

Model Retail Tobacco License Ordinance White Paper | 2022

Background

Tobacco use is the leading cause of preventable disease, disability, and death in the United States (CDC, 2022). In Winnebago County, 21% of adults smoked tobacco in 2021. In 2020, a total of 3,869 students in Winnebago County 8th, 10th, and 12th grades participated in the Illinois Youth Survey (IYS). When asked about their use of cigarettes over the past 30 days, 1% of 8th graders, 2% of 10th graders, and 2% of 12th graders acknowledged having used. When asked about use of E-cigarettes or other vaping products over the past 30 days, 6% of 8th graders, 14% of 10th graders, and 17% of 12th graders acknowledged having used.

Purpose of a Retail Tobacco License Ordinance

Protect the public health, safety, and welfare by reducing the number of individuals, in particular individuals under the age of 21, who use tobacco products, alternative nicotine products, and electronic cigarettes from illness and premature death.

Ordinance Provisions

The proposed Model Ordinance contains the following provisions:

- Requires a retail tobacco license to sell tobacco products, alternative nicotine products, and electronic cigarettes within Village/City limits.
- Creates a license application process and identifies individuals/entities that would be prohibited from obtaining a license.
- Requires a documented training program for employees.
- Establishes an annual license with the fee to be determined by the Village/City.
- Requires the display of tobacco licenses and warning signs in a publicly visible location.
- Prohibits:
 - Sale of tobacco products, alternative nicotine products, electronic cigarettes, tobacco accessories or smoking herbs to anyone under the age of 21 years;
 - Sale to anyone appearing to be under age 30 without checking identification;
 - Sale within 100 feet of any school, childcare facility or other building used for education or recreational programs for persons under the age of 21 years [*Optional*].
 - Vending machines that sell tobacco products, alternative nicotine products, electronic cigarettes, tobacco accessories or smoking herbs [*Can be modified to permit vending machines in places where persons under 21 are not allowed*].
- Requires employees to be 21 years of age to sell tobacco products, alternative nicotine products, electronic cigarettes, tobacco accessories or smoking herbs [*Legal age is 16*].
- Requires tobacco products, alternative nicotine products, electronic cigarettes, tobacco accessories, and smoking herbs to be stored in areas not readily accessible to persons under the age of 21.
- Creates a tobacco commission/tobacco commissioner to administer the ordinance, including holding hearings, suspending/revoking licenses, and issuing fines [*Optional*].