessory of a tobacco product, whether or not sold separately. "Tobacco product" does not include: an electronic cigarette and alternative nicotine product as defined in this Section; or any product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for that approved purpose

§ 112.02 PROHIBITING SALE OR DISTRIBUTION TO MINORS.

~~(A) *General.* No person shall knowingly sell, barter, exchange, deliver or give away or cause or permit or procure to be sold, bartered, exchanged, delivered or given away any tobacco accessories, tobacco products, alternative nicotine products, electronic cigarettes, or smoking herbs to any person under 18 21 years of age.~~

(A) *Sale.* No person under 21 years of age shall buy any tobacco product, electronic cigarette, or alternative nicotine product. No person shall sell, buy for, distribute samples of or furnish any tobacco product, electronic cigarette, or any alternative nicotine product to any person under 21 years of age.

(B) *False Identification Prohibited.* No person under 21 years of age in the furtherance or facilitation of obtaining any tobacco product, electronic cigarette, or alternative nicotine product shall display or use a false or forged identification card or transfer, alter, or deface an identification card.

(C) *Sales Persons.* No person under 16 years of age may sell any tobacco product, electronic cigarette, or alternative nicotine product at a retail establishment selling tobacco products, electronic cigarettes, or alternative nicotine products. This subsection does not apply to a sales clerk in a family-owned business which can prove that the sales clerk is in fact a son or daughter of the owner.

(D) *Sale Identification Process.* Before selling, offering for sale, giving, or furnishing a tobacco product, electronic cigarette, or alternative nicotine product to another person, the person selling, offering for sale, giving, or furnishing the tobacco product, electronic cigarette, or alternative nicotine product shall verify that the person is at least 21 years of age by:

(1) examining from any person that appears to be under 30 years of age a government-issued photographic identification that establishes the person to be 21 years of age or older;
or

(2) for sales of tobacco products, electronic cigarettes, or alternative nicotine products made through the Internet or other remote sales methods, performing an age verification through an independent, third party age verification service that compares information available from public records to the personal information entered by the person during the ordering process that establishes the person is 21 years of age or older.

(E) *Sale of bidi cigarettes.* No person shall knowingly sell, barter, exchange, deliver or give away a bidi cigarette to another person, nor shall a person cause or permit or procure a bidi cigarette to be sold, bartered, exchanged, delivered or given away to another person.

(F) *Sale of cigarette paper.* No person shall knowingly offer, sell, barter, exchange, deliver or

give away cigarette paper or cause, permit or procure cigarette paper to be sold, offered, bartered, exchanged, delivered or given away, except from premises or an establishment where other tobacco products are sold. For purposes of this section, **TOBACCO PRODUCTS** means cigarettes, cigars, smokeless tobacco or tobacco in any of its forms.

(G) *Sale of cigarette paper from vending machines.* No person shall knowingly offer, sell, barter, exchange, deliver or give away cigarette paper or cause, permit or procure cigarette paper to be sold, offered, bartered, exchanged, delivered or given away by use of a vending or coin-operated machine or device. For purposes of this section, cigarette paper shall not include any paper that is incorporated into a product to which a tax stamp must be affixed under the Cigarette Tax Act (35 ILCS 130/1 et seq.) or the Cigarette Use Tax Act (35 ILCS 135/1 et seq.).

(H) *Sale of Loose Cigarettes Prohibited.* The sale or distribution by any person of a tobacco product as defined in this Section, including but not limited to a single or loose cigarette, that is not contained within a sealed container, pack, or package as provided by the manufacturer, which container, pack, or package bears the health warning required by federal law, is prohibited.

(I) *Sting Operations.* It is not a violation of this Section for a person under 21 years of age to purchase a tobacco product, electronic cigarette, or alternative nicotine product if the person under the age of 21 purchases or is given the tobacco product, electronic cigarette, or alternative nicotine product in any of its forms from a retail seller of tobacco products, electronic cigarettes, or alternative nicotine products or an employee of the retail seller pursuant to a plan or action to investigate, patrol, or otherwise conduct a "sting operation" or enforcement action against a retail seller of tobacco products, electronic cigarettes, or alternative nicotine products or a person employed by the retail seller of tobacco products, electronic cigarettes, or alternative nicotine products or on any premises authorized to sell tobacco products, electronic cigarettes, or alternative nicotine products to determine if tobacco products, electronic cigarettes, or alternative nicotine products are being sold or given to persons under 21 years of age if the "sting operation" or enforcement action is approved by, conducted by, or conducted on behalf of the City's Police Department or health department.

