ORDINANCE NO. 97-144

AN ORDINANCE PROHIBITING
TOBACCO AND ALCOHOL ADVERTISING
ON ALL PROPERTY OWNED, OPERATED
OR MAINTAINED BY THE CHICAGO
CHICAGO TRANSIT AUTHORITY

WHEREAS, Illinois law makes it unlawful for any individual under eighteen (18) years of age to purchase or be sold tobacco; and

WHEREAS, Illinois law makes it unlawful for any individual under twenty-one (21) years of age to purchase or be sold alcoholic beverages; and

WHEREAS, The Chicago Transit Authority prohibits the consumption of alcoholic beverages (Ordinance No. 95-59) or smoking (Ordinance No. 97-87) in the public areas of Chicago Transit Authority's facilities; and

WHEREAS, An estimated 12.86 million cigarette packs are sold illegally to minors annually in Illinois, yielding \$24,555,000 in revenue annually for tobacco companies; and

WHEREAS, Alcohol is the most commonly used illegal drug by Illinois youth and tobacco is the second most commonly used illegal drug by Illinois youth; and

WHEREAS, Minors constitute more than seventeen percent (17%) of the Chicago Transit Authority's ridership; and

WHEREAS, In 1995, minors made over 72 million unlinked trips on the Chicago Transit Authority's bus and rail system; and

WHEREAS, Minors ride the Chicago Transit Authority to destinations throughout the Chicago Transit Authority's service area, including but not limited to schools, museums, sports arenas, shopping centers, special events and the lakefront; and

WHEREAS, Minors have access to and use every bus route and every rail line within the system; and

WHEREAS, Many routes routinely travelled by minors pass through central business districts as well as residential neighborhoods throughout the Chicago Transit Authority's service area; and

WHEREAS, Tobacco and alcoholic beverages are two of the most heavily advertised products in America; and

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WHEREAS, Studies in the New England Journal of Medicine American Journal of Public Health, Journal of Pediatrics and other scientific journals show that tobacco advertising plays a significant role in stimulating the illegal consumption of cigarettes by minors and that exposure to alcoholic beverage advertisements influences children's attitudes toward alcoholic beverages; and

WHEREAS, Studies have shown that adolescents' use of cigarettes and alcoholic beverages opens the door for use of other "harder" substances; and

WHEREAS, Studies have also shown a strong correlation between alcohol use and juvenile crime and that alcohol use by minors correlates with drowning accidents, diving accidents, school truancy and damage to school property; and

WHEREAS, Studies demonstrate that tobacco and alcoholic beverages adversely affect the health of minors; and

WHEREAS, Tobacco and alcoholic beverage advertising on the Chicago Transit Authority's system is counterproductive to the Chicago Transit Authority's goals because the advertising promotes smoking and drinking alcoholic beverages which is prohibited in the public areas of the Chicago Transit Authority's facilities; and

WHEREAS, Minors who consume tobacco or alcoholic beverages frequently litter the Chicago Transit Authority's and surrounding properties; and

WHEREAS, An ordinance restricting the placement of advertisements for tobacco products or alcoholic beverages on property owned, operated or maintained by the Chicago Transit Authority is a reasonable and necessary measure for reducing illegal transactions and illegal consumption of tobacco and alcoholic beverages by minors; and

WHEREAS, The restrictions contained in the following ordinance will not unduly burden the legitimate business activities of persons licensed to sell tobacco products and alcoholic beverages on a retail basis when such persons are acting pursuant to a valid lease or license agreement with the Chicago Transit Authority; and

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WHEREAS, Other avenues for advertising outside the Chicago Transit Authority's system remain open for tobacco and alcoholic beverage advertisements and such information is still very accessible to adult consumers; now, therefore:

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

SECTION 1. That the Chicago Transit Board hereby adopts a policy prohibiting the placement, installation or distribution of tobacco (including cigars, cigarettes, smokeless tobacco or tobacco in any of its forms) or alcoholic beverage advertisements on property owned, operated or maintained by the Chicago Transit Authority. This Section shall not apply to:

- a. The placement of signs, including advertisements, inside any premises used by a person licensed to sell tobacco or alcoholic beverages and acting pursuant to a lease or license with the Chicago Transit Authority; or
- b. Any sign that contains the name or slogan of the premises used by a person licensed to sell tobacco or alcoholic beverages and acting pursuant to a lease or license with the Chicago Transit Authority; or
- c. Any sign that contains a generic description of tobacco or alcoholic beverages on premises used by a person licensed to sell tobacco or alcoholic beverages and acting pursuant to a lease or license with the Chicago Transit Authority.

SECTION 2. The Authority shall take whatever steps are necessary to implement this ordinance, including, but not limited to, amending or terminating, consistent with applicable law, existing contracts to conform with the ordinance. No renewals, extensions or new contracts for tobacco or alcoholic beverage advertising will be permitted after the effective date of this ordinance.

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SECTION 3. The Authority shall inform all tenants under existing month-to-month leases, licenses or contracts that the terms of this ordinance shall be incorporated in their lease, license or contract beginning no later than the first monthly renewal occurring at least 30 days after receipt of such notice and that violation of this ordinance shall constitute a default under the lease, license or contract.

SECTION 4. This ordinance shall be in full force and effect from and after its passage.

APPROVED:

December 10, 1997

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