

tobacco products. Studies have indicated that older underage youth (i.e., those who are closer to age 18) are more likely to succeed in buying tobacco in stores.<sup>19</sup> Further, high school friends and peers of legal age are an important social source of tobacco for underage youth.<sup>20</sup> Increasing the MLSA would not only make it more difficult for older youth to buy tobacco, but would reduce the likelihood that a high school student will be of legal age and able to buy tobacco products for other students or underage friends.<sup>21</sup>

- **Offering an alternative to a tax increase:** While tobacco control strategies such as smoke-free laws and tax-induced price increases have proven highly effective, increasing the MLSA could be a complementary strategy, and in some cases, may be more politically viable while achieving comparable results.
- **Simplifying ID checks for retailers:** Finally, an administrative benefit of increasing the MLSA to 21 years old is that it could facilitate compliance efforts in some jurisdictions. State drivers' licenses typically indicate that a driver is under the age of 21 in some way (using format, colors, photo placement, etc.); some jurisdictions also require an indication that the driver may be under 18 years old. In these jurisdictions, making the MLSA for tobacco and alcohol the same could simplify ID checks for retailers.

### Policy Considerations

- **Looking at the bigger public policy picture:** Proposals to increase the MLSA for tobacco have generated mixed reactions among public health advocates, particularly because in almost every state, such laws are linked with laws that penalize underage youth for purchase, use, or possession of tobacco products (PUP laws).<sup>22</sup> Underage PUP laws have been criticized as not being effective in reducing underage tobacco use.<sup>23</sup> Advocates also have argued that they divert focus and energy from addressing irresponsible retailers and tobacco industry behavior, are difficult to enforce, and can hinder enforcement efforts of MLSA laws by prohibiting use of underage buyers in compliance check operations.<sup>24</sup> Some underage PUP laws also have been used to preempt local tobacco control authority.<sup>25</sup> Thus, advocates have at times expressed doubts that efforts to increase age limits are a good use of limited resources when other measures—such as tax increases, smoke-free laws, and promoting better enforcement of existing tobacco control laws—have proven track records and focus on industry responsibility for marketing an addictive and disease-causing product.<sup>26</sup> While these are important considerations to bear in mind, a developing body of research indicates that raising the MLSA could be a useful tobacco control policy option in certain circumstances. Thus, it continues to be one of several reasonable alternatives in the tobacco control tool box.
- **Understanding the larger legal framework:** A comprehensive understanding of the state or local network of tobacco control laws also is important—age restrictions could be implicated in a number of areas, including MLSA provisions, separate PUP provisions, provisions restricting the age of sales clerks who can handle tobacco sales, or provisions applying to where vending machines can be located, to name a few. In addition, in some



states, the age restriction may be tied to the state's age-of-majority law. Thus, an understanding of all these laws and how they may relate to each other is necessary.

- **Increasing the legal age for sales as opposed to purchases:** For the states with both MLSA and underage PUP laws, one way to address concerns raised by PUP laws would be to increase the age only for legal *sales*, while leaving the legal *possession* or *use* age at 18. A potential benefit of this approach is that it could help in the transition for those tobacco users who would be made newly underage but nonetheless are addicted—while they could no longer legally buy tobacco products, at least they would not be subject to civil and/or criminal liability for doing so or for using or possessing tobacco products. On the other hand, it could raise concerns about fairness and equal protection if young teenagers (i.e., under 18 years old) are subject to sanctions for purchasing, using, or possessing tobacco products, but not young adults (i.e., ages 18-20 years old).<sup>27</sup> The equal protection arguments are further explained below.
- **Determining how much to increase the MLSA:** At least seven jurisdictions in the U.S. (four states<sup>28</sup> and three counties<sup>29</sup>) set the minimum legal age limit for tobacco purchases or sales at 19 years old. Several local governments in states such as Massachusetts, New York, and most recently the state of Hawaii, have set the minimum sales age at 21.<sup>30</sup> Increasing the MLSA to age 21 would delay or reduce tobacco usage to the greatest extent, and could have the greatest effect in reducing underage access to tobacco through the social source of legal-age peers.
- **Allowing exemptions:** Two New York counties that have raised their MLSA to 19 years of age exempt sales to members of the U.S. military who are 18 years old.<sup>31</sup> This kind of exemption does not make sense from a public health perspective, although it may have political appeal.
- **Restricting the age of sales clerks:** As explained above, friends or peers who work in stores that sell tobacco products are a key social source of tobacco for underage youth.<sup>32</sup> Thus, to maximize the public health benefits of increasing the MLSA, the legal minimum age for sales clerks handling tobacco products could also be set or increased. However, this may raise concerns among convenience store owners because they often hire teenagers and young adults to staff their store. Also, such a policy might limit employment opportunities for youth in rural areas, where fewer jobs for young people are available.
- **Implementation considerations:** Increasing the MLSA would also raise the problem of addicted users who would become underage as a result of the change in the MLSA. Of course, this concern would be resolved within three years or less, depending on whether the MLSA was increased to 19, 20, or 21 years of age. One way to address these concerns would be to require notices about the MLSA posted in the store to include information about how users can obtain help with cessation efforts. Another approach could be to exempt from the new law those who are 18 and over at the time the law goes into effect, but who would otherwise be underage under the new law—in other words, to

“grandfather” in those who were of legal age to buy or use tobacco, but would be made underage by increasing the MLSA.

### Possible Legal Challenges

While laws that increase the MLSA for tobacco products might encounter challenges brought on other grounds, the more likely challenges would be based on preemption or equal protection grounds.

