

**ORDINANCE NO. 2616**

**AN ORDINANCE  
SUPPLEMENTING AND AMENDING  
ARTICLE VIII OF CHAPTER 20 OF THE RANTOUL CODE**

**VILLAGE OF RANTOUL  
CHAMPAIGN COUNTY, ILLINOIS**

**CERTIFICATE OF PUBLICATION**

Published in pamphlet form this 16th day of July, 2019, by authority of the President and Board of Trustees of the Village of Rantoul, Champaign County, Illinois.



*Mike Graham*

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Village Clerk

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ARTICLE VIII OF CHAPTER 20 OF THE RANTOUL CODE

BE IT ORDAINED BY THE PRESIDENT AND THE BOARD OF TRUSTEES OF THE VILLAGE OF RANTOUL, ILLINOIS, as follows:

**Section 1. Adoption.** ARTICLE VIII, entitled "OFFENSES RELATED TO TOBACCO PRODUCTS, ELECTRONIC CIGARETTES, ELECTRONIC CIGARETTE PRODUCTS, AND ALTERNATIVE NICOTINE PRODUCTS", of CHAPTER 20, entitled "OFFENSES AND MISCELLANEOUS PROVISIONS", of the Rantoul Code, as supplemented and amended, be and the same is hereby supplemented and amended to provide as set forth in the title, headings and text thereof as attached hereto and hereby incorporated herein by this reference thereto.

**Section 2. Effective Date.** The provisions of this Ordinance shall become effective following its passage, approval and publication as required by law.

**Section 3. Conflict.** All other ordinances or parts of other ordinances which are in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby superseded.

**Section 4. Publication.** The Village Clerk is hereby authorized and directed to cause this Ordinance to be published in pamphlet form.

This ordinance is hereby passed, the "ayes" and "nays" being called, by the concurrence of a majority of the members of the Corporate Authorities then holding office at a special meeting on the date set forth below.

PASSED this 16th day of July, 2019.



Village Clerk

APPROVED this 16th day of July, 2019.



Village President



ARTICLE VIII. OFFENSES RELATED TO TOBACCO PRODUCTS, ELECTRONIC CIGARETTES, ELECTRONIC CIGARETTE PRODUCTS, AND ALTERNATIVE NICOTINE PRODUCTS

**Sec. 20-215. - Definitions**

For the purposes of this Article, the following words and phrases shall have the meaning ascribed to them as follows:

“Adult-only facility” means: a facility or restricted area (whether open-air or enclosed) where the operator ensures or has a reasonable basis to believe (such as by checking identification as required under State law, or by checking the identification of any person appearing to be under the age of 30) that no person under legal age is present. A facility or restricted area need not be permanently restricted to persons under 21 years of age to constitute an adult-only facility, provided that the operator ensures or has a reasonable basis to believe that no person under 21 years of age is present during the event or time period in question.

“Age restricted area” means: a signed designated area in a retail establishment to which persons under 21 years of age are not permitted access unless accompanied by a parent or legal guardian.

“Alternative nicotine product” means: a product or device not consisting of 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. “Alternative nicotine product” does not include: cigarettes and tobacco products; tobacco product and electronic cigarette as defined in this Section; or any product approved by the United States Food and Drug Administration 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” means: (1) any device that employs a battery or other mechanism to heat a solution or substance to produce a vapor or aerosol intended for inhalation; (2) any cartridge or container of a solution or substance intended to be used with or in the device or to refill the device; or (3) any solution or substance, whether or not it contains nicotine intended for use in the device. “Electronic cigarette” includes, but is not 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. “Electronic cigarette” does not include: cigarettes and tobacco products; tobacco product and alternative nicotine product as defined in this Section; any product approved by the United States Food and Drug Administration 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; any asthma inhaler prescribed by a physician for that condition and is being marketed and sold solely for that approved purpose; or any therapeutic product approved for use under the Compassionate Use of Medical Cannabis Pilot Program Act.

“Line of sight” means: visible to a cashier or other employee.

“Lunch wagon” means: a mobile vehicle designed and constructed to transport food and from which food is sold to the general public.

“Nicotine” means: any form of the chemical nicotine, including any salt or complex, regardless of whether the chemical is naturally or synthetically derived.

“Tobacco product” means: any product containing or made from tobacco that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to, cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, snuff, snus, and any other smokeless tobacco product which contains tobacco that is finely cut, ground, powdered, or leaf and intended to be placed in the oral cavity. “Tobacco product” includes any component, part, or accessory of a tobacco product, whether or not sold separately. “Tobacco product” does not include: an electronic cigarette and alternative nicotine product as defined in this Section; or any product that has been approved by the United States Food and Drug Administration 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.

#### **Sec. 20-216. - Prohibition on Possession**

It shall be unlawful and a violation of this Section for any person under twenty-one (21) years of age to possess any tobacco product, electronic cigarette, electronic cigarette product, or alternative nicotine product, provided that the possession of any tobacco products, electronic cigarettes, electronic cigarette product, or alternative nicotine product by a person under twenty-one (21) years of age shall not be prohibited under this Section when such possession is under the direct supervision of the parent or guardian of such person in the privacy of such parent's or guardian's home.

