



Agenda Item Summary

File #: ORD 19-60, **Version:** 1

Submitted By

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Reviewed By

LKS

Agenda Item Title

First Reading of An Ordinance Amending Chapter 8 ("Business Licensing") Article 6 ("Comprehensive Regulation of Tobacco Products") as Recommended by the Board of Health and Reviewed at the Village Board Regular Meeting on January 14, 2019

Overview

Per the Recommendations of the Board of Health, the Health Department is recommending the Village Board amend Chapter 8 ("Business Licensing") Article 6 ("Comprehensive Regulation of Tobacco Products") of the Oak Park Village Code. These recommendations were reviewed by the Village Board at the Regular Meeting of January 14, 2019.

Recommendation

This is a First Reading

Fiscal Impact

The ordinance amendent recommendation includes a new provision that fines issued pursuant to the ordinance shall be used to fund compliance checks of licensees.

Background

On May 7, 2018 the Village Board motioned to refer to the Board of Health for review of Chapter 8 ("Business Licensing") Article 6 ("Comprehensive Regulation of Tobacco Products") of the Oak Park Village Code as it relates to the regulation of electronic cigarettes and vaping.

The Board of Health completed their review and on January 14, 2019 the Village Board received the recommendations of the Board of Health at a regularly scheduled Village Board meeting. The recommendations document titled "Report and Recommendations from the Oak Park Board of Health Commission/The Use of E-Cigarettes Among Youth" was presented by Board of Health Chair Florence Miller and Mike Charley, Public Health Director. This report is attached and contains background information, data and recommendations. At the outcome of the presentation the Village Board voted to approve the recommendations and bring back to the Village Board necessary actions including amending the current Village Ordinance.

Paul Stephanides, Village Attorney worked closely with the Public Health Department to draft ordinance

language in response to the Village Boards direction. Significant recommended amendments to the ordinance include:

- 1) The ordinance more clearly defines “flavored tobacco product” and included flavored tobacco product throughout the ordinance and prohibits their delivery and sale to those persons under 21 years of age.
- 2) The ordinance prohibits tobacco product advertising to be displayed on any windows, doors and other areas of a licensed establishment that are in public view from the sidewalk.
- 3) No licensee shall give away, barter, exchange or otherwise deal tobacco products at any location that has a property line within 500 feet of the property line of any building or other location used primarily as a school, child care facility, or for the education or recreation of children under twenty-one years of age.
- 4) No person shall give away or distribute any coupon or other price reduction instrument for any free or nominally priced tobacco product, flavored tobacco or tobacco accessory.
- 5) Increases fines for second and subsequent offenses & all fines issued pursuant to the ordinance shall be used to fund compliance checks of licensees.

The Health Department is recommending that ordinance is approved.

Alternatives

The Board can request the ordinance be further amended and/or not approve the ordinance.

Previous Board Action

May 7, 2018: The Village Board motioned to refer to the Board of Health for review of Chapter 8 (“Business Licensing”) Article 6 (“Comprehensive Regulation of Tobacco Products”) of the Oak Park Village Code as it relates to the regulation of electronic cigarettes and vaping.

January 14, 2019: The Board of Health completed their review and the Village Board received the recommendations of the Board of Health at a regularly scheduled Village Board meeting. At the outcome of the presentation the Village Board voted to approve the recommendations and bring back to the Village Board necessary actions including amending the current Village Ordinance.

Citizen Advisory Commission Action

The Board of Health at their

Anticipated Future Actions/Commitments

The Board of Health voted unanimously at their October 23, 2018 meeting to approve the forwarding of their recommendations on e-cigarettes to the Village Board.

Intergovernmental Cooperation Opportunities

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