



CITY OF CHICAGO



DEPARTMENT OF BUSINESS AFFAIRS AND CONSUMER PROTECTION

September 24, 2020

NOTICE OF NEW PROHIBITION ON FLAVORED LIQUID NICOTINE PRODUCTS

Please be advised that on September 9, 2020, the Chicago City Council passed Substitute Ordinance 2020-3388, which prohibits the sale or display of any flavored liquid nicotine products, applicable City-wide and regardless of proximity to schools or playgrounds. Any already-existing flavored tobacco restrictions remain unchanged by this Ordinance.

A “flavored liquid nicotine product” is defined as the following:

“...any liquid nicotine 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, imparted either prior to or during consumption of a liquid nicotine 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, but shall not include the taste or aroma of tobacco. No liquid nicotine 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 liquid nicotine product, or by any person authorized or permitted by the manufacturer to make or disseminate such statement or claim, that a liquid nicotine product has or produces a characterizing flavor shall establish that the liquid nicotine product is a flavored liquid nicotine product.”

Furthermore, the effective date of this Ordinance is “following due passage and publication,” meaning that this new prohibition becomes effective on October 7, 2020 (the date of the next City Council meeting on which the legislation passed at the prior meeting is deemed “published”).

Nonetheless, the City of Chicago is granting all retail tobacco licensees impacted by this new law a grace period through November 30, 2020, to exhaust their current inventory of flavored liquid nicotine products. Accordingly, **you must cease selling all flavored liquid nicotine products by 12:00 a.m. on December 1, 2020.**

However, no new inventories should be ordered or fulfilled after the October 7, 2020 effective date (the grace period is to exhaust *current* inventory only). Please note that, pursuant to Municipal Code of Chicago Section 2-25-050(b)(10), BACP has authority to require production of books and records, which can be utilized to verify the acquisition date of additional inventory. As such, this grace period only extends to those products the licensee can prove were purchased prior to October 7, 2020. Without proof of acquisition date, BACP will not extend the grace period to the sales of those products. **Regardless of the acquisition date of inventory, you must cease selling all flavored liquid nicotine products by 12:00 a.m. on December 1, 2020**; sales after that date will be subject to enforcement.

Read the ordinance here:

<https://chicago.legistar.com/View.ashx?M=F&ID=8779176&GUID=EFEF9CAD-FA78-46C0-92DE-0D26D25C3035>

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