



Village of MAYWOOD

125 SOUTH FIFTH AVENUE • MAYWOOD, ILLINOIS 60153 • (708) 450-4470



WHEREAS, After years of decline, tobacco use is growing at alarming rates, especially among youth, while Black and Hispanic life expectancy is also decreasing as a result of tobacco use; and

WHEREAS, As a society, we are losing another generation to tobacco addiction, with tobacco use up for the first time in decades as a result of vaping and flavored tobacco products; and

WHEREAS, The Village of Maywood is dedicated to protecting its communities, especially youth, from tobacco use - the leading cause of preventable death and disease in Illinois and the United States; and

WHEREAS, By aggressively promoting flavored tobacco products such as menthol cigarettes, mango e-cigarettes and chocolate cigarillos, the tobacco industry is targeting youth, and misleading them to believe that flavored tobacco products are more safe than other tobacco products; and

WHEREAS, With colorful packaging, sweet flavors, and cheap prices, these products are often hard to distinguish from the candy displays they are often sold near, and tobacco industry representatives have even been quoted as saying that flavored tobacco products "are for someone who likes the taste of candy, if you know what I'm saying"; and

WHEREAS, Flavored tobacco products make it easier to start using tobacco and harder to quit. Eighty percent of youth tobacco users started with a flavored product, and eighty percent of youth and young adult users say they would quit if flavored tobacco products were unavailable; and

WHEREAS, Researchers at the Harvard School of Public Health have found that the tobacco industry employs "a deliberate strategy to recruit and addict young smokers by adjusting menthol to create a milder experience for the first-time smoker"; and

WHEREAS, Approximately half of youth using tobacco products report using menthol cigarettes, and research shows that menthol cigarettes have slowed efforts to reduce smoking rates; and

WHEREAS, Research on tobacco industry tactics shows that menthol cigarettes are more heavily advertised and stocked and are sold for cheaper prices in majority African American neighborhoods; and

WHEREAS, The tobacco industry has deliberately targeted menthol cigarettes at African Americans since World War II; and

WHEREAS, Hispanic youth have the highest rate of menthol cigarette use compared to white and black youth; and

WHEREAS, Tobacco use makes poverty worse. Smoking a pack of cigarettes a day in Maywood costs \$4,070 a year, and smokers pay \$21,000 more for healthcare over a lifetime and miss more work to stay home sick; and

WHEREAS, smokers are more vulnerable to COVID-19 according to a growing body of evidence; and

WHEREAS, Maywood has been a leader in tobacco policy for years, including its passage of a Tobacco 21 law in 2017, and the passage of a new law increasing penalties for Tobacco 21 violations in 2019; and

WHEREAS, Enacting an ordinance written to end the sale of all flavored tobacco products in Maywood, including flavored cigars and menthol cigarettes, would protect Maywood's youth and help make Maywood a healthier place to live and work; now, therefore,

BE IT RESOLVED, That we, the Mayor and Members of Village Council of the Village of Maywood, assembled this ____ day of October, 2020, direct the Village Attorney to draft an ordinance that would end the sale of all flavored tobacco products in the Village of Maywood, including flavored e-cigarette



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“Electronic smoking device” means any device that may be used to deliver any aerosolized or vaporized substance to the person inhaling from the device, including, but not limited to, an e-cigarette, e-cigar, e-pipe, vape pen, or e-hookah. Electronic smoking device includes any component, part, or accessory of the device, and also includes any substance that may be aerosolized or vaporized by such device, whether or not the substance contains nicotine. Electronic smoking device does not include drugs, devices, or combination products authorized for sale by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug, and Cosmetic Act.

“Flavored tobacco product” means any tobacco product that imparts a taste or smell, other than the taste or smell of tobacco, either prior to, or during the consumption of, a tobacco product, including, but not limited to, any taste or smell relating to fruit, menthol, mint, wintergreen, chocolate, cocoa, vanilla, honey, or any candy, dessert, alcoholic beverage, herb, or spice.

"Tobacco product" means:

- 1) Any product containing, made of, or derived from tobacco or nicotine that is intended for human consumption or is likely to be consumed, whether inhaled, absorbed, or ingested by any other means, including, but not limited to, a cigarette, a cigar, pipe tobacco, chewing tobacco, snuff, or snus;
- 2) Any electronic smoking device and any substance that may be aerosolized or vaporized by such device, whether or not the substance contains nicotine; or
- 3) any component, part, or accessory of 1) or 2), whether or not any of these contains tobacco or nicotine, including, but not limited to, filters, rolling papers, blunt or hemp wraps, hookahs, flavor enhancers, or pipes.

“Tobacco product” does not mean drugs, devices, or combination products authorized for sale by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug, and Cosmetic Act.

Prohibition language:

It shall be unlawful for any retailer to sell, offer for sale, display, market, or advertise any flavored tobacco product.

There shall be a rebuttable presumption that a tobacco product is a flavored tobacco product if a tobacco retailer, manufacturer, or any employee or agent of a tobacco retailer or manufacturer has:

1. Made a public statement or claim that the tobacco product imparts a taste or smell other than the taste or smell of tobacco;
2. Used text or images, or both, on the tobacco product's labeling or packaging to explicitly or implicitly indicate that the tobacco product imparts a taste or smell other than tobacco; or
3. Taken action directed to consumers that would be reasonably expected to cause consumers to believe the tobacco product imparts a taste or smell other than tobacco.