- **Preemption:** Preemption in legal terms occurs when a higher level of government (e.g., federal or state) eliminates or limits the authority of a lower level of government (e.g., state or local) to regulate a certain issue. Preemption has important implications for public health issues because of the vital role of state and local authorities in this area.<sup>33</sup> Many of the lessons learned about preemption come from the field of tobacco control. One tobacco industry strategy has been to push for the inclusion of language in state youth access laws that could preempt local government authority to pass smoke-free and other tobacco control laws.<sup>34</sup> The Centers for Disease Control and Prevention have identified 22 states with youth access laws that include preemptive language relating to local authority over sales of tobacco products.<sup>35</sup> Thus, particularly for local jurisdictions, it would be important to assess whether another state tobacco control law might limit local authority to increase the MLSA, and if so, what the scope of those limitations might be (e.g., does the state law only limit local authority to pass tobacco control laws with criminal sanctions, but local governments can pass laws that only impose civil sanctions).<sup>36</sup> Additionally, it would be important to assess whether a state’s age-of-majority law might impliedly preempt an effort to raise the MLSA for tobacco products. Such an argument seems unlikely to prevail, but each situation would depend on the state law’s language and how the law has been interpreted by courts.<sup>37</sup>
- **Equal Protection:** The concept of equal protection comes from the U.S. Constitution and is included in many state constitutions as well. It embodies the principle that similarly-situated people are entitled to equal treatment by the law—so that if the law treats one person differently from another, there must be a fair and logical basis for the differential treatment.<sup>38</sup> Typically, laws relating to age limits are treated with great deference by courts—as long as these laws are rationally related to a legitimate government interest, they are usually upheld.<sup>39</sup> Thus, equal protection challenges to state laws increasing the MLSA for alcohol purchases or consumption, for example, have not been successful.<sup>40</sup> Similarly, laws increasing the MLSA for tobacco products likely would be upheld, given the government’s legitimate interest in protecting public health and preventing youth access to tobacco products, and the research indicating that delaying onset of tobacco use among young people has both immediate and long-term public health and safety benefits.

### Select Legislation and Policies

Below are examples from some jurisdictions that have set the minimum legal age for the sale and/or purchase of tobacco products at 19 or 21 years of age.<sup>41</sup> A state or local government



considering whether to adapt any language from the following policies should take care to ensure that the language is appropriate, practical, and legal for its jurisdiction. Please note that the Tobacco Control Legal Consortium does not endorse or recommend any of the following policies. We have included these examples simply to illustrate how various jurisdictions have regulated the minimum legal age for sale and/or purchase of tobacco and related products.

Jurisdiction	Ordinance/Statute	Excerpts from text of law
<b>Hawaii</b>	S.B. 1030 SD1 HD2, 28 <sup>th</sup> Leg. (Haw. 2015)	<p><b>Section 3. § 709-903. Tobacco products and electronic smoking devices; persons under twenty-one years of age.</b></p> <p>(1) Effective January 1, 2016, it shall be unlawful to sell or furnish a tobacco product in any shape or form or an electronic smoking device to a person under twenty-one years of age.</p> <p>(2) Effective January 1, 2016, signs using the statement, "The sale of tobacco products or electronic smoking devices to persons under twenty-one is prohibited," shall be posted on or near any vending machine in letters at least one-half inch high and at or near the point of sale of any other location where tobacco products or electronic smoking devices are sold in letters at least one-half inch high.</p> <p>(3) It shall be unlawful for a person under twenty-one years of age to purchase any tobacco product or electronic smoking device, as those terms are defined in subsection (5). . . .</p> <p>(4) Any person who violates subsection (1) or (2), or both, shall be fined \$500 for the first offense. Any subsequent offenses shall subject the person to a fine not less than \$500 nor more than \$2,000. Any person under twenty-one years of age who violates subsection (3) shall be fined \$10 for the first offense. Any subsequent offense shall subject the violator to a fine of \$50, no part of which shall be suspended, or the person shall be required to perform not less than forty-eight hours nor more than seventy-two hours of community services during hours when the person is not employed and is not attending school.</p>

Suffolk County, NY	Regulatory Local Laws ch. 792	<p><b>§792-3 (A)(2) Prohibitions; posting of sign; proof-of-age</b>  Sale of tobacco products or herbal cigarettes in such places, other than by a vending machine, shall be made only to an individual who demonstrates, through a valid driver's license or nondriver's identification card issued by the Commissioner of Motor Vehicles, the federal government, any United States territory, commonwealth or possession, the District of Columbia, a state government within the United States or a provincial government of the dominion of Canada, or a valid passport issued by the United States government or any other country, or an identification card issued by the Armed Forces of the United States, that the individual is at least 21 years of age. Such identification need not be required of any individual who reasonably appears to be at least 27 years of age; provided, however, that such appearance shall not constitute a defense in any proceeding alleging the sale of a tobacco product or herbal cigarettes to an individual under 21 years of age.</p> <p><b>§792-9 Sales restrictions</b>  No person shall sell or offer for sale e-cigarettes or liquid nicotine within the County of Suffolk to persons under 21 years of age.</p> <p><a href="http://legis.suffolkcountyny.gov/Resos2014/i1039-14.pdf">http://legis.suffolkcountyny.gov/Resos2014/i1039-14.pdf</a></p>
Brookline, MA	Article 8.83 Tobacco Control (2013)	<p><b>§ 8.23.5 Sales to Minors</b> – No person, firm, corporation, establishment, or agency shall sell tobacco products to a minor.</p> <p>§ 8.23.2(d). Minor – A person under nineteen years of age.</p>
Dover, MA	Smoking: Sale of Tobacco and Nicotine Delivery Products	<p><b>§ 220-6 Retail sale of tobacco products.</b>  B. No person shall sell tobacco products or nicotine delivery products to any person under the age of 21 years or, not being his/her parent or guardian, give tobacco products or nicotine delivery products to any person under the age of 21.</p> <p><a href="http://ecode360.com/10428043">http://ecode360.com/10428043</a></p>



