Committee on License and Consumer Protection
Chicago City Council Meeting
June 21, 2023

O R D I N A N C E

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:

SECTION 1. Section 4-64-100 of the Municipal Code of Chicago is hereby amended by deleting the language struck through as follows:

4-64-100 Definitions.

As used in this Chapter 4-64, unless the context clearly indicates that another meaning is intended:

(Omitted text is unaffected by this ordinance)

"Flavored tobacco product" means any tobacco product that contains a constituent that imparts a characterizing flavor. As used in this definition, the term "characterizing flavor" means a distinguishable taste or aroma, other than the taste or aroma of tobacco, imparted either prior to or during consumption of a tobacco product including but not limited to tastes or aromas of ~~menthol,~~ mint, wintergreen, chocolate, vanilla, honey, cocoa, any candy, any dessert, any alcoholic beverage, any fruit, any herb, or any spice. No tobacco product shall be determined to have a characterizing flavor solely because of the use of additives or flavorings or the provision of ingredient information. A public statement or claim made or disseminated by the manufacturer of a tobacco product, or by any person authorized or permitted by the manufacturer to make or disseminate such statement or claim, that a tobacco product has or produces a characterizing flavor shall establish that the tobacco product is a flavored tobacco product.

(Omitted text is unaffected by this ordinance)

SECTION 2. Section 4-64-350 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

4-64-350 Certain transactions – Prohibited.

(a) No person shall sell, offer for sale, barter, or expose for sale any tobacco product except in its original factory-wrapped package. This prohibition shall not apply to large cigars with a retail price of at least $3.00 each or to pipe tobacco.

<u>(b) No person shall sell, offer for sale, barter, or expose for sale, or give away, exchange, or in any way dispense free of charge or at nominal cost, any tobacco product or tobacco accessories, as defined by Section 4-64-100, or liquid nicotine product, as defined by Section 3-47-020, with a characterizing flavor of menthol.</u>

~~(b)~~ (c) No person shall sell, offer for sale, barter, or expose for sale any cigarette in a package containing fewer than 20 cigarettes.

~~(c)~~ (d) Any person who violates this section shall be fined not less than $1,000.00 nor more than $5,000.00 for each offense. Each day that a violation continues shall constitute a separate and distinct offense.

~~(d)~~ (e) The Commissioner of Public Health, with the approval of the Comptroller, shall amend by rule the minimum retail price of exempted large cigars in an amount proportional to the change, if any, in the Chicago-Gary-Kenosha area Consumer Price Index. If the Commissioner amends the minimum retail price of exempted large cigars, the amended price shall not go into effect until 90 days after it is announced via rule duly promulgated by the Department of Health. Any such amendment shall be rounded to the nearest dime.

SECTION 3. This ordinance shall be in full force and effect upon passage and publication.

Raymond A. Lopez
Alderman, 15th Ward