



CITY OF CHICAGO

DEPARTMENT OF BUSINESS AFFAIRS AND CONSUMER PROTECTION

February 11, 2023

NOTICE OF NEW DISTANCE RESTRICTIONS FOR CERTAIN NEW RETAIL TOBACCO DEALER LICENSES AND OTHER NEW REGULATIONS PERTAINING TO RETAIL TOBACCO DEALER LICENSES

Please be advised that on January 18, 2023, the Chicago City Council passed Substitute Ordinance 2022-1756, which created new distance restriction requirements for certain retail tobacco dealers, a prohibition on use of electronic cigarettes in retail tobacco stores, new record keeping requirements for retail tobacco dealers, and increased fine amounts for tobacco sales to minors violations.

Distance Restrictions for Certain New Retail Tobacco Dealer Licenses (Effective on February 11, 2023)

The Substitute Ordinance created new distance restrictions for retail tobacco dealers that are retail vape stores or retail tobacco stores, as defined.

A retail vape store is defined as "...a retail establishment that derives more than 20 percent of its gross revenue from the sale, in any combination, of electronic cigarettes, liquid nicotine products, or electronic cigarette accessories."

A retail tobacco store is defined as "...a retail establishment: (1) that derives more than 80 percent of its gross revenue from the sale, in any combination, of loose tobacco, cigarettes, cigarillos, cigars, pipes, other smoking devices and accessories, hookahs and related products, or electronic cigarettes and related products, components or parts thereof; and (2) in which the sale of products other than those listed in item (1) of this definition is merely incidental...."

Pursuant to SO2022-1756, no new retail tobacco dealer license for a retail vape store may be issued within 1,000 feet of any other retail tobacco dealer license, property line to property line. Furthermore, no new retail tobacco dealer license for a retail tobacco store may be issued within 1,000 feet of any other retail tobacco store, property line to property line. Businesses holding a valid retail tobacco dealer license on February 4, 2023 and applications for new retail tobacco dealer licenses pursuant to the purchase of such pre-existing business locations are exempt from these new distance restrictions. All existing distance restriction provisions remain in place.

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Prohibition on Use of Electronic Cigarettes in Retail Tobacco Stores (Effective on February 11, 2023)

Pursuant to SO2022-1756, the use of electronic cigarettes (i.e. vaping devices) in retail tobacco stores, previously allowed, is now prohibited. All existing allowances and prohibitions pertaining to smoking or use of electronic cigarettes remain in place.

Increase in Fine Amounts for Tobacco Sales to Minors Violations (Effective on February 11, 2023)

Pursuant to SO2022-1756, tobacco sales to minors violations are now punishable by an increased fine amount of not less than \$2,000 nor more than \$10,000.

New Record Keeping Requirements for Retail Tobacco Dealers (Effective on June 1, 2023)

Pursuant to SO2022-1756, retail tobacco dealers are required to keep new records. The Ordinance states that:

“The licensee must keep sales data, by product, on the percentage, dollar value, and number of units sold for each of the following products: loose tobacco, cigarettes, cigarillos, cigars, pipes, other smoking devices and accessories, hookahs and related products, electronic cigarettes, liquid nicotine products, and electronic cigarette accessories.

“Such records shall be open for inspection, at all reasonable times...”

All existing record keeping requirements remain in place.

For further information, visit www.chicago.gov/BusinessLicensing