New York City, NY	Local Laws No. 094 (Nov. 19, 2013)	<p><b>§ 17-706 Sale of cigarettes, tobacco products, or electronic cigarettes to minors and young adults prohibited.</b></p> <p>a. Any person operating a place of business wherein cigarettes, tobacco products, or electronic cigarettes are sold or offered for sale is prohibited from selling such cigarettes, tobacco products, or electronic cigarettes to individuals under twenty-one years of age. Sale of cigarettes, tobacco products, or electronic cigarettes in such places, shall be made only to an individual who demonstrates, through a driver's license or other photographic identification card issued by a government entity or educational institution, that the individual is at least twenty-one years of age. Such identification need not be required of any individual who reasonably appears to be at least thirty years of age, provided, however, that such appearance shall not constitute a defense in any proceeding alleging the sale of cigarettes, tobacco products, or electronic cigarettes to an individual under twenty-one years of age.</p>
New Jersey	N.J. Stat. Ann. § 2A:170-51.4	<p><b>Sale, distribution of tobacco, electronic smoking device to persons under age 19; prohibited; civil penalties.</b></p> <p>1. a. No person, either directly or indirectly by an agent or employee, or by a vending machine owned by the person or located in the person's establishment, shall sell, offer for sale, distribute for commercial purpose at no cost or minimal cost or with coupons or rebate offers, give or furnish, to a person under 19 years of age:</p> <p>(1) any cigarettes made of tobacco or of any other matter or substance which can be smoked, or any cigarette paper or tobacco in any form, including smokeless tobacco; or</p> <p>(2) any electronic smoking device that can be used to deliver nicotine or other substances to the person inhaling from the device, including, but not limited to, an electronic cigarette, cigar, cigarillo, or pipe, or any cartridge or other component of the device or related product.</p>

## Other Helpful Resources

The Tobacco Control Legal Consortium's website includes a [Sample Resolution](#) and a [Sample Ordinance](#) for Creating a Minimum Legal Sales Age of 21 for Tobacco Products. The website also features several [publications](#) explaining the federal Family Smoking Prevention and Tobacco Control Act of 2009, and its [impact on state and local tobacco control authority](#). The Preventing Tobacco Addiction Foundation supports increasing the MLSA for tobacco and related products to 21 years old. Its website (<http://www.tobacco21.org>) has additional information, including model legislation. The Institute of Medicine's report, along with related materials on raising the legal tobacco sales age, is available on the Institute's [website](#). In 1998, the Tobacco Control Resource Center, one of the legal centers affiliated with the Tobacco Control Legal Consortium, wrote a [working paper](#) analyzing a federal proposal that would have increased the MLSA for tobacco products to 21 years old in all states. This paper explains the research and many of the arguments in favor of increasing the MLSA. The CDC has a [fact sheet](#) on youth and tobacco use, with links to other resources and data about youth tobacco access and use. The [Campaign for Tobacco-Free Kids](#) also has created fact sheets with data about [how young smokers obtain cigarettes](#) and information on [policy issues relating to laws that penalize underage users](#).

## Contact Us

Please feel free to contact the Tobacco Control Legal Consortium at [publichealthlaw@wmitchell.edu](mailto:publichealthlaw@wmitchell.edu) with any questions about the information included in this guide or to discuss local concerns you may have about implementing such a policy.

*Last updated: October 2015*

## Notes

<sup>1</sup> The information contained in this document is not intended to constitute or replace legal advice.

<sup>2</sup> See, e.g., S.B. 1030 SD1 HD2, 28<sup>th</sup> Leg. (Haw. 2015), [http://www.capitol.hawaii.gov/measure\\_indiv.aspx?billtype=SB&billnumber=1030&year=2015](http://www.capitol.hawaii.gov/measure_indiv.aspx?billtype=SB&billnumber=1030&year=2015). Other state legislatures to consider raising the legal minimum age for purchasing tobacco products to 21 include New Jersey, New York, Texas, Utah, and Washington D.C. See, e.g., Lee Davidson, *Lawmakers Seek to Raise Smoking Age to 21*, SALT LAKE TRIB., Nov. 26, 2013, <http://www.sltrib.com/sltrib/politics/56930258-90/age-among-health-limit.html.csp>; and *More States Consider Raising Minimum Age for Tobacco Sales*, CONVENIENCE STORE NEWS, May 17, 2013, <http://www.csnews.com/top-story-tobacco-more-states-consider-raising-minimum-age-for-tobacco-sales-63672.html>.

<sup>3</sup> Tobacco Twenty-One (website containing list of all tobacco communities with MLSA of 21) (last accessed October 21, 2015), available at <http://tobacco21.org>. Institute of Medicine, *Public Health Implications of Raising the Minimum Age of Legal Access to Tobacco Products* (2015), available at <http://www.iom.edu/Activities/PublicHealth/TobaccoMinimumAge.aspx>.

<sup>4</sup> New York City, N.Y., Local Laws No. 94-2013 (Nov. 19, 2013), <http://legistar.council.nyc.gov/LegislationDetail.aspx?ID=664290&GUID=4223E26A-7F3F-4B7D->



[9E3A-0E3F7B850155&Options=ID|Text|&Search=minimum+legal+smoking+age](#). See *infra* note 26.

<sup>5</sup> Institute of Medicine, *Public Health Implications of Raising the Minimum Age of Legal Access to Tobacco Products* (2015), available at <http://www.iom.edu/Activities/PublicHealth/TobaccoMinimumAge.aspx>.

<sup>6</sup> *Id.*

<sup>7</sup> See, e.g., Gary Giovino & Melanie Wakefield, *Teen Penalties for Tobacco Possession, Use and Purchase: Evidence and Issues*, 12 TOBACCO CONTROL 6 (2003).

<sup>8</sup> 42 U.S.C. § 300x-26 (2011), with implementing regulations found at 45 C.F.R. § 96.130 (2001).

<sup>9</sup> FDA v. Brown & Williamson Tobacco Corp., 529 U.S. 120 (2000).

<sup>10</sup> Family Smoking Prevention and Tobacco Control Act, Pub. L. No. 111-31, 123 Stat. 1776 (June 22, 2009) (codified as amended in scattered sections of 5 U.S.C., 15 U.S.C., and 21 U.S.C.), available at <http://www.publichealthlawcenter.org/sites/default/files/resources/fda-tobacco-regulation-final-bill.pdf>.

<sup>11</sup> 21 U.S.C. § 387f (d)(3)(A)(ii) (2011).

<sup>12</sup> Pub. L. No 111-31, Div. A § 104.

