



# City of Chicago



O2016-1755

Office of the City Clerk

## Document Tracking Sheet

**Meeting Date:** 3/16/2016

**Sponsor(s):** Burke (14)  
Thompson (11)  
Burnett (27)  
Silverstein (50)  
O'Shea (19)  
Reboyas (30)  
Tunney (44)  
Maldonado (26)

**Type:** Ordinance

**Title:** Amendment of Municipal Code Chapter 7-32 by prohibiting use of smokeless tobacco at sites for professional and amateur baseball and other sporting events

**Committee(s) Assignment:** Committee on Finance

**ORDINANCE**

**WHEREAS**, the City of Chicago is a home rule unit of government pursuant to the 1970 Illinois Constitution, Article VII, Section 6 (a); and

**WHEREAS**, pursuant to its home rule power, the City of Chicago may exercise any power and perform any function relating to its government and affairs including promoting the quality of life and the welfare of its citizens; and

**WHEREAS**, for over the past two decades, the number of persons smoking cigarettes has decreased in the United States, however according to reports from the U.S. Centers for Disease Control and Prevention (CDC) and surveys of high school students, the use of smokeless tobacco among today's youth has only slightly decreased since 2001; and

**WHEREAS**, a greater percentage of young people are currently trying and using smokeless tobacco, and the CDC has reported that nationwide, 14.7 percent of high-school boys and 8.8 percent of all high-school students have reported using smokeless tobacco products in 2013; and

**WHEREAS**, each year, over a half of a million children, ages 12 to 17, try smokeless tobacco for the first time; and

**WHEREAS**, public health authorities, including the U.S. Surgeon General and the National Cancer Institute, have found that smokeless tobacco use is hazardous to one's health and it can also lead to nicotine addiction just like cigarette smoking; and

**WHEREAS**, the National Cancer Institute states that chewing tobacco and snuff contain twenty-eight (28) cancer-causing agents and its prolonged use can cause oral, pancreatic and esophageal cancer; and

**WHEREAS**, smokeless tobacco products are widely advertised and promoted, with the top-five smokeless tobacco companies in the United States almost tripling their total advertising and marketing expenditures from 1998 to 2012 (the most recent year for which data is available). The Federal Trade Commission has reported that in 2012, these smokeless tobacco companies spent \$435.7 million dollars in advertising and promotional efforts for their products; and

**WHEREAS**, an expert from the CDC stated that, "Athletes serve as role models for our youth, and smokeless tobacco manufacturers have used athletes and sports figures in their advertising and marketing campaigns in order to make smokeless tobacco products appear more attractive to younger people; and

**WHEREAS**, the CDC expert also noted that, "Children and teens closely observe athletes' actions, including their usage of tobacco products and are influenced by what they see. Adolescents tend to mimic the behaviors of those that they look up to and identify with, including baseball players and other athletes"; and

**WHEREAS**, the use of smokeless tobacco has been widely used by athletes of all sports but it has now become part of the culture of baseball, not only at the professional level, but at every level from high school sports to the major leagues: and

**WHEREAS**, the strong association of baseball and smokeless tobacco is reinforced by the use of smokeless tobacco by players, coaches and fans at every level of the sport, both professional and amateur; and

**WHEREAS**, it is imperative to protect our youth from years of addiction and from serious diseases by limiting the locations that one can use smokeless tobacco; and

**WHEREAS**, with Opening Day of the 2016 Major League Baseball season less than a month away, it is appropriate for the City of Chicago to join the cities of Boston, San Francisco, Los Angeles and New York in banning the use of smokeless tobacco at all sporting events; now, therefore

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:**

**SECTION 1.** The above recitals are expressly incorporated herein and made part hereof as though fully set forth herein.

**SECTION 2.** Chapter 7-32 of the Municipal Code of Chicago is hereby amended by adding the language underscored as follows:

**7-32-010 Definitions.**

In this chapter:

*(omitted text is unaffected by this ordinance)*

“Enclosed or partially enclosed sports arena” means any sports pavilion, stadium, gymnasium, health spa, boxing arena, swimming pool, roller rink, ice rink, bowling alley, or other similar place where members of the general public assemble to engage in physical exercise or participate in athletic competitions or recreational activities or to witness sports, cultural, recreational, or other events.

“Event site for professional, collegiate, high school or organized amateur sporting events” means the entire physical area in which such sporting events occur. The event site shall include all open spaces and enclosed or partially enclosed sports arenas, including, but not limited to playing fields, dugouts, bullpens, training rooms, locker rooms, team bench areas, spectator seating areas, pedestrian walkways, bathrooms, dining areas, vendor areas, offices, and recreational areas.