#### **Sec. 20-217. - Prohibition on Sale**

Prohibition on the sale of any tobacco product, electronic cigarette, and alternative nicotine product to persons under 21 years of age; prohibition on the distribution of tobacco product samples, electronic cigarette samples, and alternative nicotine product samples to any person; use of identification cards; vending machines; lunch wagons; out-of-package sales.

(a) No person under 21 years of age shall buy any tobacco product, electronic cigarette, or alternative nicotine product. No person shall sell, buy for, distribute samples of or furnish any tobacco product, electronic cigarette, or any alternative nicotine product to any person under 21 years of age.

(b) No person under 16 years of age may sell any tobacco product, electronic cigarette, or alternative nicotine product at a retail establishment selling tobacco products, electronic cigarettes, or alternative nicotine products. This subsection does not apply to a salesclerk in a family-owned business which can prove that the salesclerk is in fact a son or daughter of the owner.

(c) Before selling, offering for sale, giving, or furnishing a tobacco product, electronic cigarette, or alternative nicotine product to another person, the person selling, offering for sale, giving, or furnishing the tobacco product, electronic cigarette, or alternative nicotine product shall verify that the person is at least 21 years of age by examining from any person that appears to be under 30 years of age a government-issued photographic identification that establishes the person to be 21 years of age or older.

(d) No person under 21 years of age in the furtherance or facilitation of obtaining any tobacco product, electronic cigarette, or alternative nicotine product shall display or use a false or forged identification card or transfer, alter, or deface an identification card.

(e) A person shall not distribute without charge samples of any tobacco product to any other person, regardless of age, except for smokeless tobacco in an adult-only facility. This subsection (e)

does not apply to the distribution of a tobacco product, electronic cigarette, or alternative nicotine product sample in any adult-only facility.

(f) The sale or distribution by any person of a tobacco product, including but not limited to a single or loose cigarette, that is not contained within a sealed container, pack, or package as provided by the manufacturer, which container, pack, or package bears the health warning required by federal law, is prohibited.

**Sec. 20-218. - Sales through Vending Machines.**

(a) Tobacco products, electronic cigarettes, and alternative nicotine products may be sold through a vending machine only if such tobacco products, electronic cigarettes, and alternative nicotine products are not placed together with any non-tobacco product, other than matches, in the vending machine and the vending machine is in any of the following locations:

- (1) Places to which persons under 21 years of age are not permitted access at any time.
- (2) Places where alcoholic beverages are sold and consumed on the premises and vending machine operation is under the direct supervision of the owner or manager.

(b) The sale of any tobacco product from a vending machine under direct supervision of the owner or an employee of the establishment is considered a sale of any such tobacco product by such person. As used in this subsection, the term "direct supervision" means the owner or employee has an unimpeded line of sight to the vending machine.

**Sec. 20-219. - Sting Operations**

It is not a violation of this Ordinance for a person under 21 years of age to purchase a tobacco product, electronic cigarette, or alternative nicotine product if the person under the age of 21 purchases or is given the tobacco product, electronic cigarette, or alternative nicotine product in any of its forms from a retail seller of tobacco products, electronic cigarettes, or alternative nicotine products or an employee of the retail seller pursuant to a plan or action to investigate, patrol, or otherwise conduct a "sting operation" or enforcement action against a retail seller of tobacco products, electronic cigarettes, or alternative nicotine products or a person employed by the retail seller of tobacco products, electronic cigarettes, or alternative nicotine products or on any premises authorized to sell tobacco products, electronic cigarettes, or alternative nicotine products to determine if tobacco products, electronic cigarettes, or alternative nicotine products are being sold or given to persons under 21 years of age if the "sting operation" or enforcement action is approved by, conducted by, or conducted on behalf of the Rantoul Police Department, the Department of State Police, the county sheriff, the Department of Revenue, the Department of Public Health, or a local health department. The results of any sting operation or enforcement action, including the name of the clerk, shall be provided to the retail seller within 7 business days.

**Sec.20-220. - Tobacco Product Displays**

All single packs of cigarettes, and electronic cigarettes, and alternative nicotine products must be sold from behind the counter or in an age restricted area or in a sealed display case. Any other tobacco products must be sold in line of sight. The restrictions described in this Section do not apply to a retail tobacco store that (i) derives at least 90% of its revenue from tobacco and tobacco related products; (ii) does not permit persons under the age of 21 to enter the premises unless accompanied by a parent or

legal guardian; and (iii) posts a sign on the main entrance way stating that persons under the age of 21 are prohibited from entering unless accompanied by a parent or legal guardian.

**Sec. 20-221. - Warning Signs**

Signs informing the public of the age-of-sale restrictions shall be posted at or near every display of tobacco products and on or upon every vending machine which offers tobacco products for sale. Each sign shall be plainly visible and shall state: "THE SALE OF TOBACCO PRODUCTS TO PERSONS UNDER TWENTY-ONE YEARS OF AGE IS PROHIBITED BY LAW". The text of such signs must be in red letters on a white background, and said letters must be at least one inch (1") high.

**Sec. 20-222. - Inspection**

The Chief of Police or his/her designee are hereby authorized and empowered to conduct annual, random, unannounced inspections of all places wherein such tobacco products, electronic cigarettes, electronic cigarette product or alternative nicotine products are licensed to be sold, for the purpose of ascertaining whether the laws of the State and of the Village in relation to the same, are being complied with at such place.