(J) *Warning to minors.* Any person, firm, partnership, company or corporation operating a place of business where tobacco products, tobacco accessories, alternative nicotine products, electronic cigarettes, and smoking herbs 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:

~~THE SALE OF TOBACCO PRODUCTS TO PERSONS UNDER EIGHTEEN 21 YEARS OF AGE IS PROHIBITED BYLAW UNDER PENALTY OF FINES OF UP TO FIVE HUNDRED DOLLARS (\$500.00). PERSONS UNDER EIGHTEEN 21 YEARS OF AGE WHO MISREPRESENT THEIR AGE BY ANY MEANS WHATSOEVER ARE SUBJECT TO ASSESSMENT OF FINES OF NOT LESS THAN FIFTY DOLLARS (\$50,00) NOR MORE THAN SEVENTY FIVE DOLLARS (\$75.00) FOR THE FIRST OFFENSE AND NOT LESS THAN ONE HUNDRED DOLLARS (\$100,00) NOR MORE THAN FIVE HUNDRED DOLLARS (\$500.00) FOR EACH SUBSEQUENT OFFENSE.~~

THE SALE OF TOBACCO PRODUCTS, ALTERNATIVE NICOTINE PRODUCTS OR ELECTRONIC CIGARETTES TO PERSONS UNDER TWENTY-ONE (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 inch in height.

§ 112.04 EFFECTIVE DATE.

This chapter shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law. A full, true and complete copy of this chapter shall be published in pamphlet form, by authority of the City Council as corporate authorities.

§ 112.99 PENALTY.

(A) Violation of § 112.02. Any person who violates § 112.02 is guilty of a petty offense. For the first offense in a 24-month period, the person shall be fined \$200 if his or her employer has a training program that facilitates compliance with minimum-age tobacco laws. For the second offense in a 24-month period, the person shall be fined \$400 if his or her employer has a training program that facilitates compliance with minimum-age tobacco laws. For the third offense in a 24-month period, the person shall be fined \$600 if his or her employer has a training program that facilitates compliance with minimum-age tobacco laws. For the fourth or subsequent offense in a 24-month period, the person shall be fined \$800 if his or her employer has a training program that facilitates compliance with minimum-age tobacco laws. For the purposes of this subsection, the 24-month period shall begin with the person's first violation of § 112.02. The penalties in this subsection are in addition to any other penalties prescribed under the Cigarette Tax Act and the Tobacco Products Tax Act of 1995.

(B) Violation of § 112.02 by Retailer. Any retailer who violates § 112.02 is guilty of a petty offense. For the first offense in a 24-month period, the retailer shall be fined \$200 if it does not have a training program that facilitates compliance with minimum-age tobacco laws. For the second offense in a 24-month period, the retailer shall be fined \$400 if it does not have a training program that facilitates compliance with minimum-age tobacco laws. For the third offense within a 24-month period, the retailer shall be fined \$600 if it does not have a training program that facilitates compliance with minimum-age tobacco laws. For the fourth or subsequent offense in a 24-month period, the retailer shall be fined \$800 if it does not have a training program that facilitates compliance with minimum-age tobacco laws. For the purposes of this subsection, the 24-month period shall begin with the person's first violation of § 112.02. The penalties in this subsection are in addition to any other penalties prescribed under the Cigarette Tax Act and the Tobacco Products Tax Act of 1995.

(C) If a person under 21 years of age violates § 112.02 (B), he or she is guilty of a Class A misdemeanor.

Section 3: If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any other provision of this Ordinance.

Section 4: All ordinances, resolutions, motions or orders in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 5: This ordinance shall be immediately in full force and effect after passage, approval and publication. This ordinance is authorized to be published in pamphlet form.

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ADOPTED this 25th day of February, 2020, pursuant to roll call as follows:

	YES	NO	ABSENT	PRESENT	ABSTAIN
Alderman JOHNSON	X				
Alderman ALEXANDER	X				
Alderman BILOTTO	X				
Alderman CAZARES	X				
Alderman RITA	X				
Alderman DONAHUE			X		
Alderman HAWLEY	X				
Alderman FAHRENWALD	X				
Alderman MECH			X		
Alderman HILL	X				
Alderman CANTELO-ZYLMAN	X				
Alderman CARR	X				
Alderman SLATTERY			X		
Alderman KLINKER	X				
Mayor DOMINGO F. VARGAS					
TOTAL	11		3		

APPROVED: this 25th day of February, 2020.

Domingo F. Vargas

**MAYOR OF THE CITY OF BLUE ISLAND,
COUNTY OF COOK AND STATE OF ILLINOIS**

ATTESTED and Filed in my office this
25th day of February, 2020.

Randy Heuser

CITY CLERK

PUBLISHED in pamphlet form this
25th day of February, 2020.

Randy Heuser

CITY CLERK

STATE OF ILLINOIS)
)
COUNTY OF COOK) ss.

CERTIFICATE

I, RANDY HEUSER, certify that I am the duly elected and acting municipal clerk of the City of Blue Island of Cook County, Illinois.

I further certify that on **February 25, 2020** the Corporate Authorities of such municipality passed and approved Ordinance No. **2020-008**
Entitled: **AN ORDINANCE AMENDING CHAPTER 112 (TOBACCO) OF TITLE XI (BUSINESS REGULATIONS) OF THE MUNICIPAL CODE OF THE CITY OF BLUE ISLAND.**

Which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. **2020-008** including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance posted in the municipal building commencing on **February 25, 2020** and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the municipal clerk.

DATED at Blue Island, Illinois, this **25th** day of **February, 2020**.

(SEAL)



Municipal Clerk