

New Chicago Ordinance Bans Smoking of E-Cigarettes Indoors

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Effective April 29, 2014, a new Chicago ordinance will prohibit smoking of electronic cigarettes (or e-cigarettes) in enclosed public places and enclosed places of employment in the city. Chicago joins New York City and a handful of other jurisdictions (including the states of Arkansas, North Dakota, and Utah) to have included e-cigarettes in their indoor smoking regulations.

Chicago's Clean Indoor Air Ordinance, effective since 1988, prohibits smoking in virtually all enclosed public places and enclosed places of employment. These places include bars, restaurants, shopping malls, recreational facilities (e.g., enclosed sports arenas, stadiums, swimming pools, ice and roller rinks, arcades, and bowling alleys), concert halls, auditoriums, convention facilities, government buildings and vehicles, public transportation facilities, coin laundries, meeting rooms, private clubs, lobbies, reception areas, hallways and other common-use areas in public buildings, apartment buildings, and condominium buildings. The Ordinance also prohibits smoking within 15 feet of the entrance of these establishments and encourages owners and managers of buildings and other spaces not covered by the Ordinance to declare their buildings and other spaces to be smoke-free. The new Chicago ordinance will apply the Clean Indoor Air Ordinance's restrictions related to smoking tobacco to e-cigarettes.

Promoted as a healthier alternative to smoking cigarettes, e-cigarettes are battery-powered devices that resemble traditional cigarettes and simulate smoking tobacco. Electronic cigarettes generally use a heating element that vaporizes a liquid solution. Some solutions contain a mixture of nicotine and flavorings, while others release a flavored vapor without nicotine. Chemicals are emitted from e-cigarettes when the "vapers," as e-cigarette users are known, exhale. Research is still needed to determine the health effects of e-cigarettes; some researchers claim the vapor emitted contains chemicals that can harm people who inhale them secondhand.

With no consistent evidence and no guidance as yet from the Food and Drug Administration, city councils across the country are making their own decisions about the electronic substitute.

Former tobacco smokers often use e-cigarettes as an alternative. The popularity of e-cigarettes among young users is a public concern; the new Chicago ordinance also prohibits sales to minors, and gives Chicago retailers six months to move e-cigarettes behind a counter, like cigarettes.

Jackson Lewis attorneys are available to answer inquiries about the new law and assist employers to achieve compliance with this and other workplace regulations. Please contact Jody Wilner Moran, at MoranJ@jacksonlewis.com, in our Chicago office, (312) 787-4949, or the Jackson Lewis attorney with whom you regularly work.