<sup>13</sup> See Tammy Tengs et al., *The Public Health Impact of Changes in Smoking Behavior: Results From the Tobacco Policy Model*, 39 MED. CARE 1131 (Oct. 2001); Sadik Khuder et al., *Age at Smoking Onset and Its Effect on Smoking Cessation*, 24 ADDICT. BEHAV. 673 (Sept.-Oct. 1999); and Jiajian Chen & Wayne Millar, *Age of Smoking Initiation: Implications for Quitting*, 9 HEALTH REP. 39 (Spring 1998).

<sup>14</sup> See City of Needham, *Thirteen Years of Tobacco Efforts in Needham* (last accessed March 15, 2015), available at <http://www.needhamma.gov/DocumentCenter/Home/View/1868>; Ohio State University College of Public Health, *Running the Numbers: Raising the Minimum Tobacco Sales Age* (2015), available at <http://tobacco21.org/wp-content/uploads/2015/03/T21whitepaper3.2.15.pdf>.

<sup>15</sup> Jonathan P. Winickoff et al., *Retail Impact of Raising Tobacco Sales Age to Twenty-One*, 104 AM. J. PUB. HEALTH 18, 20 (2014).

<sup>16</sup> Christopher Millett et al., *Increasing the Age for the Legal Purchase of Tobacco in England: Impacts on Socio-Economic Disparities in Youth Smoking*, 66 THORAX 862 (Oct. 2011); and Jennifer Fidler & Robert West, *Changes in Smoking Prevalence in 16-17-Year-Old versus Older Adults Following a Rise in Legal Age of Sale: Findings From an English Population Study*, 105 ADDICTION 1984 (Nov. 2010).

<sup>17</sup> Press Release, Nat'l Inst. of Health, *Cigarettes and Alcohol Use at Historic Low Among Teens*, (Dec. 14, 2011) (discussing 2011 Monitoring the Future survey results), available at [https://www.drugabuse.gov/sites/default/files/nr121411\\_0.pdf](https://www.drugabuse.gov/sites/default/files/nr121411_0.pdf).

<sup>18</sup> See, e.g., Joseph DiFranza et al., *Enforcement of Underage Sales Laws as a Predictor of Daily Smoking Among Adolescents - A National Study*, 9 BMC PUB. HEALTH, <http://www.biomedcentral.com/content/pdf/1471-2458-9-107.pdf> (April 17, 2009).

<sup>19</sup> See, e.g., Joseph DiFranza et al., *Youth Access to Tobacco: The Effects of Age, Gender, Vending Machine Locks, and "It's The Law" Programs*, 86 AM. J. PUB. HEALTH 221 (Feb. 1996).

<sup>20</sup> Joseph DiFranza & Mardia Coleman, *Sources of Tobacco for Youths in Communities with Strong Enforcement of Youth Access Laws*, 10 TOBACCO CONTROL 323, 327 (Dec. 2001). One unpublished survey of minor-aged high school students found that 90% of the adults who purchased tobacco



products for them were less than 21 years old. *Id.* See also LORNA SCHMIDT, CAMPAIGN FOR TOBACCO-FREE KIDS, WHERE DO YOUTH GET THEIR CIGARETTES? (January, 2013), <http://www.tobaccofreekids.org/research/factsheets/pdf/0073.pdf>.

<sup>21</sup> DiFranza & Coleman, *supra* note 20.

<sup>22</sup> According to the American Lung Association, 42 states and the District of Columbia have laws that prohibit the purchase or attempted purchase of tobacco products by minors. American Lung Association, *2010 State Legislated Actions on Tobacco Issues Overview Data* (2013): <http://www.lungusa2.org/slati/slatiOverview.php>. In 1994, the Institute of Medicine issued a report that recommended that the MLSA for tobacco products be set at 18 years of age, and not higher. GROWING UP TOBACCO-FREE: PREVENTING NICOTINE ADDICTION IN CHILDREN AND YOUTHS 223-24 (Barbara S. Lynch & Richard J. Bonnie eds., Inst. of Medicine 1994).

<sup>23</sup> See, e.g., Giovino & Wakefield, *supra* note 4. But see Leonard A. Jason et al., *A Randomized Trial Evaluating Tobacco Possession-Use-Purchase Laws in the USA*, 67 SOC. SCIENCE & MED. 1700 (2008) (indicating that enforcement of underage PUP laws may be effective in reducing youth smoking rates).

<sup>24</sup> See, e.g., JESSICA GUILFOYLE, CAMPAIGN FOR TOBACCO FREE KIDS, PENALIZING KIDS FOR BUYING, POSSESSING, OR SMOKING CIGARETTES (June 2011), <http://www.tobaccofreekids.org/research/factsheets/pdf/0074.pdf>.

<sup>25</sup> ROBIN HOBART, AM. MED. ASS'N, PREEMPTION: TAKING THE LOCAL OUT OF TOBACCO CONTROL (2003).<sup>26</sup> See, e.g., Susan Haigh, *Lawmakers Consider Raising Smoking Age from 18 to 21*, BOSTON.COM, Mar. 5, 2007, [http://www.boston.com/news/local/connecticut/articles/2007/03/05/lawmakers\\_consider\\_raising\\_smoking\\_age\\_from\\_18\\_to\\_21/](http://www.boston.com/news/local/connecticut/articles/2007/03/05/lawmakers_consider_raising_smoking_age_from_18_to_21/); and John Ritter, *California Considers Raising Smoking Age*, USATODAY.COM, Mar. 3, 2002, <http://www.usatoday.com/news/nation/2002/03/04/smoking.htm>.

<sup>27</sup> See *Johnson v. State Hearing Examiner's Office*, 838 P.2d 158 (Wyo. 1992) (invalidating state law which imposed driver's license suspension penalty on teen drivers 18 years old and younger who are convicted of unrelated alcohol or drug offenses, but which did not impose same penalty on underage 19 and 20 year-olds); but see *Allam v. State*, 830 P.2d 435 (Alaska Ct. App. 1992) (noting that law which criminally penalized 18 year olds, but not those 19 and over, for possessing small amounts of marijuana was not irrational because "many 18-year-olds attend high school and regularly associate with students under the age of 18 years. . . [and thus] if 18-year-olds were allowed to possess and use marijuana, they would share the drug with other younger students or would at least frequently expose those younger students to drug use").

