



ST. CHARLES
SINCE 1834

AGENDA ITEM EXECUTIVE SUMMARY

Title: Tobacco Licensing and Governance for Information and Advisement

Presenter: Mayor Raymond Rogina

Please check appropriate box:

<input type="checkbox"/>	Government Operations	<input type="checkbox"/>	Government Services
<input type="checkbox"/>	Planning & Development	<input type="checkbox"/>	City Council
<input type="checkbox"/>	Public Hearing	<input checked="" type="checkbox"/>	Liquor Commission – 5.19.14

Estimated Cost:	N/A	Budgeted:	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
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If NO, please explain how item will be funded:

Executive Summary:

Please see the attached memo.

Attachments: *(please list)*

Memo

Recommendation / Suggested Action *(briefly explain):*

Tobacco Licensing and Governance for information and advisement.

For office use only:

Agenda Item Number: 3



Memo

Date: 5/16/2014
To: Mayor Rogina
From: Interim Chief Huffman
CC: City Administrator Koenen
Re: Tobacco Licensing and Governance

Pursuant to your request to review and identify ways to improve our tobacco licensing code, procedures and regulations, I present you with the following:

Background

Each day, more than 3,000 children in the United States try their first cigarette; and another 700 additional children under the age of 18 years become new regular, daily smokers. This equates to more than 250,000 new underage daily smokers in this country each year. Studies have shown that the addiction rate for tobacco products is higher than that of marijuana and cocaine, and similar to that of heroin. Roughly one-third of all youth smokers will eventually die prematurely from smoking related diseases.

In 1993, federal regulations were introduced that require all states to reduce the sale of tobacco products to minors by enacting and enforcing minimum-age tobacco laws. The Illinois Liquor Control Commission was subsequently designated as the state agency responsible for complying with these regulations. The Commission immediately created the “Kids Can’t Buy ‘Em Here” campaign, which facilitates the implementation and expansion of community-based retail education and enforcement programs. The City of St. Charles has participated in this program since 2003, and has received grant money from the State to conduct tobacco compliance checks at tobacco retail locations every year since then. Through this grant, the Police Department conducts 3-4 compliance checks at 34-38 retail tobacco establishments for each check every year.

Issue

The State of Illinois does not regulate or issue licenses for the retail sale of tobacco. Tobacco licensing is instead left to the discretion and control of local governments. Currently, the City of St. Charles regulates and issues tobacco licenses under title 5.16 of the municipal code. Tobacco licenses are issued by the City for an annual fee of \$50, and

there are few regulations governing the issuance or violations of said licenses. The fine structure for the violation of “selling tobacco to a minor” ranges from \$25-\$500, and there are no provisions for due process in the suspension or revocation of such licenses. There is also no oversight or governance of the tobacco retailers. Any cited violations are currently presided over by the 16th Judicial Circuit Court or the City of St. Charles Adjudication Hearing process.

Proposal

I recommend and request consideration in drafting an ordinance that places control and governance of tobacco licensing and regulations under the authority of the St. Charles Liquor Control Commissioner through advisement of the Liquor Commission. This ordinance will include a review and revision of the process for issuing tobacco licenses, a review and revision of the fine and fee schedule, as well as due process for violations and license suspensions or revocations, similar to the processes already in place for liquor control.

Thank you for your consideration.