

## CHAPTER 12

### TOBACCO

#### SECTION:

6-12-1: Sale of and Possession of Tobacco Products and Alternative Nicotine Products

6-12-2: Possession of Tobacco by Minor

6-12-3: Regulation of Smoking and Tobacco Chewing in the Village

#### **6-12-1: SALE AND POSSESSION OF TOBACCO PRODUCTS AND ALTERNATIVE NICOTINE PRODUCTS**

(A) **Definitions** For the purpose of this section, the following words and phrases shall have the meanings respectively ascribed to them.

- (1) **Tobacco Products.** Any substance containing tobacco leaf; including, but not limited to, cigarettes, cigars, pipe tobacco, snuff chewing tobacco or dipping tobacco, nicotine gels and dissolvable nicotine products.
- (2) **Alternative Nicotine Products.** A product or device not consisting of 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 as these terms are defined and approved by the United States Food and Drug Administration as a nontobacco product for sale as a tobacco cessation product, as a tobacco anti-dependence product, or for other medicinal purposes, and is being marketed and sold solely for that approved purpose.

(B) **Purchases by Minors Prohibited.** It shall be unlawful for any person under the age of **twenty-one (21) years** to purchase any tobacco products or alternative nicotine products, or to misrepresent their identity or age, or to use any false or altered identification for the purpose of purchasing tobacco products, electronic smoking devices or alternative nicotine products.

**6-12-2 POSSESSION BY MINORS PROHIBITED:** It shall be unlawful for any person under the age of **twenty-one (21) years** to possess any tobacco products or alternative nicotine products, provided that the possession by a person under 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, nor if used in performance of a religious ceremony, or while participating in a theatrical performance.

Any person using a cigarette, or E-cigarette, or vaping devices of any kind, in violation of this Ordinance shall immediately cease and desist upon the request of any Police Officer, or Village employee in charge of the building involved.

**6-12-3 PENALTY:** Any person violating any provision of this Section, shall upon conviction be subject to the following:

- (1) If a minor is in violation of this Section, he or she is guilty of a petty offense and shall be required to provide 24 hours of community service and pay a fine of \$50.00 for a first violation.
- (2) A second violation by a minor of this Section, that occurs within 12 months after the first violation, shall be punishable by a fine of \$75.00 and 50 hours of community service.
- (3) A third or subsequent violation by a minor of this Section, that occurs within 12 months after the first violation, shall be punishable by a \$200.00 fine and 50 hours of community service.
- (4) Any second or subsequent violation not within the 12 month time period after the first violation shall be punishable as provided for a first violation.