<sup>28</sup> The states are: Alabama (Ala. Code § 28-11-13 (2011)); Alaska (Alaska Stat. §§ 11.76.100 & 11.76.105 (2011)); New Jersey (N.J. Stat. Ann. § 2A:170-51.4 (2011)), and Utah (Utah Code Ann. §§ 76-10-104 et seq. & 76-10-105 (2011)).

<sup>29</sup> The counties are in New York: Nassau (Nassau County, N.Y., Local Law No. 5-2006 (Apr. 26, 2006)); Onondaga (Onondaga County, N.Y., Local Law No. 2-2009 (Jan. 12, 2009)); and Suffolk counties (see table, *infra*).

<sup>30</sup> See, e.g., Campaign for Tobacco-Free Kids, *States and Localities that Have Raised the Minimum Legal Sale Age for Tobacco Products to 21* (last accessed Oct. 21, 2015), [http://www.tobaccofreekids.org/content/what\\_we\\_do/state\\_local\\_issues/sales\\_21/states\\_localities\\_MLSA\\_21.pdf](http://www.tobaccofreekids.org/content/what_we_do/state_local_issues/sales_21/states_localities_MLSA_21.pdf).

<sup>31</sup> Onondaga County, N.Y., Local Law No. 2-2009 (Jan. 12, 2009); Nassau County, N.Y., Local Law No. 5-2006 (Apr. 26, 2006).



<sup>32</sup> DiFranza & Coleman, *supra* note 20.

<sup>33</sup> The Public Health Law Center's website (<http://publichealthlawcenter.org/topics/other-public-health-law/preemption-public-health>) has more information about preemption as well as resources for understanding how it works and how it can impact public health policy development.

<sup>34</sup> In the early and mid-1990s, tobacco industry lobbyists actively fostered a mistaken belief that the Synar Amendment and its regulations required broad preemptive clauses be included in state youth-access laws. HOBART, *supra* note 21, at 7. At least 22 states have laws that preempt local authority over access to tobacco products, according to a 2011 study by the Centers for Disease Control and Prevention (CDC). CDC, U.S. Dep't of Health and Human Services, *State Preemption of Local Tobacco Control Policies Restricting Smoking, Advertising, and Youth Access -- United States, 2000-2010*, 60 MORBIDITY & MORTALITY WEEKLY REP. 1124 (August 26, 2011), available at <http://www.cdc.gov/mmwr/pdf/wk/mm6033.pdf>.

<sup>35</sup> CDC, State Tobacco Activities Tracking and Evaluation (STATE) System, <http://www.cdc.gov/mmwr/preview/mmwrhtml/mm6033a2.htm> ). See, e.g., *U.S. Oil, Inc. v. City of Fond du Lac*, 544 N.W.2d 589 (Wis. Ct. App. 1996).

<sup>36</sup> See, e.g., *Prime Gas, Inc. v. City of Sacramento*, 184 Cal.App.4th 697 (Cal. Ct. App. 2010).

<sup>37</sup> See, e.g., *Burnett v. San Francisco Police Dep't*, 36 Cal.App.4th 1177, 1182-1185 (Cal. Ct. App. 1995) (rejecting argument that California's age of majority law expressly or impliedly preempted city ordinance restricting access to cabarets to people 21 years old and up); and *Allam v. Alaska*, 830 P.2d 435, 438 (Alaska Ct. App. 1992) (noting that "[t]here is no legal requirement that the same age of majority apply to all activities and circumstances").

<sup>38</sup> See, e.g., *City of Cleburne v. Cleburne Living Ctr*, 473 U.S. 432 (U.S. 1985).

<sup>39</sup> See, e.g., *Gregory v. Ashcroft*, 501 U.S. 452 (U.S. 1991) (holding that Missouri constitutional provision requiring most state judges to retire by age of 70 did not violate Equal Protection); *Massachusetts Bd. of Retirement v. Murgia*, 427 U.S. 307 (U.S. 1976) (upholding state law requiring uniformed police officers to retire at age 50); *Stiles v. Blunt*, 912 F.2d 260 (8th Cir. 1990) (upholding Missouri's minimum age requirement of 24 years old for state legislators); *Manuel v. State*, 692 So. 2d 320, 340 (La. 1996) (reversing original decision on rehearing) (upholding state law raising minimum drinking age to 21); and *Maine v. Dube*, 409 A.2d 1102 (Me. 1979) (upholding state regulation requiring drivers of common and interstate carriers to be at least 21).

<sup>40</sup> *Gabree v. King*, 614 F.2d 1 (1st Cir. 1980) (upholding Massachusetts law that increased minimum drinking age to 20); *Felix v. Milliken*, 463 F. Supp. 1360 (E.D. Mich. 1978) (upholding Michigan constitutional amendment raising minimum drinking age to 21). Some state courts have interpreted their state constitution's equal protection provisions to require a less deferential standard of review for statutory age limits, but even then, such laws have been upheld. See, e.g., *Manuel v. State*, *supra* note 39.

<sup>41</sup> For additional examples of jurisdictions that have raised the minimum legal sales age for tobacco products, see the Institute of Medicine report, *supra* note 5, Appendix A (State and Local Laws on the Minimum Age of Legal Access to Tobacco Products).



# FACTS

## Tobacco: No Minor Issue

### Raising the Minimum Sale Age to 21

#### OVERVIEW

Tobacco use continues to be a significant public health concern and a leading cause of preventable death in the US. Though we have made some great strides, nearly 25% of high school students still report using tobacco products, and the U.S. Surgeon General estimated that nearly 6 million children will die prematurely in adulthood if current trends continue.<sup>1,2,3,4</sup> Further, in 2013, 2.1 million people smoked cigarettes for the first time, half of new smokers initiated under the age of 18.<sup>5</sup> In fact, nearly 90% of smokers begin before age 18, and 95% begin before turning 26.<sup>6</sup>

Because of the addictive nature of nicotine, experimentation or initiation of tobacco use among youth and young adults is particularly troubling. This is a critical period for growth and development, one during which the brain may be especially susceptible and sensitive to the effects of nicotine.<sup>7,8</sup> Increasing the minimum legal sale age (MLSA) for tobacco products to 21 would reduce our youth's access to, and use of, tobacco products.

