



MINUTES

President and Board of Trustees
Village of Arlington Heights
Committee-of-the-Whole
Board Room
Arlington Heights Village Hall
33 S. Arlington Heights Road
Arlington Heights, IL 60005
December 10, 2018
7:30 PM

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

President Hayes and the following Trustees responded to roll: Glasgow, Tinaglia, Scaletta, LaBedz, Blackwood, Baldino, Sidor.

Trustee Rosenberg was absent.

Also present were: Randy Recklaus, James McCalister, Gerald Mourning and Becky Hume.

IV. NEW BUSINESS

- A. Proposal to Increase the Minimum Age for the Sale and Purchase of Tobacco Products to 21

Mr. Recklaus said the topic was forwarded by the Board of Health. In July, The Board of Health asked the Village Board to consider increasing the minimum age for the sale and purchase of tobacco products to 21. Simultaneously, the State was considering the issue so the Board decided to wait until the State decided upon its decision. President Hayes wrote a letter urging Governor Rauner to sign the bill. The bill passed, but it was vetoed by the governor. The senate voted to override the veto, but there were not sufficient votes to override the veto in the house.

Dr. Laurie, Chair of the Board of Health, said addressing tobacco and the age limitations is a major public health concern. We know the effect of tobacco on health. Times have changed and the delivery of nicotine has changed. The

highest risk age group is adolescents. That is the time when the brain is still developing and it can have lasting impacts throughout their lives. The age group is important, because once they are hooked, they will be addicted their entire lives. Raising the age limit reduces the access from teens' friends or older siblings. The electronic delivery devices have a higher level of nicotine and are being targeted to youth with flavors. The village sets a high standard for Public Health that started with the Clean Air Act, then targeted all tobacco products and electronic delivery devices. This is another step in our evolution to promote the health of our adolescent community.

Students supporting Tobacco 21 came from Stevenson High School's Catalyst Club, Hersey High School and Prospect High School. The following students presented the case to the Board: Audrey Liu, Matthew Brooks, Joe Lehman, Erika Zhang, Alyssa Shack, Mia Franco, Stella Mechkova, Yachi Patel and Aryana Thompson. They said tobacco use is the single most avoidable cause of disease, disability and death in the United States. There has been a 78% increase in e-cigarette use among high school students and a 48% increase among middle school students. The market has evolved. The vape juice used in e-cigarettes and Juuls has carcinogenic chemicals. The new systems don't smell as offensive or look as dangerous but 31% of vapers start using cigarettes within 6 months. Tobacco 21 seeks to increase the social gap, as it is harder for youth to access the products. They listed the neighboring municipalities who have passed Tobacco21 which included Buffalo Grove, Elk Grove, Lake Zurich and Hoffman Estates. The students noted that adolescent's brains are not fully mature, so their decision making is not the same as adults. 18 is a relatively arbitrary age requirement and 21 has been set as a threshold for many other risky behaviors. As a result of teen addiction, 3 out of 4 smokers continue to adulthood. 19-21 year olds are twice as likely as 16-17 year olds to be smokers. Big tobacco knows this. They try and addict people early in their lives. They said by raising the age, they talked about the social gap. It's easy for those under 18 to get tobacco product from their classmates who are 18, but much harder to access a 21 year old.

The students noted when the alcohol age was raised, there was a steep decline in consumption by adolescents. They cited a case study in Needham MA, where ½ the number of students using tobacco decreased by increasing the age. At 21 the brain is closer to being fully developed. Right now high school students see 18 year olds every day, but not 21 year olds. This would save lives.

They noted that 2% of tobacco sales are to students, so the tobacco companies will not be harmed. The California State Board of Equalization estimates that Tobacco 21 will reduce healthcare costs in their State by as much as \$2 billion a year.

Mr. Recklaus said staff is looking for direction on whether to draft an ordinance to raise the age from 18 to 21. The Chamber of Commerce is neutral on this issue. The business community asked whether or not if this would change the age that employees would have to be to sell nicotine

products, and it would not. 18 year old employees could still sell the products at retailers.

Each Trustee commended the Board of Health and the Students for their presentation.

President Hayes said the students made a great case why the Board should pass it. He asked what arguments from the opponents would be. It appears the negative impact is minimal and there may be medical savings.

Ms. Liu said one argument is if 18 year olds are able to serve in the military, so they should be able to purchase tobacco. But there are other things you can't do as an 18 year old like purchase alcohol, or rent a car. Serving is volunteer service but tobacco affects others around you. When you smoke, second hand smoke affect other people so this argument is not valid.

Jamie Epstein from the Stand Strong Coalition said the Department of Defense is going to a tobacco free policy in 2020. Military members won't be able to buy tobacco or smoke on base any more.

President Hayes generally he likes to see the appropriate level of government act on legislation, in this case the State. He already encouraged the State to enact this legislation so that the municipalities would have an even playing field. However, it appears the Board can't stand by and wait for the State to act and should take a leadership role by enacting Tobacco 21.

