

VILLAGE OF LOMBARD
REQUEST FOR BOARD OF TRUSTEES ACTION
For Inclusion on Board Agenda

 X Resolution or Ordinance (Blue) X Waiver of First Requested
 Recommendations of Boards, Commissions & Committees (Green)
 Other Business (Pink)

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: Scott Niehaus, Village Manager

DATE: June 6, 2018_ (COW) (B of T) **Date:** June 21, 2018

TITLE: Sale and Delivery of Alternative Nicotine Products and Devices

SUBMITTED BY: Chief Roy Newton, Police Department

BACKGROUND/POLICY IMPLICATIONS:

Regulation of the possession, sale and delivery of alternative nicotine products and devices.

FISCAL IMPACT/FUNDING SOURCE:

Time and Materials:
Signage and Village Installation

Review (as necessary):

Village Attorney X	_____	Date	_____
Finance Director X	_____	Date	_____
Village Manager X	_____	Date	_____

NOTE: All materials must be submitted to and approved by the Village Manager's Office by 12:00 noon, Wednesday, prior to the Agenda Distribution.



Legistar #:

June 11, 2018

TO: Village Board of Trustees
THROUGH: Scott Niehaus, Village Manager
FROM: Chief Roy Newton
SUBJECT: Alternative Nicotine Products and Devices Ordinance

Background

As actual smoking products such as cigarettes, cigars, and pipes continue a downward trend, the use of Alternative Nicotine Products and Devices is on the increase, particularly amongst teenagers. These are commonly referred to electronic cigarettes, vapes, or juuling. According to the CDC, since 2014 electronic cigarettes and flavored vape devices have been the most commonly used tobacco product among both middle school and high school students. Often teenagers use flavored tobacco products such as fruit or candy flavored in these electronic devices.

Recommendation

The Police Department recommends that the Village President and Board of Trustees approve an Ordinance Amending Article XI, Chapter 120 of the Lombard Village Code in regard to the regulation of the possession, sale, and delivery of Alternative Nicotine Products and Devices be restricted within the Village of Lombard in the same manner as the use of pipes, cigars, or cigarettes for those residents and public under eighteen (18) years of age.

ORDINANCE NO. _____

**AN ORDINANCE AMENDING ARTICLE XI, CHAPTER 120
OF THE LOMBARD VILLAGE CODE IN REGARD TO THE
REGULATION OF THE POSSESSION, SALE AND DELIVERY
OF ALTERNATIVE NICOTINE PRODUCTS AND DEVICES
WHICH ALLOW FOR THE USE OF SAID PRODUCTS**

BE IT ORDAINED by the President and Board of Trustees of the Village of Lombard, DuPage County, Illinois, as follows:

SECTION 1: That Title XI, Chapter 120 of the Lombard Village Code is hereby amended by adding a new Section 120.17 thereto, which shall read in its entirety as follows:

“§ 120.17 Regulation of the Possession, Sale and Delivery of Alternative Nicotine Products and Devices Which Allow for the Use of Said Products.

(A) The Village President and Board of Trustees expressly find and declare that:

- (1) The use of alternative nicotine products, electronic cigarettes, vapes and similar devices should be restricted within the Village in the same manner as the use of pipes, cigars or cigarettes containing tobacco; and
- (2) Such restrictions further the public health, welfare and safety, and are in the best interests of the Village, its residents and the public, and in particular those residents under eighteen (18) years of age.

(B) For the purpose of this Section, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

ALTERNATIVE NICOTINE PRODUCT. Any product or device not consisting 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. The Term Alternative Nicotine Product excludes tobacco products as said term is defined in Section 120.02 of this Code, and any product approved by the United States Food and Drug Administration as a non-tobacco product 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.

ELECTRONIC CIGARETTE OR VAPE or ELECTRONIC CIGARETTES OR VAPES. Any electronic device that provides a gas or vapor derived from nicotine and/or other chemicals and inhaled by the user simulating smoking. The term electronic cigarette or vapes includes electronic cigars, electronic pipes, electronic hookah pipes, vape pens, advanced personal vaporizers, box mods or other devices capable of delivering aerosolized nicotine or other chemicals through inhalation.

- (C) It shall be unlawful for any person under the age of eighteen (18) years to possess, purchase or attempt to purchase or use any alternative nicotine product or electronic cigarette or vape, or to misrepresent his or her identity or age, or to use any false or altered identification for the purpose of purchasing or attempting to purchase any alternative nicotine product, or electronic cigarette or vape; provided that the possession by a person under the age of eighteen (18) years, under the direct supervision of the parent or legal guardian of such person, in the parent or legal guardian's home, shall not be prohibited.
- (D) It shall be unlawful for any person to sell, offer for sale, deliver, give away or otherwise provide any alternative nicotine product, or electronic cigarette or vape, to any person under the age of eighteen (18) years.
- (E) It shall be unlawful for any business, or any officer, associate, member, representative, agent or employee of said business, to engage, employ or permit any person under the age of eighteen (18) years to sell alternative nicotine products, or electronic cigarettes or vapes."

SECTION 2: That this Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form, as provided by law.

Passed on first reading this _____ day of _____, 2018.

First reading waived by action of the Board of Trustees this ____ day of _____, 2018.

Passed on second reading this _____ day of _____, 2018,
pursuant to a roll call vote as follows.

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED by me this _____ day of _____, 2018.

Keith Giagnorio, Village President

ATTEST:

Sharon Kuderna, Village Clerk

Published by me in pamphlet form this ___ day of _____, 2018

Sharon Kuderna, Village Clerk