

TOWN COUNCIL ACTION REPORT

December 4, 2018

Ordinance Amending Division 3 of Chapter 17 Of The Municipal Code Concerning The Regulation Of Sales Of Tobacco And Other Nicotine Products To Minors And Of The Use Of Electronic Smoking Devices In Town Facilities

PREPARED BY: Pamela S. Reece, City Manager

REVIEWED BY: Brian Day, Corporation Counsel
Rick Bleichner, Police Chief

BUDGET IMPACT: There is no measurable budget impact projected from the loss of sales tax revenue due to restricting sales to minors.

STAFF RECOMMENDATION: Approval

ATTACHMENTS: Proposed Ordinance; Materials from Local Tobacco 21 Policy Members

BACKGROUND

At Council's October 1, 2018 Meet and Greet reception with Illinois State University Students and staff, representatives of the Tobacco 21 Coalition introduced the national initiative to prohibit the sale of tobacco and tobacco products to individuals under 21 years of age.

There are currently 20 states that have adopted legislation at the state level. There are 26 communities in Illinois that have adopted a similar ordinance, including Washington and Peoria both adopting their ordinances in 2018. Evanston was the first community in Illinois to adopt tobacco restrictions to those under age 21, adopting their ordinance in 2014, while Chicago adopted a similar regulation in 2016.

The proposed ordinance prohibits the sale of tobacco, nicotine and smoking devices, including vapor, cigars, cigarettes and pipes, among other things, to minors. The proposed ordinance references Section 1.5 of the Prevention of Tobacco Use by Minors and Sale and Distribution of Tobacco Products Act (720 ILCS 675/1.5) in order to use a consistent definition of alternative nicotine product.

There are numerous health reports and research data pertaining to the risks associated with smoking. It is claimed that more than 95% of addicted smokers start smoking before the age of 21. According to the Centers for Disease Control, 32% of high school students in Illinois in 2015 reported using tobacco products.

DISCUSSION/ANALYSIS

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Restricting the use of tobacco to those under 21 will be a top priority in 2019 for the McLean County Health Department per the Health Promotions staff. The Health Department has been marketing tobacco-related health programs to teens and finds this to be an important issue in need of further attention next year. The McLean County Health Department has been planning to promote local regulations in 2019 to address the sale of tobacco to those under age 21.

Likewise, Advocate BroMenn advocated for this issue in Springfield as part of their legislative agenda with state legislators earlier this year. While they were unsuccessful at the state level, Advocate BroMenn and Advocate Health System have identified this as an important topic and sees smoking at any age as a significant health issue.

According to the Town's Comprehensive Plan, "healthy communities recognize many components that determine good health, such as active transportation, cultural and recreational opportunities, decent and affordable housing, quality education, availability of public health programs and services, access to healthy food, and more." (pg. E3.3) While the comprehensive plan does not specifically recommend local regulations of tobacco sales to minors, staff believes the proposed ordinance is in direct support of the goals and intentions of the plan.

If the ordinance is adopted, it will be effective December 1st. Vendors caught selling tobacco or related products to minors will be subject to a \$50 fine for a first offense. The Normal Police Department currently conducts audits of businesses selling tobacco in the Town of Normal. These details can easily be modified from the age 18 to 21 making enforcement of this ordinance comparable to enforcing alcohol sales to minors.

Staff recommends Council approval of the proposed ordinance. Representatives from the Tobacco 21 coalition will be present should Council have any questions.