*(omitted text is unaffected by this ordinance)*

“Private residence” means the part of a structure used as a dwelling, including, without limitation: a private home, townhouse, condominium, apartment, mobile home, vacation home, cabin, or cottage. For the purposes of this definition, a hotel, motel, inn, resort, lodge, bed and breakfast or other similar public accommodation, hospital, nursing home, or assisted living facility shall not be considered a private residence.

“Professional, collegiate, high school or organized amateur sporting events” includes: (1) baseball, softball, football, basketball, hockey, track and field, field hockey, lacrosse and soccer; and (2) any other game or other athletic competition organized by a league or association of persons.

*(omitted text is unaffected by this ordinance)*

“Smoke” or “smoking” means either (1) the carrying, smoking, burning, inhaling, or exhaling of any kind of lighted pipe, cigar, cigarette, hookah, weed, herbs, or any other lighted smoking equipment; or (2) the use of any electronic cigarette.

“Smokeless tobacco” means any product that contains cut, ground, powdered, or leaf tobacco and is intended to be placed in the oral or nasal cavity, including but not limited to, snuff, chewing tobacco, dipping tobacco, dissolvable tobacco products and snus.

“Theatre actor” means an individual in the process of presenting an artistic representation of real or imagined events in front of a live audience, or in the process of rehearsing to do the same. The term “theatre actor” applies to both women and men.

“Use of smokeless tobacco” means the placing of any smokeless tobacco in the oral or nasal cavity.

*(omitted text is unaffected by this ordinance)*

**7-32-032 Use of Smokeless Tobacco at Sites for Professional and Amateur Baseball and Other Sporting Events Prohibited.**

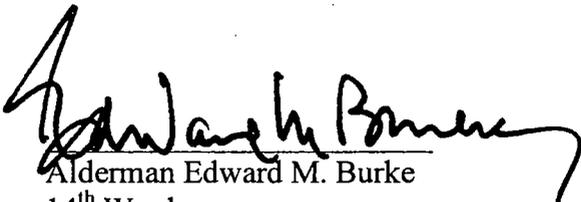
(a) No person shall use smokeless tobacco at an event site for professional, collegiate, high school or organized amateur sporting events.

(b) Persons having the authority to manage and control an event site for professional, collegiate, high school or organized amateur sporting events shall post at every entrance a conspicuous sign clearly communicating that the use of smokeless tobacco is prohibited. Such signs shall also be posted in all dugouts, bullpens, training rooms, locker rooms, press boxes, television and radio broadcast booth and bathrooms.

(c) A person, corporation, partnership, association or other entity who violates any provision of this section shall be fined pursuant to this section. Each day that a violation occurs is a separate violation.

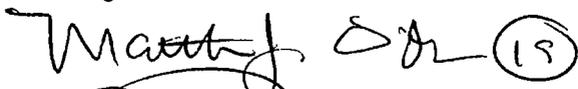
(d) A person who uses smokeless tobacco at an event site for professional, collegiate, high school or organized amateur sporting events shall be fined in an amount that is not less than \$100 and not more than \$250. A person who owns, operates, or otherwise controls an event site for professional, collegiate, high school or organized amateur sporting events that violates any provision of this chapter shall be fined (i) not less than \$250 for the first violation, (ii) not less than \$500 for the second violation within one year after the first violation, and (iii) not less than \$2,500 for each additional violation within one year after the first violation and a sixty (60) day suspension or revocation of any permit or license issued to the person for the premises on which the violation occurred.

SECTION 3. This ordinance shall be in full force and effect 90 days after passage and publication.

  
Alderman Edward M. Burke  
14<sup>th</sup> Ward

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CHICAGO March 16, 2016

**To the President and Members of the City Council:**

**Your Committee on Finance having had under consideration**

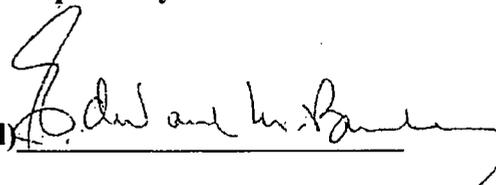
A communication recommending a proposed ordinance concerning the authority to amend Chapter 7-32 of the Municipal Code of Chicago concerning the prohibition of the use of smokeless tobacco at sites for professional and amateur baseball and other sporting events.

Direct Introduction

**Having had the same under advisement, begs leave to report and recommend that your Honorable Body pass the proposed Ordinance Transmitted Herewith**

This recommendation was concurred in by \_\_\_\_\_ (a viva voce vote of members of the committee with \_\_\_\_\_ dissenting vote(s).

**Respectfully submitted**

(signed) 

**Chairman**