



CITY OF OAK FOREST

City Council Agenda Memo

DATE: February 12th, 2019

TO: Oak Forest City Council

FROM: Timothy J. Kristin, Chief of Police

SUBJECT: Changes to Oak Forest Municipal Code # 118.056, #118.057, and #118.058 adding the language of “Alternative Nicotine Products”

BACKGROUND

E-cigarettes are electronic devices that heat a liquid and produce an aerosol, or mix of small particles in the air. E-cigarettes come in many shapes and sizes. Most have a battery, a heating element, and a place to hold a liquid. Some e-cigarettes look like regular cigarettes, cigars, or pipes. Some look like USB flash drives, pens, and other everyday items. Larger devices such as tank systems, or “mods,” do not look like other tobacco products. E-cigarettes are known by many different names. They are sometimes called “e-cigs,” “e-hookahs,” “mods,” “vape pens,” “vapes,” “tank systems,” and “electronic nicotine delivery systems (ENDS).” • Using an e-cigarette is sometimes called “vaping” or “JUULing.” Most e-cigarettes contain nicotine—the addictive drug in regular cigarettes, cigars, and other tobacco products.

Nicotine can harm the developing adolescent brain. The brain keeps developing until about age 25. Using nicotine in adolescence can harm the parts of the brain that control attention, learning, mood, and impulse control. Each time a new memory is created or a new skill is learned, stronger connections – or synapses – are built between brain cells. Young people’s brains build synapses faster than adult brains. Nicotine changes the way these synapses are formed. Using nicotine in adolescence may also increase risk for future addiction to other drugs.

The users of vapes, JUULs, and similar products is extremely prevalent among high school students, creating a new generation of nicotine users and “smokers” after years of successful programs aimed at reducing teen smoking. Every day in high schools across the U.S., the use of electronic cigarettes is common and occurs on school grounds undetected by school staff. Vapes and electronic cigarettes have become increasingly discreet and available in an array of enticing flavors. Some vapes now resemble regular pens and are more difficult for teachers and administrators to notice and confiscate. The JUUL resembles a USB stick, and its small size fits into the palm of a hand.



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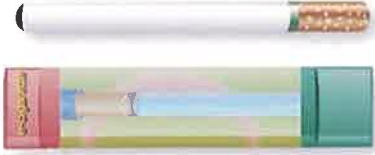




Tobacco products have been banned from school campuses for decades, but some vapes can use flavored vapor without nicotine or tobacco. These devices can also be used for the ingestion of marijuana and related substances. Devices used for these purposes are often called “wax pens” or “dab pens” and are also small and easily pass undetected.

ACTION REQUESTED

Approve Proposed Changes to Oak Forest Municipal Code to reflect Alternative Nicotine Devices

RECOMMENDATION

Approve Changes to Oak Forest Municipal Code

ENDS type	Product characteristics
<p data-bbox="228 331 526 363">Disposable e-cigarette</p> 	<ul data-bbox="857 331 1317 558" style="list-style-type: none"> • For short time use • Cheap; widely available from gas stations or super markets • Convenient as no refill solution or cartridge is needed • Might be a starting point for many users
<p data-bbox="228 594 561 625">Rechargeable e-cigarette</p> 	<ul data-bbox="857 604 1295 800" style="list-style-type: none"> • Various sizes from cigarette size, to compact flashlight size • Various colors and styles • Requires battery with a charger • Requires replacing or refilling nicotine cartridges
<p data-bbox="228 852 545 884">Tank system e-cigarette</p> 	<ul data-bbox="857 852 1268 1104" style="list-style-type: none"> • High-capacity • Battery operated • Lasts longer than typical rechargeable models • Requires refilling the tank with nicotine solution • Often recommended for heavy smokers by retailers
<p data-bbox="228 1146 480 1178">Personal Vaporizer</p> 	<ul data-bbox="857 1146 1341 1440" style="list-style-type: none"> • Large size and heavy weight • Battery power output control allows the user to adjust the output of the voltage going to the heating element, which has a direct effect on the temperature of the heating element • Usually not recommended by retailers for beginning users
<p data-bbox="228 1482 326 1514">E-cigar</p> 	<ul data-bbox="857 1514 1317 1577" style="list-style-type: none"> • Looks like an authentic large cigar • Usually disposable

§ 118.056 SALE OF CIGARETTES OR ALTERNATIVE NICOTINE PRODUCTS TO MINORS.

No manufacturer, producer, distributor, wholesaler or retailer of cigarettes, tobacco products, or alternative nicotine products or any agent, employee or representative of a manufacturer, producer, distributor, wholesaler or retailer of cigarettes or other tobacco products, shall do any of the following:

(A) Give, sell or otherwise distribute cigarettes, tobacco products or alternative nicotine products to any person under 18 years of age; or

(B) Give away, sell or distribute cigarettes, tobacco products or alternative nicotine products in any place that does not have posted in a conspicuous place a sign stating that giving, selling or otherwise distributing cigarettes, tobacco products or alternative nicotine products to a person under 18 years of age is prohibited by law.

(2000 Code, § 5.60.020) Penalty, see § 118.999

§ 118.057 PURCHASE OF TOBACCO OR ALTERNATIVE NICOTINE PRODUCTS BY MINORS; MISREPRESENTATIONS.

No person under the age of 18 years shall purchase tobacco products or alternative nicotine products, misrepresent his or her identity or age or use any false or altered identification, for the purpose of purchasing tobacco products.

(2000 Code, § 5.60.030) Penalty, see § 118.999

§ 118.058 POSSESSION OF TOBACCO AND ALTERNATIVE NICOTINE PRODUCTS BY MINORS.

No person under the age of 18 years shall possess any tobacco or alternative nicotine products, provided that the possession by a person under the age of 18 years, under the direct supervision of the parent or guardian of such person, in the privacy of the parent's or guardian's home, shall not be prohibited.

(2000 Code, § 5.60.040) Penalty, see § 118.999

Alternative Nicotine Products, as defined under 720 ILCS 675/1.5 (a): a product or device not consisting of or containing tobacco that provides for the ingestion into the body of nicotine, by chewing, smoking, absorbing, dissolving, inhaling, snorting or otherwise.