

Legislative Summary

Ordinance 25-24

AN ORDINANCE CREATING TITLE 4, CHAPTER 6, SECTION M OF THE MUNICIPAL CODE ENTITLED TOBACCO AND ALTERNATIVE NICOTINE PRODUCTS AND AMENDING TITLE 6, CHAPTER 3, SECTION 11 ENTITLED PREVENTION OF TOBACCO USE BY PERSONS UNDER 21 YEARS OF AGE, PROHIBITION OF SALE AND DISTRIBUTION OF TOBACCO PRODUCTS

Introduction:	August 12, 2025
Purpose:	This Ordinance will update the Village's Code to add regulations related to tobacco sales and products within the Village.
Background:	The Village Administrator, in consultation with the Chief of Police, has reviewed and recommended that the Village update its ordinances related to tobacco. The proposed revisions include the: • Addition of a section within the Village Code related to the business regulations for businesses that sell tobacco. • Creation of a licensing structure for tobacco-related businesses. • Establishment of distances between tobacco license holders, inspections, and background checks for applicants. • Addition of language defining THC and Kratom requiring a license with the Village to sell THC and Kratom products. This Ordinance shall become effective as of January 1, 2026, to align with the start of the next calendar year when new business compliance certificates (BCC) would be issued and apply to tobacco selling establishments.
Departs Affected	Finance Department, Community Development Department, Village Administrator's Office, and Police Department
Fiscal Impact:	No financial impact
Source of Funds:	N/A
Workload Impact:	Staff will need to update BCC Applications prior to the 2026 renewal deadline but there should be minimal workload impact for future renewals.
Administrator Recommendation	Approval as presented
Second Reading:	August 26, 2025
Special Requirements:	None

ORDINANCE 25-24

CREATING TITLE 4, CHAPTER 6, SECTION M OF THE MUNICIPAL CODE ENTITLED TOBACCO AND ALTERNATIVE NICOTINE PRODUCTS AND AMENDING TITLE 6, CHAPTER 3, SECTION 11 ENTITLED PREVENTION OF TOBACCO USE BY PERSONS UNDER 21 YEARS OF AGE, PROHIBITION OF SALE AND DISTRIBUTION OF TOBACCO PRODUCTS

WHEREAS, the Village of Morton Grove (the "Village"), located in Cook County, Illinois is a home rule unit of government under the provisions of Article 7 of the Constitution of the State of Illinois, and can exercise any power and perform any function pertaining to its government affairs, including but not limited to the power to tax and incur debt; and

WHEREAS, the Village President and Board of Trustees are committed to protecting the health, safety and welfare of the Village and its residents; and

WHEREAS, the Village continuously reviews and, as it deems necessary, updates existing Municipal Codes to assure they are kept current and relevant; and

WHEREAS, the Corporate Authorities of the Village of Morton Grove believe it is in the best interest of the residents of the Village to regulate tobacco as set forth in this ordinance.

NOW, THEREFORE BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF MORTON GROVE, COOK COUNTY, ILLINOIS AS FOLLOWS:

SECTION 1: The Corporate Authorities do hereby incorporate the foregoing WHEREAS clauses into this Ordinance as though fully set forth herein thereby making the findings as hereinabove set forth.

SECTION 2: Title 4, entitled "Business Regulations," Chapter 6 entitled "Regulations Pertaining to Specific Businesses," and Section M entitled "Tobacco and Alternative Nicotine Products" shall be created and Section 1 entitled "Policy and Construction" shall be created and is hereby to read as follows:

4-6M: Tobacco and Alternative Nicotine Products

4-6M-1: Policy and Construction

- A. This article shall be liberally construed, to protect the health, safety, and welfare of the people of the Village of Morton Grove.
- B. Authority to establish additional regulations. The Village Administrator is authorized to establish rules, regulations and procedures for the implementation of this article.

