


**ORDINANCE 7535
PAMPHLET**

**ORDINANCE RELATIVE TO THE SALE AND DELIVERY OF
ALTERNATIVE NICOTINE PRODUCTS AND DEVICES**



PUBLISHED IN PAMPHLET FORM THIS 22ND DAY OF JUNE 2018, BY ORDER
OF THE CORPORATE AUTHORITIES OF THE VILLAGE OF LOMBARD, DUPAGE
COUNTY, ILLINOIS.


Sharon Kuderna
Village Clerk

ORDINANCE NO. 7535

**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 21st day of June, 2018.

Passed on second reading this 21st day of June, 2018, pursuant to a roll call vote as follows:

Ayes: Trustee Whittington, Fugiel, Foltyniewicz, Johnston, Pike and Ware

Nays: None

Absent: None

APPROVED by me this 21st day of June, 2018.


Keith Giagnorio, Village President

ATTEST:


Sharon Kuderna, Village Clerk

Published by me in pamphlet form on this 22nd day of June, 2018.


Sharon Kuderna, Village Clerk