#### UNDER 21: NO TOBACCO



Setting the MLSA at 21 would prohibit retailers from selling tobacco products to anyone under that age. The Tobacco to 21 Act (S. 2100/H.R. 3656) has recently been introduced in Congress, which would raise nationwide the minimum legal age of sale for tobacco products to 21.<sup>9</sup> Additionally, as of September 2015, over 90 localities in eight states have raised the MLSA to 21,

including New York City, which in November 2013 became the first major city in the U.S. to raise its tobacco sales age to 21.<sup>10,11</sup> Recently, Hawaii became the first state to raise the MLSA to 21.<sup>12</sup>

Raising the MLSA to 21 would target the age range at which many habitual smokers consume their first cigarette.<sup>6</sup> Further, it would combat the tobacco industry's desire to attract a new, loyal generation of users and to re-engage those who have already quit.<sup>13,14</sup>

#### TOBACCO MARKETING TO YOUTH

Though they are legally prohibited from marketing some tobacco products to youth under the age of 18, tobacco

companies still use a range of additional advertising tactics to appeal to a new generation of potential smokers.<sup>6,15,16</sup>

The tobacco industry has historically zeroed in on children with the marketing of flavored/sweet cigarettes and placing advertisements at a low height to be more easily seen by children.<sup>13</sup> The industry also has recently begun heavily marketing e-cigarettes to children. From 2011 to 2014, the percentage of 12th-grade students who had ever used an e-cigarette increased from 4.7 to 17.2 percent.<sup>17</sup> For the first time, more teenagers are using e-cigarettes than smoke cigarettes.<sup>17,18</sup> Also:

- Tobacco advertising often uses imagery of social acceptance and popularity to make tobacco use appealing to youth and young adults.<sup>13</sup>
- Depictions of smoking in the movies is correlated with smoking initiation among young people.<sup>19,20</sup>
- The tobacco industry promotes smoking at bars and clubs so that it will be viewed as a normal part of a healthy social life.<sup>21</sup>

#### TOBACCO: KILLING OUR FUTURE

Tobacco use has deadly consequences for our youth:

- Early signs of heart disease and stroke are found in young people who smoke.<sup>6</sup>
- Of every 3 young smokers, one will eventually die of a smoking-related illness or disease.<sup>22</sup>
- The U.S. Surgeon General estimated that each year from 2009 to 2012, smoking-attributable health care costs were between \$289 billion and \$333 billion.<sup>4</sup>

#### WHY 21: THE EVIDENCE

Evidence shows that nicotine dependence and smoking intensity are strongly correlated with younger ages of smoking initiation.<sup>6,23</sup> In other words, the younger people are when they smoke their first cigarette, the more likely they will be a smoker for life. Furthermore, some research suggests that adolescent smokers may experience more difficulty in quitting compared with adult smokers.<sup>24</sup>

In 2015, the Institute of Medicine released a report that modeled the myriad of public health benefits for raising the MLSA.<sup>25</sup> Notably, the report concluded that raising the MLSA to 21 would decrease tobacco use by 12% and lead to:<sup>25</sup>

- Nearly 225,000 fewer premature deaths.<sup>25</sup>
- Nearly 50,000 fewer deaths from lung cancer.<sup>25,25</sup>
- Almost 300,000 fewer pre-term births.<sup>25</sup>



## FACT SHEET: Tobacco: No Minor Issue

- 4.2 million fewer years of life lost for those born between 2000 and 2019.<sup>25</sup>
- Less of a likelihood that adolescents will have peer group members who over the MLSA.<sup>25</sup>

Raising the MLSA to 21 is further supported by the success of the precedent-setting measure that established 21 as minimum legal age for purchasing and consuming alcohol. As a result of the states raising the drinking age to 21, studies have reported that binge drinking among high school seniors decreased by nearly 25%, fatal automobile accidents caused by youth drunk driving decreased by nearly 60%, and over 20,000 lives have been saved.<sup>26,27</sup>

## THE ASSOCIATION ADVOCATES

- The American Heart Association advocates for policies at the federal, state and local levels that prohibit the sale of all tobacco products, including e-cigarettes, to anyone under the age of 21.

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<sup>22</sup> Centers for Disease Control and Prevention. (1996). Projected Smoking-Related Deaths Among Youth—United States, MMWR 45(44):971–974. <http://www.cdc.gov/mmwr/PDF/wk/mm4544.pdf>

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<sup>24</sup> Curry, S. J., et al. (2009). Therapy for specific problems: Youth tobacco cessation. *Annual Review of Psychology* 60:229–255.

<sup>25</sup> Institute of Medicine, Public Health Implications of Raising the Minimum Age of Legal Access to Tobacco Products (2015), available at <http://www.iom.edu/Activities/PublicHealth/TobaccoMinimumAge.aspx>. Accessed on November 5, 2015.

<sup>26</sup> Wagenaar, AC, et al. (2002). Effects of Minimum Drinking Age Laws: Review and Analyses of the Literature from 1960 to 2000. *J Stud Alcohol*, Supplement No. 14: 206–225.

<sup>27</sup> Kindelberger, J, Calculating Lives Saved Due to Minimum Drinking Age Laws, National Highway Traffic Safety Administration (NHTSA), March 2005.

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<sup>2</sup> Mozaffarian D, et al; on behalf of the American Heart Association Statistics Committee and Stroke Statistics Subcommittee. (2014). Heart disease and stroke statistics—2015 update: A report from the American Heart Association. *Circulation* 2015, 131, e01–e294.

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<sup>9</sup> S.B. 1030 SD1 HD2, 28th Leg. (Haw. 2015), [http://www.capitol.hawaii.gov/measure\\_indiv.aspx?billtype=SB&billnumber=1030&year=2015](http://www.capitol.hawaii.gov/measure_indiv.aspx?billtype=SB&billnumber=1030&year=2015).

