

SANGAMON COUNTY, ILLINOIS

---

ORDINANCE  
NUMBER 24-21

---

**AN ORDINANCE AMENDING THE VILLAGE CODE  
TO PREVENT TOBACCO USE BY INDIVIDUALS UNDER 21 YEARS OF AGE AND  
TO PROHIBIT THE SALE AND DISTRIBUTION OF TOBACCO PRODUCTS TO  
INDIVIDUALS UNDER 21 YEARS OF AGE**

---

DAVE KIMSEY, Village President  
DAN HOLDEN, Village Clerk

KRISTEN CHIARO  
MEREDITH FERGUSON  
JOHN FLETCHER  
BRETT GERGER  
TIM NICE  
CARL TRY  
Village Trustees

---

Published in pamphlet form by authority of the President and Board of Trustees of the Village of Chatham  
on June 25, 2024

Sorling Northrup – 1 N. Old State Capitol Plaza, Suite 200, Springfield, IL 62705

**Ordinance No. 24-21**

**AN ORDINANCE AMENDING THE VILLAGE CODE  
TO PREVENT TOBACCO USE BY INDIVIDUALS UNDER 21 YEARS OF AGE AND  
TO PROHIBIT THE SALE AND DISTRIBUTION OF TOBACCO PRODUCTS TO  
INDIVIDUALS UNDER 21 YEARS OF AGE**

**WHEREAS**, the Village of Chatham (“Village”), Sangamon County, State of Illinois, is a duly organized and existing Village created under the provisions of the laws of the State of Illinois, and is now operating under the provisions of the Illinois Municipal Code; and

**WHEREAS**, the Illinois Prevention of Tobacco Use by Person under 21 Years of Age and Sale and Distribution of Tobacco Act (720 ILCS 675/0.01 et seq.), sets forth the rights of municipalities to govern and restrict the possession by and sale of tobacco products to persons under 21 years of age within their communities; and

**WHEREAS**, 720 ILCS 675/1 provides that the Village has the authority to address both the use of tobacco products, including electronic cigarettes and vape pens, by persons under 21 years of age, and the sale or distribution of those products to persons under 21 years of age; and

**WHEREAS**, 720 ILCS 675/1(g) provides that the Village police department may seize any tobacco products if there is a violation of Sections (a), (a-5), (a-8), (b), or (d);

**WHEREAS**, the Village wishes to amend its Code to provide for additional prohibitions regarding use and possession of tobacco products by persons under 21 years of age, and also to provide for prohibitions against the sale and distribution of tobacco products to persons under 21 years of age; and

**WHEREAS**, the President and Village Board believe it to be in the best interest of the Village to amend its Code as set forth below.

**NOW, THEREFORE, BE IT ORDAINED** by the President and Board of Trustees of the Village of Chatham, County of Sangamon, as follows:

**Section 1. Recitals.** The foregoing recitals shall be and are hereby incorporated into and made a part of this Ordinance as if fully set forth in this Section 1.

**Section 2. Amendment to Village Code.** Chapter 130 of the Village of Chatham Code of Ordinances is hereby amended as follows (added; ~~deleted~~):

## **CHAPTER 130: GENERAL OFFENSES**

Section

### ***Weapons***

- 130.01 Concealed weapons
- 130.02 Firing and discharge of weapons

### ***Cannabis***

- 130.15 Definitions
- 130.16 Possession of cannabis
- 130.17 Possession of drug paraphernalia prohibited
- 130.18 Possession of cannabis paraphernalia by minors prohibited

### ***Morals***

- 130.30 Illinois Obscenity Law

### **Tobacco**

- 130.40 Tobacco products
- 130.41 Public nuisance declared

- 130.99 Penalty

\*\*\*

### **Tobacco**

#### **§ 130.40 TOBACCO PRODUCTS.**

The following provisions of the Prevention of Tobacco Use by Person under 21 Years of Age and Sale and Distribution of Tobacco Act (720 ILCS 675/0.01 (as amended) are hereby adopted by reference in their entirety as if set out at length herein: 720 ILCS 675/1 (a), (a-5), (a-5.1), (a-6), (a-8), (a-9), (b), (d), and (e) (2022).

#### **§ 130.41 PUBLIC NUISANCE DECLARED.**

No person under 21 years of age shall possess any cigar, cigarette, tobacco product, electronic cigarette, or alternative nicotine product in any form, this having been found by the corporate authorities to be a nuisance. For the purposes of this subparagraph, the definitions in 720 ILCS 675/1 (a-9) shall apply.

\*\*\*

**§ 130.99 PENALTY.**

(A) Whoever violates any provision of this chapter for which no specific penalty is otherwise provided shall be fined not more than \$ 500.

(B) Any person who violates any provision of § 130.01 shall be fined not less than \$ 10 and not exceeding \$ 100. (Ord. 31, passed 10-13-31)

(C) Any person found guilty of violating any provision of § 130.02 shall be punished by a fine of not less than \$ 25 and not exceeding \$ 500. (Ord. 79-31, passed 8-14-79)

(D) Any individual found guilty of violating any provision of § 130.40 or § 130.41 shall be fined \$250.