SECTION 3: Title 4, entitled “Business Regulations,” Chapter 6 entitled “Regulations Pertaining to Specific Businesses,” and Section M entitled “Tobacco and Alternative Nicotine Products”, Section 2 entitled “Definitions” shall be created and is hereby to read as follows:

4-6M-2: Definitions

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them:

- A. The definitions, terms and provisions of the Sale and Distribution of Tobacco Products Act, 720 ILCS 675/0.01, et seq., and the Cigarette Health Warning Act, 410 ILCS 85/1 et seq., regarding the display of warning signs are hereby adopted insofar as such definitions, terms, and provisions may be applicable, as if set out in length in this Article.
- B. ACCESSORY TOBACCO SALES. The retail sale of tobacco products and/or alternative-nicotine-related products and / or THC Products and / or Kratom at a retail establishment in which the sale of other non-tobacco-related and non-alternative-nicotine-related products and / or THC Products and / or Kratom is the primary function.
- C. ALTERNATIVE NICOTINE PRODUCT. As defined in the Illinois Compiled Statutes, 720 ILCS 675/1.5, 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" excludes cigarettes, smokeless tobacco, or other tobacco products and any product approved by the United States Food and Drug Administration as a nontobacco product 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.
- D. TOBACCO PRODUCT. (1) Any product which contains, is made, or derived from tobacco or used to deliver nicotine or other substances intended for human consumption, whether smoked, heated, chewed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to, cigarettes, cigars, little cigars, cheroots, stogies, periques, granulated, plug cut, crimp cut, ready rubbed and

other smoking tobacco, snuff, snuff flour, bidis, snus, mints, hand gels, Cavendish, plug and twist tobacco, fine cut and other chewing tobaccos, shorts, refuse scraps, clippings, cutting, and sweepings of tobacco; (2) electronic smoking devices; (3) notwithstanding any provision of subsections (1) and (2) to the contrary, "tobacco product" includes any component, part, accessory, or associated tobacco paraphernalia of a tobacco product whether or not sold separately. Excluded from this definition is any product that contains marijuana and any products specifically approved by the U.S. Food and Drug Administration for use in reducing, treating, or eliminating nicotine or tobacco dependence or for other medical purposes when these products are being marketed and sold solely for such approved purpose.

- E. TOBACCO STORE. A retail establishment the primary function of which is the sale of tobacco-related and/or alternative nicotine products and / or THC Product and / or Kratom, where the sale of other products is merely incidental.
- F. VENDING MACHINE. Any mechanical, electric or electronic, self-service device which, upon insertion of money, tokens or any other form of payment, dispenses tobacco or alternative nicotine products.
- G. THC PRODUCT: Any product, material, compound, isomer, acid, salt, mixture, or preparation:
 - 1. Used or intended for human consumption;
 - 2. That is not made, manufactured, sold, given away, bartered, exchanged, distributed, furnished, marketed, advertised, or otherwise held out for sale by cannabis business establishments duly licensed under the Compassionate Use of Medical Cannabis Program Act (410 ILCS 130/1, et seq.) or the Cannabis Regulation and Tax Act (410 ILCS 705/1-1, et seq.); and
 - 3. That contains: (1) any amount of synthesized tetrahydrocannabinol (THC) of any kind, inclusive of acid forms, regardless of name, and including but not limited to THC-O, delta-8 tetrahydrocannabinol, and delta-10 tetrahydrocannabinol, (2) a total delta-9 tetrahydrocannabinol content concentration level in excess of 0.3% on a dry weight basis, (3) a total delta-9 tetrahydrocannabinol content in excess of 0.5 milligrams

per labeled serving or individual unit or 2.5 milligrams per package regardless of the number of labeled servings or individual units therein, or (4) kratom, as that term is defined in Section 5(a) of the Illinois Kratom Control Act, 720 ILCS 642/5(a), as may be amended.

- H. KRATOM: Any parts of the plant *mitragyna speciosa*, whether growing or not, and any compound, manufacture, salt, derivative, mixture, or preparation of that plant, including but not limited to mitragynine and 7-hydroxymitragynine.
- I. SYNTHESIZED THC: Tetrahydrocannabinol synthesized in a laboratory or by industry using directed or biosynthetic chemistry rather than traditional food preparation techniques such as heating or extracting.
- J. TOTAL DELTA-9 THC CONTENT: The value determined after the process of decarboxylation, or the application of a conversion factor if the testing methodology does not include decarboxylation, that expressed the potential total delta-9 tetrahydrocannabinol content derived from the sum of the THC and THCA content and reported on a dry weight basis, to be calculated either by using a chromatograph technique using heat, such as gaschromatography, through which THCA is converted from its acid form to its neutral form, or by using a liquid chromatograph technique, which keeps the THCA intact, and using the following conversion: $[Total\ THC = (0.877 \times THCA) + THC]$ which calculates the potential total THC in a given sample.