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## FACTS

# E-Cigarettes and Public Health The Next Generation of Cigarettes

### OVERVIEW

Smoking kills more than 480,000 Americans a year and remains one of the most preventable causes of death and disease in the U.S.<sup>1,2</sup> The American Heart Association, in partnership with leading public health organizations, has worked tirelessly to prevent smoking deaths by supporting tobacco cessation and prevention. An estimated 8 million premature deaths have been avoided since the 1960s<sup>1</sup> and youth smoking rates have been cut in half since the early 2000s.<sup>2</sup>

These historical efforts stand in the crossfire of public health concerns, however, as tobacco companies try to capture a new generation of smokers with electronic cigarettes (e-cigarettes). In May 2016, the Food and Drug Administration (FDA) finalized a rule extending its regulatory authority to cover all tobacco products, including vaporizers, vape pens, hookah pens, e-cigarettes, e-pipes, and all other Electronic Nicotine Delivery Systems (ENDS).<sup>26</sup> The FDA now regulates the manufacture, import, packaging, labeling, advertising, promotion, sale, and distribution of ENDS.<sup>26</sup> This includes components and parts of ENDS, but excludes accessories.<sup>26</sup> Thus, tobacco use in any form, including e-cigarettes, can be harmful.<sup>23</sup>

### E-CIGARETTES AT A GLANCE

E-cigarettes are battery-operated devices that deliver nicotine, flavors, and other chemicals to the user in an aerosol.<sup>3,11</sup> An e-cigarette mimics smoking without combustion where the user inhales aerosol instead of

smoke. Some small studies on specific types of e-cigarette liquids suggested that they produce less of certain air toxins compared with regular cigarettes.<sup>4,5</sup> Proponents use this to support their claims that e-cigarettes provide a healthier option than conventional smoking.

Opponents point out that e-cigarettes could fuel and promote nicotine addiction, however, and its acceptance has the potential of re-normalizing smoking behavior.<sup>3</sup> The use of e-cigarettes may also serve as a gateway drug to other harmful substances for youth and young adults.<sup>3</sup> Although some e-cigarettes are marketed as a smoking cessation aid, there is no conclusive scientific evidence supporting this claim.<sup>3</sup> A recent study reported that almost 20% of smokers who try e-cigarettes go on to become regular users.<sup>6</sup> Particularly alarming is the rise of e-cigarette use by high school youth (Figure 1).

### USER PROFILE

Survey research has painted a broad picture of the typical e-cigarette user:

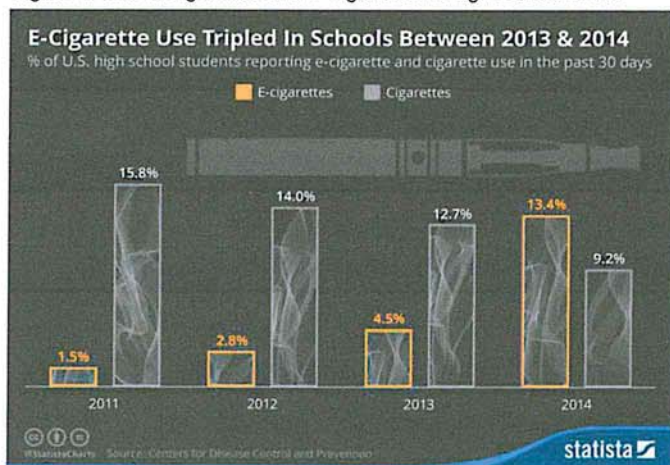
- Non-Hispanic whites, current smokers, young adults, and those with a higher education and higher income perceive e-cigarettes as less harmful than combustible tobacco products and are more likely to use them.<sup>3,7,8</sup>
- A study by the Centers for Disease Control and Prevention found that seventy-six percent of current adolescent users of e-cigarettes also smoke conventional cigarettes.<sup>9</sup>
- In 2011, about 3-7% of adults reported having used e-cigarettes at least once.<sup>10</sup>
- E-cigarette use is higher among adolescents who previously or currently smoke conventional cigarettes, as well as among those who intend to quit.<sup>11</sup>

### THE IMPACT ON YOUTH

The rise of the manufacturing and marketing of e-cigarettes has had a particular influence on U.S. youth:

- In 2014, an estimated 4.6 million middle and high school students currently used any tobacco product, of which an estimated 2.4 million used e-cigarettes.<sup>12</sup>
- The percentage of U.S. high school students who used electronic e-cigarettes tripled from 2013 to 2014, from 4.5% to 13.4%.<sup>12</sup>
- Since the CDC started collecting data on e-cigarettes in 2011, the current use of e-cigarettes has surpassed current use of every other tobacco product overall, including conventional cigarettes.<sup>13</sup>

Figure 1: Use of Cigarettes and E-Cigarettes in High School Youth



<https://www.statista.com/chart/3417/ecigarette-use-tripled-in-schools>



## FACT SHEET: E-Cigarettes and Public Health

- E-cigarette use is associated with increased intentions to smoke cigarettes.<sup>14,15</sup>
- Adolescents view e-cigarettes and other noncombustible tobacco products as accessible and convenient, especially in places where smoking cigarettes is not allowed.<sup>16</sup>
- Although e-cigarettes were introduced just over a decade ago, there are currently more than 466 brands.<sup>3</sup>
- Wells Fargo has predicted that sales margins for e-cigarettes could grow to \$10 billion by 2017, surpassing conventional cigarette sales margins.<sup>25</sup>
- In 2014, More than 16 million children lived in states where they could buy e-cigarettes legally.<sup>17</sup>
- E-cigarettes are being marketed to children and adolescents via celebrities and appealing flavors.<sup>18</sup>
- Ads often appear on social media sites and YouTube.<sup>19</sup>
- Of youth who ever used tobacco products in 2014, 81% of e-cigarette users reported that their first tobacco product was flavored.<sup>24</sup>