(E) Any retail establishment violating any provision of § 130.40 shall be fined \$500.

**Section 3.** Severability. In the event that any section, clause, provision, or part of this Ordinance shall be found and determined to be invalid by a court of competent jurisdiction, all valid parts that are severable from the invalid parts shall remain in full force and effect.

**Section 4.** Repeal and Savings Clause. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed; provided, however, that nothing herein contained shall affect any rights, action, or causes of action which shall have accrued to the Village of Chatham prior to the effective date of this Ordinance.

**Section 5.** Effectiveness. This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

	AYE	NAY	ABSTAIN	ABSENT
KRISTEN CHIARO				
MEREDITH FERGUSON				
JOHN FLETCHER				✓
BRETT GERGER				

*Vote*  
*Vote*


TIM NICE				✓
CARL TRY				✓
DAVE KIMSEY				
TOTAL				3

**APPROVED** by the President of the Village of Chatham, Illinois this 25 day of June, 2024.

  
 \_\_\_\_\_  
 Dave Kimsey, Village President

Attest:

  
 \_\_\_\_\_  
 Dan Holden, Village Clerk

 KeyCite Yellow Flag - Negative Treatment  
Proposed Legislation

West's Smith-Hurd Illinois Compiled Statutes Annotated  
Chapter 720. Criminal Offenses  
Offenses Against the Public  
Act 675. Prevention of Tobacco Use by Persons Under 21 Years of Age and Sale and Distribution of Tobacco Products Act (Refs & Annos)

**720 ILCS 675/1**

Formerly cited as IL ST CH 23 ¶ 2357

675/1. Prohibition on sale of tobacco products, electronic cigarettes, and alternative nicotine products 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

Effective: May 13, 2022

Currentness

**§ 1.** Prohibition on sale of tobacco products, electronic cigarettes, and alternative nicotine products 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 shall sell, buy for, distribute samples of or furnish any tobacco product, electronic cigarette, or alternative nicotine product to any person under 21 years of age.

**(a-5)** 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 sales clerk in a family-owned business which can prove that the sales clerk is in fact a son or daughter of the owner.

**(a-5.1)** 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:

**(1)** 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; or

**(2)** for sales of tobacco products, electronic cigarettes, or alternative nicotine products made through the Internet or other remote sales methods, performing an age verification through an independent, third party age verification service that compares information available from public records to the personal information entered by the person during the ordering process that establishes the person is 21 years of age or older.

(a-6) 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.

(a-7) (Blank).

(a-8) A person shall not distribute without charge samples of any tobacco product, alternative nicotine product, or electronic cigarette to any other person, regardless of age, except for smokeless tobacco in an adult-only facility.

This subsection (a-8) does not apply to the distribution of a tobacco product, electronic cigarette, or alternative nicotine product sample in any adult-only facility.

(a-9) For the purpose of this Section:

“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.

“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 as defined in Section 1 of the Cigarette Tax Act and tobacco products as defined in Section 10-5 of the Tobacco Products Tax Act of 1995; 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, any components or parts that can be used to build the product or device, and any component, part, or accessory of a device used during the operation of the device, even if the part or accessory was sold separately. “Electronic cigarette” does not include: cigarettes as defined in Section 1 of the Cigarette Tax Act; 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; any device that meets the definition of cannabis paraphernalia under Section 1-10 of the Cannabis Regulation and Tax Act; or any cannabis product sold by a dispensing organization pursuant to the Cannabis Regulation and Tax Act or the Compassionate Use of Medical Cannabis Program Act.

“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 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.

(b) 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) (Blank).

(2) Places to which persons under 21 years of age are not permitted access at any time.

(3) 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.

(4) (Blank).

(5) (Blank).

(c) (Blank).

(d) The sale or distribution by any person of a tobacco product as defined in this Section, 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.