SECTION 4: Title 4, entitled “Business Regulations,” Chapter 6 entitled “Regulations Pertaining to Specific Businesses,” and Section M entitled “Tobacco and Alternative Nicotine Products”, Section 3 entitled “License” shall be created and is hereby to read as follows:

4-6M-3: Licenses

- A. License Required: Commencing January 1, 2026, it shall be unlawful to sell at retail, to give away, deliver or to keep with the intention of selling at retail, giving away or delivering tobacco products or alternative nicotine products within the village without having first obtained a Class A or Class B tobacco license pursuant to this article. Such license shall be in addition to any other license or permit required by this code. A separate license is required for each location where tobacco products or alternative nicotine products are sold, given away or kept with the intent to sell or give away.

B. License Classifications.

1. Class A - Accessory Tobacco Sales. Class A Tobacco licenses shall authorize the retail sales of tobacco and/or alternative nicotine products and tobacco-related products and / or THC products and / or Kratom products. The Licensee, shall upon request, provide copies of all documents verifying the gross sales of the establishment, including without limitation, audited financial statements, corporate financial reports, tax return information, or any other form of information deemed acceptable by the Village to confirm that tobacco sales are accessory to the use in compliance with Class A Licenses.
 2. Class B - Tobacco Store. Class B tobacco licenses shall authorize the operation of a retail tobacco and/or alternative nicotine products and / or THC products and / or Kratom products store in accordance with definition of a tobacco store contained herein. The Licensee, shall upon request, provide copies of all documents verifying the gross sales of the establishment, including without limitation, audited financial statements, corporate financial reports, tax return information, or any other form of information deemed acceptable by the Village to confirm that tobacco sales are primary to the use in compliance with Class B Licenses.
- C. Limitation on Number of Licenses. No more than 18 Class A tobacco licenses shall be issued and in force at any one time. No more than 5 Class B tobacco licenses shall be issued and in force at any one time. Any business that holds a valid BCC for the sale of tobacco shall be eligible to receive a Class A or Class B license based on the information they provided as part of their 2025 BCC and to renew said license annually, so long as the business remains in good standing with the Village, the business remains continually operational, the ownership of the business has not changed, and the business has not expanded or substantially changed.
- D. Privilege. A license granted pursuant to this article is solely a personal privilege, and unless sooner revoked pursuant to this chapter or by federal or state law shall last for no more than one year; from January 1 (or later for an initial application) through December 31. A license shall not constitute property and may not be transferred. It shall not be used as collateral, nor be subject to voluntary or involuntary attachment, assignment, garnishment, or execution, encumbrance or hypothecation, nor shall it

descend by the laws of testate or intestate devolution. Renewal of this license is a privilege and shall not be construed as a vested right which shall limit or prevent the decreasing number of licenses to be issued within the Village.

- E. Application: Application for a license hereunder shall be made, in writing, to the Village Administrator or their designee on forms provided by the Village, shall contain all required information, signed and verified by all persons who own five percent (5%) or more of the business or entity seeking the tobacco license and shall be accompanied by the application fee and license fee required pursuant to Title 1 Chapter 11 of this Code.
- F. Background Check. Prior to the approval and issuance of a license, or upon the change of ownership or manager of the licensee, all persons required to be listed on the application, all persons having an interest of at least five percent (5%) of the licensee, all managers of the licensed premises, and such other persons as requested by the Village Administrator shall submit to a background check including submitting their fingerprints to the Morton Grove Police Department in the form and manner prescribed by Chief of Police to be checked against law enforcement records and criminal history records databases. The licensee or applicant shall pay such fee for conducting the background check, as determined by the Village Administrator. A license may be denied or revoked at the discretion of the Village Administrator if an applicant has a criminal record regarding the possession, sale, or distribution of alcohol, drugs, tobacco products or alternative nicotine products, or if the applicant has a record for violations of the Village Code or other similar federal local or state ordinances or laws relating to this article or which demonstrates that the applicant is of poor moral character, or may be a threat to the health and safety of minors.
- G. Posting. A tobacco license shall be posted in a conspicuous place at the location for which the license is issued.
- H. Assignment or Transfer. No license issued or granted under this article shall be assigned or transferred to any other person or corporation other than to the person to whom such license was issued. No individual or corporation other than the licensee shall act or do business under such license.
- I. Inspections: Each licensed location may be inspected at any time as authorized by the

Village Administrator, Building Commissioner or Chief of Police. Inspections may be unannounced in order to determine if each retail vendor of tobacco products or alternative nicotine products is in compliance with this chapter. The licensee shall fully cooperate with all authorized investigations.