Trustee Scaletta asked Chief Mourning how he would review these establishments. Chief Mourning said currently the Department runs a compliance check once a year. There are 53-54 businesses that sell tobacco products. On average two businesses fail a year. The Department would simply enforce the age of 21 as opposed to 18. It already has this program in place for monitoring compliance. Trustee Scaletta said he was disappointed in the State's inability to handle issues like this. He asked if the motion included e-cigarettes. Mr. Recklaus said yes, the code was amended to define electronic smoking devices and alternative nicotine products previously.

Trustee Tinaglia said this target sales only, what about use? For alcohol, you can't buy or possess it if you are under age. How will this work? Chief Mourning said this is targeting the sale of tobacco products. It would be very difficult to enforce possession because someone living in another community could legally purchase it and be passing through not knowing it was illegal in Arlington Heights. This change in age would spreading the age of the kids that would have access to the products as high school aged kids don't have as easy access to 21 year olds as they do to 18 year olds. Trustee Tinaglia asked what would happen if a student went over to Palatine to buy tobacco and then came back to Hersey. Mr. Recklaus said this is one of the unfortunate consequences of the State not taking action. It is difficult to enforce possession penalty, but this rule would reduce the incidences of smoking, especially if our neighbors do the same. If there were a statewide ban, that would be more effective. This ordinance would impact sales only,

not possession. Chief Mourning said schools already prohibit tobacco on campus.

Trustee Glasgow said the village is surrounded by non-home rule areas like Prospect Heights. People will get something if it's legal or not if they want it. If we are not going to enforce possession, what is the Police Department's position on people who buy for others? Chief Mourning said it won't happen to the same extent that it is happening now, right now 18 year olds are doing that. By raising the age to 21 it lessens the opportunity for those kinds of transactions. Trustee Glasgow said this is spinning our wheels, if we are going to pass a law, let's have some teeth to it, otherwise we are wasting our time. People will become tobacco dealers if there is not a high risk of prosecution. He would like this issue addressed in the future.

Trustee Glasgow asked why the age of 21 was chosen versus 25. Dr. Laurie said there may be limitations in enforcement, but if you change the stigma or perception of smoking, you change behaviors and patterns. This shows we are committed to protecting our youth. That creates a culture. It gains popularity to promote public health. You are actually addressing a bigger issue by setting the culture. As far as the age of 21, the FDA's data shows changing the age from 21 to 25 does not have a significant impact. A huge impact happens between the ages of 18 and 21. The likelihood of addiction is more pronounced between 18 and 21, than 21 and 25. Trustee Glasgow said if you raise it to 25 it takes out all of the related impacts, the chances of addiction plummet if you don't have access up to 25. Why not make it 25? Dr. Laurie said the greatest impact on limiting addiction is from 18 to 21.

Ms. Epstein said the difference between 21 and 25 isn't that great. Trustee Glasgow said he would rather include more people than exclude more people. He asked if it will come to the State Legislature again. Julie Mirostaw of the American Heart Association said they will reintroduce the bill in January, but they appreciate local entities taking it up in the meantime as this will add more incentive for the State to act. Governor Pritzker has expressed his support.

Trustee Glasgow said he watched his grandfather die of lung cancer, so sees why this is important. This is not perfect, but it's something we need to do. He said he would prefer to see the State do what it is supposed to do.

Kris Zerfass of Link Together Coalition said they are leading the effort in Arlington Heights/Wheeling Township, but will be bringing it to the surrounding neighborhoods.

Trustee LaBedz said she wished this would have passed this long ago by the State and is convinced that this will have a positive impact.

Trustee Blackwood asked the difference in pricing between vaping devices and cigarettes. Hanna Caselton of Link Together Coalition said it's about \$40 for a starter vape pack and \$20 for a 4 pack of pods. With Juul products, you have to buy the pods, they are not refillable. So the cost depends on how

much the person is using. Some students choose refillable devices, which can be \$100-\$150 but are less expensive in the long run as the liquid is cheaper than the pods. Trustee Blackwood said it is hard to imagine a teenager coming up with the amount of money to sustain the habit. She said she came from a generation that was raised by smoking parents, often who were given cigarettes as soldiers. As their children, we saw them pass away from cancer. Now she sees young people smoking and wants to protect them. Ms. Caselton said vaping is what is cool and popular right now. Lately, the liquids put in refillable devices are growing in sales. Most students are underage and purchase from older people, so we don't know the original source of the product. There are a lot of online sales as well. Trustee Blackwood said she wasn't sure where enforcement should go, if the target should be vape shop or traditional retail sellers.