- (e) It is not a violation of this Act 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 Illinois State Police, the county sheriff, a municipal police department, 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.
- (f) No person shall honor or accept any discount, coupon, or other benefit or reduction in price that is inconsistent with 21 CFR 1140, subsequent United States Food and Drug Administration industry guidance, or any rules adopted under 21 CFR 1140.
- (g) Any peace officer or duly authorized member of the Illinois State Police, a county sheriff's department, a municipal police department, the Department of Revenue, the Department of Public Health, a local health department, or the Department of Human Services, upon discovering a violation of subsection (a), (a-5), (a-5.1), (a-8), (b), or (d) of this Section or a violation of the Preventing Youth Vaping Act, may seize any tobacco products, alternative nicotine products, or electronic cigarettes of the specific type involved in that violation that are located at that place of business. The tobacco products, alternative nicotine products, or electronic cigarettes so seized are subject to confiscation and forfeiture.
- (h) If, within 60 days after any seizure under subsection (g), a person having any property interest in the seized property is charged with an offense under this Section or a violation of the Preventing Youth Vaping Act, the court that renders judgment upon the charge shall, within 30 days after the judgment, conduct a forfeiture hearing to determine whether the seized tobacco products or electronic cigarettes were part of the inventory located at the place of business when a violation of subsection (a), (a-5), (a-5.1), (a-8), (b), or (d) of this Section or a violation of the Preventing Youth Vaping Act occurred and whether any seized tobacco products or electronic cigarettes were of a type involved in that violation. The hearing shall be commenced by a written petition by the State, which shall include material allegations of fact, the name and address of every person determined by the State to have any property interest in the seized property, a representation that written notice of the date, time, and place of the hearing has been mailed to every such person by certified mail at least 10 days before the date, and a request for forfeiture. Every such person may appear as a party and present evidence at the hearing. The quantum of proof required shall be a preponderance of the evidence, and the burden of proof shall be on the State. If the court determines that the seized property was subject to forfeiture, an order of forfeiture and disposition of the seized property shall be entered and the property shall be received by the prosecuting office, who shall effect its destruction.
- (i) If a seizure under subsection (g) is not followed by a charge under subsection (a), (a-5), (a-5.1), (a-8), (b), or (d) of this Section or under the Preventing Youth Vaping Act, or if the prosecution of the charge is permanently terminated or indefinitely discontinued without any judgment of conviction or acquittal:
- (1) the prosecuting office may commence in the circuit court an in rem proceeding for the forfeiture and destruction of any seized tobacco products or electronic cigarettes; and

(2) any person having any property interest in the seized tobacco products or electronic cigarettes may commence separate civil proceedings in the manner provided by law.

(j) After the Department of Revenue has seized any tobacco product, nicotine product, or electronic cigarette as provided in subsection (g) and a person having any property interest in the seized property has not been charged with an offense under this Section or a violation of the Preventing Youth Vaping Act, the Department of Revenue must hold a hearing and determine whether the seized tobacco products, alternative nicotine products, or electronic cigarettes were part of the inventory located at the place of business when a violation of subsection (a), (a-5), (a-5.1), (a-8), (b), or (d) of this Section or a violation of the Preventing Youth Vaping Act occurred and whether any seized tobacco product, alternative nicotine product, or electronic cigarette was of a type involved in that violation. The Department of Revenue shall give not less than 20 days' notice of the time and place of the hearing to the owner of the property, if the owner is known, and also to the person in whose possession the property was found if that person is known and if the person in possession is not the owner of the property. If neither the owner nor the person in possession of the property is known, the Department of Revenue must cause publication of the time and place of the hearing to be made at least once each week for 3 weeks successively in a newspaper of general circulation in the county where the hearing is to be held.

If, as the result of the hearing, the Department of Revenue determines that the tobacco products, alternative nicotine products, or the electronic cigarettes were part of the inventory located at the place of business when a violation of subsection (a), (a-5), (a-5.1), (a-8), (b), or (d) of this Section or a violation of the Preventing Youth Vaping Act at the time of seizure, the Department of Revenue must enter an order declaring the tobacco product, alternative nicotine product, or electronic cigarette confiscated and forfeited to the State, to be held by the Department of Revenue for disposal by it as provided in Section 10-58 of the Tobacco Products Tax Act of 1995. The Department of Revenue must give notice of the order to the owner of the property, if the owner is known, and also to the person in whose possession the property was found if that person is known and if the person in possession is not the owner of the property. If neither the owner nor the person in possession of the property is known, the Department of Revenue must cause publication of the order to be made at least once each week for 3 weeks successively in a newspaper of general circulation in the county where the hearing was held.

#### **Credits**

Laws 1887, p. 298, § 1, eff. July 1, 1887. Amended by Laws 1965, p. 2839, § 1, eff. Aug. 10, 1965; P.A. 85-305, § 1, eff. Jan. 1, 1988; P.A. 86-1181, § 1, eff. Jan. 1, 1991; P.A. 89-181, § 10, eff. July 19, 1995; P.A. 93-284, § 5, eff. Jan. 1, 2004; P.A. 93-886, § 105, eff. Jan. 1, 2005; P.A. 95-905, § 5, eff. Jan. 1, 2009; P.A. 96-179, § 15, eff. Aug. 10, 2009; P.A. 96-446, § 10, eff. Jan. 1, 2010; P.A. 96-1000, § 610, eff. July 2, 2010; P.A. 98-1055, § 25, eff. Jan. 1, 2016; P.A. 101-2, § 25, eff. July 1, 2019; P.A. 102-538, § 1015, eff. Aug. 20, 2021; P.A. 102-575, § 40, eff. Jan. 1, 2022; P.A. 102-813, § 620, eff. May 13, 2022.

Notes of Decisions (3)

720 I.L.C.S. 675/1, IL ST CH 720 § 675/1

Current through P.A. 103-585 of the 2024 Reg. Sess. Some statute sections may be more current, see credits for details.