SECTION 5: Title 4, entitled "Business Regulations," Chapter 6 entitled "Regulations Pertaining to Specific Businesses," and Section M entitled "Tobacco and Alternative Nicotine Products", Section 4 entitled "Tobacco Sales Regulation" shall be created and is hereby to read as follows:

4-6M-4: Tobacco and Alternative Nicotine Products

- A. Employees. It shall be unlawful for any licensee or any officer, associate, representative, agent or employee of such licensee, to engage, employ or permit any person under twenty-one (21) years of age to sell tobacco products, electronic cigarettes, or alternative nicotine products on any licensed premises.
- B. Accessibility. All tobacco products or alternative nicotine products shall be kept in an area which is not accessible to retail customers except at the discretion of the licensee, persons over the age of twenty-one (21), may have access to a controlled humidor, containing only cigars, on a Class B licensed premise.
- C. Signage. The following signs shall be posted by every licensee at or near every display of tobacco products, electronic cigarettes, and alternative nicotine products. Each such sign shall be posted in a conspicuous place and shall be printed on white cards in red letters at least one-half inch (1/2") in height, shall be plainly visible and shall state:
 - 1. SALE OF TOBACCO ACCESSORIES, ELECTRONIC CIGARETTES, AND ALTERNATIVE NICOTINE PRODUCTS TO PERSONS UNDER TWENTY-ONE YEARS OF AGE OR THE MISREPRESENTATION OF AGE TO PROCURE SUCH A SALE IS PROHIBITED BY LAW.
 - 2. SURGEON GENERAL'S WARNING: SMOKING BY PREGNANT WOMEN MAY RESULT IN FETAL INJURY, PREMATURE BIRTH, AND LOW BIRTH WEIGHT.
- D. Location Restrictions.
 - 1. It shall be unlawful for any person to sell, offer for sale, give away or deliver tobacco products, electronic cigarettes, or alternative nicotine products within one hundred feet

(100') of any school, childcare facility or property used for education or recreational programs for persons under the age of twenty-one (21) years as measured from the property lines of the lots or parcels on which the applicable uses are situated.

2. No Class B Tobacco Store shall be located within one thousand feet (1,000') of another Class B Tobacco Store as measured from the property lines of the lots or parcels on which the business locations are situated.
 3. Tobacco Stores shall not be located on the same property, or within the same contiguous commercial center, as any school, childcare facility or property used for education or recreational programs for persons under the age of twenty-one (21) years.
 4. The location restrictions of this this Section D shall not preclude the issuance or renewal of a Class A or Class B license for any business that holds a valid 2025 BCC and license for the sale of tobacco so long as the business remains in good standing with the Village, the business remains continually operational, the ownership of the business has not changed, and the business has not expanded or substantially changed.
- E. Original Packaging. It shall be unlawful for any person, including any licensee to sell, give or deliver cigarette or tobacco products in any form other than an original factory-wrapped package.
- F. Free Distributions Prohibited. It shall be unlawful for any licensee or any person in the business of selling or otherwise distributing, promoting or advertising tobacco products, electronic cigarettes, or alternative nicotine products, or any employee or agent of any such licensee or person, in the course of such licensee's or person's business, to distribute, give away or deliver tobacco products, electronic cigarettes, or alternative nicotine products free of charge to any person on any right of way, park, playground or other property owned by the village, or any other public body, school district or unit of local government.
- G. Vending Machine. It shall be unlawful for any person, including any licensee to sell or offer for sale, give away, deliver or to keep with the intention of selling, giving away or delivering tobacco products, electronic cigarettes, or alternative nicotine products by use of a vending machine.

