

ORDINANCE NO. 014-60

AN ORDINANCE AMENDING
ORDINANCE 98-126, AS
AMENDED BY ORDINANCE
006-75, TO PROHIBIT THE USE
OF ELECTRONIC CIGARETTES
ON AUTHORITY PROPERTY

WHEREAS, On September 11, 1991, the Chicago Transit Board ("Board") adopted Ordinance 91-170, which governs the use of paid areas of Chicago Transit Authority ("Authority") rail property; and

WHEREAS, On February 8, 1994, the Board adopted Ordinance No. 94-27, amending and restating Ordinance 91-170 governing performance on property owned, operated or maintained by the Authority; and

WHEREAS, On November 12, 1998, the Board adopted Ordinance 98-126, establishing a rule of conduct to promote health, safety and welfare on property owned, operated and maintained by the Authority, thereby establishing uniform penalties for ordinance violations; and

WHEREAS, On April 21, 1999, the City Council of the City of Chicago passed Municipal Ordinance 10-8-526, giving the Chicago Police Department the authority to enforce the provisions of Authority Ordinance 98-126; and

WHEREAS, On June 14, 2006, the Board passed Ordinance 006-75, rescinding Ordinance 94-27 and amending Ordinance 98-126 to provide that the Chicago Police Department has the express authority to enforce all of the provisions of Ordinance 94-27;

WHEREAS, E-cigarettes, which first entered the United States market in 2007, are electronic inhalers meant to simulate cigarette smoking and are designed to mimic traditional smoking implements in their use and appearance; and

WHEREAS, E-cigarettes use a heating element that vaporizes a liquid solution; and

WHEREAS, Some e-cigarettes release nicotine, while some merely release flavored vapor; and

WHEREAS, Though e-cigarettes have been advertised as a "safe" alternative to smoking, they are not currently regulated by the United States Food and Drug Administration (FDA), leaving states and cities to adopt their own regulations; and

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WHEREAS, On January 14, 2014, the City Council of the City of Chicago passed Municipal Ordinance 4-64, prohibiting the use of e-cigarettes in restaurants, bars, and most indoor public places within the City, and requiring retailers to sell e-cigarettes from behind the counter so they are less accessible to minors; and

WHEREAS, The Authority desires to provide its passengers with a healthy, safe and comfortable environment when availing themselves of the Authority's services and facilities; and

WHEREAS, The Authority desires to ban the use of e-cigarettes on Authority property; now therefore:

BE IT ORDAINED BY THE CHICAGO TRANSIT BOARD
OF THE CHICAGO TRANSIT AUTHORITY:

SECTION 1. Section 2.8 of Ordinance 006-75 is hereby amended by replacing the text in its entirety with the language underscored, as follows:

2.8 Smoking

To smoke or carry a lighted cigarette, cigar, pipe, or any other lighted smoking equipment, or to smoke, operate or use an electronic cigarette, on property owned, operated or maintained by the CTA. "Electronic cigarette" means any electronically actuated device which in operation causes the user to exhale any smoke, vapor, or other substance other than those produced by unenhanced human exhalation. "Electronic cigarette" includes any such device, whether manufactured, distributed, marketed, or sold as an electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, an electronic hookah, or under any other product name or descriptor. The term "electronic cigarette" does not include any asthma inhaler or other device that has been specifically approved by the United States Food and Drug Administration.

SECTION 2. This ordinance shall be in full force and effect from and after its passage.

APPROVED:

PASSED:

Chairman

Assistant Secretary

June 11, 2014

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