
**VILLAGE OF SUGAR GROVE
BOARD REPORT**

TO: VILLAGE PRESIDENT & BOARD OF TRUSTEES
FROM: PATRICK J. ROLLINS, CHIEF OF POLICE
SUBJECT: DISCUSSION: AMMENDING TITLE 3 CHAPTER 7 TOBACCO
PRODUCTS TO REFLECT NEW STATE LAW REGARDING VAPING IN
PUBLIC BUILDINGS/PLACES
AGENDA: MAY 21, 2024
DATE: MAY 14, 2024

ISSUE

Should the Village amend Title 3 Chapter 7- Tobacco Products for vaping in public buildings with minor housekeeping items within the Chapter.

DISCUSSION

As a reference point, Illinois back in January 2008 prohibited smoking indoors or within 15 feet of any public facility door or window, and public transportation along with government vehicles, with many other regulations under the Smoke Free Illinois Act. (410 ILCS 82/) This Illinois Act has since been amended a few times during the following years to address the continued public health concern with smoking.

At the beginning of the 2024 calendar year, the State of Illinois adopted new legislation that prohibits vaping/e-cigarettes, (like products) consumed inside a public building/place.

The State defines Public Place as:

"Public place" means that portion of any building or vehicle used by and open to the public, regardless of whether the building or vehicle is owned in whole or in part by private persons or entities, the State of Illinois, or any other public entity and regardless of whether a fee is charged for admission, including a minimum distance, as set forth in Section 70 of this Act, of 15 feet from entrances, exits, windows that open, and ventilation intakes that serve an enclosed area where smoking is prohibited. A "public place" does not include a private residence unless the private residence is used to provide licensed childcare, foster care, or other similar social service care on the premises. A "public place" includes, but is not limited to, hospitals, restaurants, retail stores, offices, commercial establishments, elevators, indoor theaters, libraries, museums, concert halls, public conveyances, educational facilities, nursing homes,

auditoriums, enclosed or partially enclosed sports arenas, meeting rooms, schools, exhibition halls, convention facilities, polling places, private clubs, gaming facilities, all government owned vehicles and facilities, including buildings and vehicles owned, leased, or operated by the State or State subcontract, healthcare facilities or clinics, enclosed shopping centers, retail service establishments, financial institutions, educational facilities, ticket areas, public hearing facilities, public restrooms, waiting areas, lobbies, bars, taverns, bowling alleys, skating rinks, reception areas, and no less than 75% of the sleeping quarters within a hotel, motel, resort, inn, lodge, bed and breakfast, or other similar public accommodation that are rented to guests, but excludes private residences.

The Smoke Free Illinois Act now prohibits the use of e-cigarettes, vapes, and other electronic smoking devices in public places, places of employment, and within 15 feet of any entrance, exit, open window, or ventilation intake. Businesses are required to update their signage to explicitly include vaping and e-cigarette use. The signs are to be strategically placed within clear view for customers/patrons as well as employees.



State of Illinois
Illinois Department of Public Health

NO SMOKING or E-CIGARETTE USE



Indoors or Within 15 Feet of Entrance

To submit a complaint:



www.smoke-free.illinois.gov

866-973-4646

TTY 800-547-0466 (hearing impaired use only)

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**Smoke-Free Illinois Act (410 ILCS 82),
amended by Public Act 103-0272.**

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The Village of Sugar Grove Code of Ordinances has a regulation regarding Tobacco Products. Village Attorney Julien reviewed the changes of the new state law and the Village's existing ordinance and provided feedback to staff.

Title 3, Chapter 7 of the Village of Sugar Grove Code of Ordinances currently defines "electronic cigarette" as "(a) any device that uses a battery or other mechanism to heat a solution or substance to produce a vapor or aerosol intended for inhalation; (b) any cartridge or container of a solution or substance intended to be used with or in the device or refill to fill the device; or (c) any solution or substance, whether or not it contains nicotine intended for use in the device." It is further defined to include, but not be limited to: "any electronic nicotine delivery system, electronic cigar, electronic cigarillo, electronic pipe, electronic hookah, vape pen, or similar product or device, and any components or parts that can be used to build the product or device."

Staff is desiring to amend the Village Code regarding Tobacco Products to better reflect what is in the State Law and some minor housekeeping items discovered during the review process. Mostly terminology, and enforcement options. Attorney Julien's research into the Act and subsequent case law she wrote it was "intended to be enforced administratively, rather than through criminal proceedings in the circuit courts, and thus trial court could not convict defendant of violating this Act...."

"Smoke" or "smoking" means the carrying, smoking, burning, inhaling, or exhaling of any kind of lighted pipe, cigar, cigarette, hookah, weed, herbs, or any other lighted smoking equipment. "Smoke" or "smoking" includes the use of an electronic cigarette. "Smoke" or "smoking" does not include smoking that is associated with a native recognized religious ceremony, ritual, or activity by American Indians that is in accordance with the federal American Indian Religious Freedom Act, 42 U.S.C. 1996 and 1996a.

Staff recommends that the Village Board authorize staff to prepare an ordinance amending Title 3 Chapter 7 with the newly enacted changes adopted by the State of Illinois.

COST

N/A The only costs associated to this are Attorney Fees.

RECOMMENDATION – That the Village Board direct staff to amend Title 3 Chapter 7 regarding Tobacco Products better reflect the intention of the State Statute.