Trustee Sidor asked when the Board of Health started their discussion. Mr. McCalister said at the beginning of the year. Trustee Sidor asked the students what they do when they find out a friend is vaping. Ms. Zhang said she said she expresses her disappointment and a lot of them don't know that vaping can be harmful. Education is important and the statistics have powerful effects on peers and she shares them with her friends. Trustee Sidor asked if the schools have programs. The answer was yes. Trustee Sidor said he wished there was more teeth for the possession issue. Trustee Sidor said he agreed with Trustee Glasgow. Ms. Epstein said some towns have put possession in their ordinances, in this community having some charges for possession would work, in other communities, it punishes some in disadvantaged circumstances.

Mr. Recklaus said he was concerned about workload of the Police Department. He didn't want to put an ordinance on the books we can't enforce well and there were concerns we would have a hard time enforcing possession. He said the Board could revisit possession in the future. Trustee Sidor said his preference was for possession to be part of the ordinance and would like to revisit it in the future. Mr. Recklaus said it's also a fairness issue, someone could buy it in a town where it is legal, and comes to town and doesn't know our restrictions.

Trustee Baldino said he was in favor of this initiative. One counterargument was that the State would lose \$48 million in tax revenue but Cook County's cost of respiratory health care estimate is \$10 billion in health costs and productivity loss. These two things do not add up. He said he didn't think this is wasted effort if the State comes through, if the State doesn't pass the bill it is good for us. If they do, it will already be in place and no additional effort will be needed.

Jorie Ouimet of the Link Together Coalition said they are working with D214, D21 and D25 on the education component. Ms. Zerfass said the kids are hiding the vapes in sharpies. Ms. Caselton said they are also making their own devices. The impact is huge.

Ms. Miostaw said the AHA is promoting the health advocacy issue. They are

not promoting or supporting possession penalties in local ordinances. The State bill took out penalties. They are a science based organization and as such, there is no evidence or proof that penalizing an underage user deters or reduces smoking initiation. The onus should remain on the retailer. The idea is that the predatory marketing will be reduced. Kids shouldn't be penalized.

Dr. Laurie said cool kids have principles, stand up for themselves, speak their mind and make a difference. The cool kids are here making these presentations.

President Hayes said it is incumbent on the Board to look at both sides of issues. It is worthy to note that our Chamber of Commerce polled their members and they are neutral.

Trustee Glasgow said part of his concern is when you buy something like this you end up with other issues. Many times when you find something like this on a kid, you will find additional items, which helps the community identify illicit activity. He would like to give the Police more tools rather than less. The current County State's Attorney dismisses many cases including marijuana crimes. If we make it illegal, then it goes to our prosecutor versus sending it to the State where we have no control. The Police have discretion, they don't have to charge everyone they find, but having possession in the ordinance would give them another tool.

Trustee Scaletta asked what the controls were on online sales. Ms. Zerfass said in order to buy from Juul, you have to make an account, you have to say they are 21, and an email confirmation is sent with a code for the last 4 digits of a social security number. Juul is under a microscope now. There are a lot of sites, but there are some controls. Trustee Scaletta asked if the Governor would pass this before or after the legal marijuana.

Ms. Miostaw said she thinks this will move faster than the marijuana bill. Ms. Ouimet said there is a legislative breakfast in January about the possible impacts of recreational marijuana on local communities.

Trustee Sidor asked how the youth will be educated in the village if this passes. Mr. McCalister said they will use social media and work with the Linked Together Coalition. Ms. Ouimet said information will be sent to the schools. Mr. Recklaus said the village will correspond with all our retailers and the Chamber to get the word out.

Mr. Lehman said education doesn't do anything to fix this issue. The people who vape are aware, but don't care. High schools are short sighted. If they don't understate the facts, maybe they will understand a legal penalty.

President Hayes told staff to make sure and let the retailers know.

Trustee Sidor said the parents will need to know, and he hoped there is more outreach than just social media. President Hayes agreed. Mr. Recklaus said

we will explore all options and will communicate the plan to the Board. The media will hopefully spread the word as well.

Mr. Recklaus said the way the recommendation is written in Novus, it limits the age of those selling tobacco as well as those purchasing it. There was concern from one business owner about limiting the age to sell, you don't have to change the age to legally sell tobacco. You could keep that 18 so it doesn't impact hiring decisions of retailers. That's up to the Board. He said he wanted clear direction on that for when we draft the ordinance. Lincolnshire, Vernon Hills and Buffalo Grove did not change the age in which to sell.

President Hayes asked if in this recommended motion we would take out the word sell. Mr. Recklaus said yes.

Trustee Tinaglia said he wanted to be clear that this should go further. If people are vaping in the parks or in restaurants, do we want to go further at some point and say it is not allowed in Arlington Heights? He said the village should keep looking at this. He is in favor of taking it further. Mr. Recklaus said this point is not lost and staff has received this message.

Trustee Tinaglia moved to proposed to the Village Board to increase the minimum age for the purchase of tobacco products from 18 to 21. Trustee Baldino seconded the motion. The motion carried unanimously.

V. OTHER BUSINESS

VI.ADJOURNMENT

Trustee Scaletta moved to adjourn at 8:59 p.m. Trustee LaBedz seconded the motion. The motion carried unanimously.