SECTION 6: Title 4, entitled "Business Regulations," Chapter 6 entitled "Regulations Pertaining to Specific Businesses," and Section M entitled "Tobacco and Alternative Nicotine Products", Section 5

entitled "Enforcement and Violations" shall be created and is hereby to read as follows:

4-6M-5: Enforcement and Violations

- A. Public Nuisance. The sale of tobacco and alternative nicotine products in violation of this article is declared a public nuisance.
- B. Penalties. Any person who violates any provision of this article shall be subject to the penalties provided in Title 1 Chapter 4 of the Village Code in addition to any other penalty specifically provided for under federal, state or local laws.
- C. Suspension or Revocation. In addition to all other fines and penalties, the Village Administrator may suspend or revoke the tobacco license for any violation of this article pursuant to the process set forth in Title 4-4-9 of the Village Code.
- D. Responsibility of licensee for violations by agents and employees. Every act or omission constituting a violation of any of the provisions of this article by any officer, director, manager or other agent or employee of any licensee under this article shall be deemed and held to be the act of such licensee and shall subject the licensee to the same penalty as if such act or omission had been done or omitted by the licensee personally.

SECTION 7: Title 6, entitled "Police Regulations," Chapter 3 entitled "Minors," Section 1 entitled "Prevention of Tobacco Use by Persons Under 21 Years of Age, Prohibition of Sale and Distribution of Tobacco Products," shall be amended and to read as follows:

- A. Definitions. Terms in this Section 6-3-1 shall have the same meaning as terms defined in Title 4 Chapter 6, Article 6M.
- B. Possession, Purchase and Sale.
 - 1. No person under the age of twenty-one (21) shall knowingly possess, consume, or use, either by smoking, inhaling, dissolving, snorting, sniffing, ingesting, absorbing, or chewing any tobacco product, electronic cigarettes, or alternative nicotine product, provided that the possession by a person under the age of twenty-one (21) 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.
 - 2. No person under twenty-one (21) years of age shall purchase any tobacco product, electronic cigarette, or alternative nicotine product.
 - 3. No person shall sell barter, exchange, deliver or give away or cause or permit or procure

to be sold, bartered, exchanged, delivered, or given away any tobacco product, electronic cigarette, or any alternative nicotine product to any person under twenty-one (21) years of age.

4. 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 the person is at least twenty-one (21) years of age by:
 5. Examining from any person that appears to be under thirty (30) years of age a government-issued photographic identification that establishes the person to be twenty-one (21) years of age or older; or
 6. 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 twenty-one (21) years of age or older.
- C. No person under twenty-one (21) years of age in the furtherance or facilitation of obtaining any tobacco product, electronic cigarette, alternative nicotine product, smoking accessories or smoking herbs shall display or use a false or forged identification card or transfer, alter, or deface an identification card.
- D. It is not a violation of this Act for a person under twenty-one (21) years of age to purchase a tobacco product, electronic cigarette, or alternative nicotine product if the person under the age of twenty-one (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 "Compliance Check" 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 twenty-one (21) years of age if the "Compliance Check" or enforcement action is approved by, conducted by, or conducted on behalf of the Department of State Police, the county sheriff, a municipal police department, the Department of Revenue, the Department of Public Health, or a local health

department.

SECTION 8: All ordinances and resolutions, or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of the conflict, expressly repealed on the effective date of this Ordinance.

SECTION 9: The terms and conditions of this ordinance shall be severable and if any section, term, provision, or condition is found to be invalid or unenforceable for any reason by a court of competent jurisdiction, the remaining sections, terms, provisions, and conditions shall remain in full force and effect.

SECTION 10: Except as to code amendments set forth in this ordinance, all chapters and sections of the *Morton Grove Village Code* shall remain in full force and effect.

SECTION 11: This Ordinance shall take effect on the later of the adoption of this Ordinance.

Passed this 26th day of August 2025.

Trustee Khan	<u>Aye</u>
Trustee Minx	<u>Aye</u>
Trustee Shiba	<u>Aye</u>
Trustee Thill	<u>Aye</u>
Trustee Travis	<u>Aye</u>
Trustee White	<u>Aye</u>

Approved by me this 26th day of August 2025.



Janine Witko, Village President
Village of Morton Grove
Cook County, Illinois

Attested and Filed in my office
this 27th day of August 2025.



Eileen Scanlon Harford, Village Clerk
Village of Morton Grove
Cook County, Illinois