

**PROPOSED AMENDMENT TO FILE 19-0605**

**(Legislation and Intergovernmental Relations Committee January 23, 2019)**

**Sponsored by: LARRY SUFFREDIN, Cook County Board of Commissioners**

**PROPOSED AN ORDINANCE PROHIBITING THE SALE OF TOBACCO PRODUCTS TO PERSONS UNDER THE AGE OF 21**

**BE IT ORDAINED**, by the Cook County Board of Commissioners, that Chapter 54 – Licenses, Permits and Miscellaneous Business Regulations, ARTICLE V, Tobacco Dealers, Section 54-301- Definitions and 54-305 – Prohibitions on sale or distribution of tobacco products, of the Cook County Code are hereby amended as follows:

**Sec. 54-301. - Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

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Public Education Program means an informational campaign in which the public shall be informed of the inherent risks and dangers of consuming tobacco products. The campaign may utilize traditional means of communication such as media advertising, pamphlets, posters, social media and/or any other method necessary.

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Tobacco products means any product in leaf, flake, plug, liquid, vapor or any other form, containing nicotine derived from tobacco, which product is intended to enable human consumption of the tobacco or nicotine, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by other means. The term includes tobacco products that are a nonlighted, noncombustible product that employs a mechanical heating element, battery, or electronic circuit regardless of shape or size and that can be used to produce vapor from nicotine in a solution. The term also includes any vapor cartridge or other container of nicotine in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device. For the purposes of this article, the term "Tobacco products" excludes any product that has been specifically approved by the United States Food and Drug Administration for sale as a tobacco cessation product or for other medical purposes, where such product is marketed and sold solely for such an approved purpose.

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**Sec. 54-303. - Enforcement and administration; penalties.**

(a) *Duties of Department of Public Health.*

- (1) The Department of Public Health shall be responsible for the enforcement and administration of this Article.
- (2) The Department of Public Health shall conduct random, unannounced inspections at locations where tobacco products are sold, including tobacco vending machines, to ensure compliance with this Article.
- (3) The Department of Public Health shall promulgate reasonable rules and regulations consistent with this Article to provide for the enforcement and administration of this Article. The rules and regulations shall establish procedures for administrative action against those who violate this Article and for a method of administrative adjudication of the violation or violations.
- (4) Any rules or regulations promulgated under this Article shall be filed in the Department of Public Health's principal office and shall be made available for public inspection. Copies shall be made available upon request and payment of a reasonable fee as determined by the Department to cover the cost of providing the copy.
- (5) The Department of Public Health shall conduct a Public Education Program. The Department of Public Health, in its quarterly report to the Board of Commissioners as the Board of Health, shall report on the progress of the Public Education Program.

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**Sec. 54-305. Prohibitions on sale or distribution of tobacco products.**

(a) Underage tobacco sales.

- (1) No retailer may sell or distribute tobacco products to any person under ~~18~~ 21 years of age.
- (2) Each retailer shall request and examine the photographic identification of any person purchasing tobacco products so as to verify that the purchaser is over ~~18~~ 21 years of age or older. No such verification is required for any person who appears without reasonable doubt to be over the age of 27.

Effective date: This ordinance shall be in effect June 1, 2019.