## THE ASSOCIATION ADVOCATES

E-cigarettes remain widely unregulated with the potential health effects unknown, especially in long-term users. Approximately half of all tobacco-related adverse event reports in the late 1980s in the U.S. concern e-cigarettes. Further, the first adverse report for e-cigarettes was submitted in 2008.<sup>20</sup> From late 2010 through early 2014, there was an increase in the number of calls to poison control centers due e-cigarette exposure which can include exposure to the nicotine refill liquids.<sup>21</sup> Thus, the American Heart Association supports regulations on e-cigarettes and advocates for:

- Increasing e-cigarettes tax to influence youth purchasing decisions, while retaining or increasing combustible differentials by raising taxes on combustibles.
- Banning the use of characterizing flavors other than tobacco or menthol; characterizing flavors should only be allowed if manufacturers can prove that flavored tobacco products do not appeal to youth and that the flavors are safe and have been tested for toxicity and teratogenicity.
- Including e-cigarettes in smoke-free laws that also prohibit the sale and marketing of tobacco to minors.
- Addressing the consequence of product, price, place and promotion of e-cigarettes (4Ps of marketing)
- Educating healthcare workers to adequately counsel their patients regarding comprehensive tobacco cessation strategies.
- Incorporating e-cigarette use into screening questions at clinical visits and worksite/community health screenings.
- Increasing or maintaining surveillance on the prevalence of e-cigarette use in adults, children, and adolescents.
- Continuing research and surveillance on the short, medium, and long-term physiological effects of e-cigarette nicotine, propylene glycol and glycerol, flavorings and other ingredients.

## AREAS FOR FURTHER RESEARCH

The American Heart Association supports findings from the CDC, which identifies e-cigarettes as a potential gateway to smoking conventional cigarettes. Further, it recognizes current trends of using e-cigarettes with other tobacco

products as a public health concern. More research is needed, however, in the following areas to better assess the effects of e-cigarette use:

- Identifying acute and chronic adverse health effects of e-cigarettes.
- Assessing the health effects of second or third hand exposure to e-cigarette vapor and constituents.
- Evaluating the efficacy of e-cigarettes as a smoking and nicotine cessation modality.
- Ascertaining the addictive potential of e-cigarettes and their pattern of use and withdrawal symptoms.
- Evaluating the public health consequences of the millions of dollars tobacco companies spend on e-cigarette advertising (\$115.3 million in 2014).<sup>22</sup>
- Examining cultural, social and economic factors that promote, sustain or discourage e-cigarette use.
- Identifying and monitoring e-cigarette manufacturing practices, e-cigarette constituents, the variation between different brands, pharmacokinetics, and modes of delivery.
- Identifying how often e-cigarettes are being used for the delivery of other drugs and medications.
- Determining whether or not youth experimentation with e-cigarettes results in nicotine addiction and the later transition to use of conventional cigarettes.

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# THE TIME IS NOW: TOBACCO 21



**In a statewide phone survey conducted in January 2018, 2/3 of Illinoisans support raising the age of sale for tobacco to 21.**



**Smoking kills more than 18,000 Illinois adults each year.**



**T21 predicts a 25% drop in teen tobacco use. T21 applies to 18-20 year olds, but impacts all youths.**



**T21 helps prevent the next generation of adult smokers, cutting adult smoking rates by 12%**



**In October of 2014, Evanston became the first community to adopt Tobacco 21 in Illinois. Since the ordinance was passed, high schoolers use of all tobacco products (cigarettes, e-cigarettes and hookah) decreased 37.5 % from 2015-2017.**



**Everyone pays for tobacco! Smoking related illness costs \$5.49 billion in Illinois annually and costs Illinois Medicaid \$1.9 billion every year.**



**Smoking costs every Illinois household \$922 per year in state and federal tax burdens.**



**Youth e-cigarette use is on the rise, contributing to the first rise in teen tobacco use rates in years. E-cigarettes contain many harmful chemicals including nicotine, which can inhibit brain development in adolescents. The American Academy of Pediatrics stated that e-cigarettes are a one-way street to traditional smoking and nicotine addiction for youth.**



**The adolescent brain is particularly sensitive to the effects of nicotine. Studies indicate that smoking during adolescence increases the risk of developing psychiatric disorders and cognitive impairment in later life.**



**The military stands with us! All Department of Defense (DOD) installations will be tobacco-free by 2020. The Major Generals of Mission:Readiness support T21 as essential to readiness due to the negative impact on recruits. They see tobacco use among teens and young adults as a serious national security risk.**

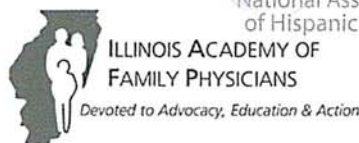
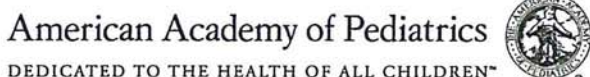


**3,345,338 Illinoisans live in communities that have locally adopted Tobacco 21.**

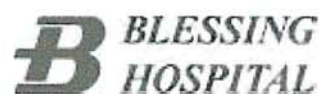
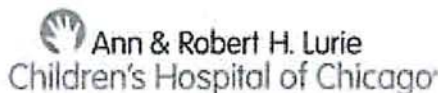
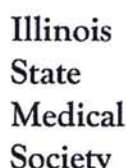




# Tobacco 21 Supporters



Illinois Chapter



Preparing people to lead extraordinary lives



The way you *should* be treated.



Comprehensive Cancer Center



Bench to Community

For more information, please contact Kathy Drea at [kathy.drea@lung.org](mailto:kathy.drea@lung.org)/ 217.971.7274; Shana Crews at [shana.crews@cancer.org](mailto:shana.crews@cancer.org)/ 309.645.6909, Matt Maloney at [mmaloney@lungchicago.org](mailto:mmaloney@lungchicago.org)/773.818.0088; Julie Mirostaw at [julie.mirostaw@heart.org](mailto:julie.mirostaw@heart.org)/ 773.885.3650



WEST CHICAGO  
POLICE DEPARTMENT  
MONTHLY REPORT



[MARCH 2018]

*Michael Uplegger, Chief of Police*



WEST CHICAGO POLICE DEPARTMENT MONTHLY REPORT

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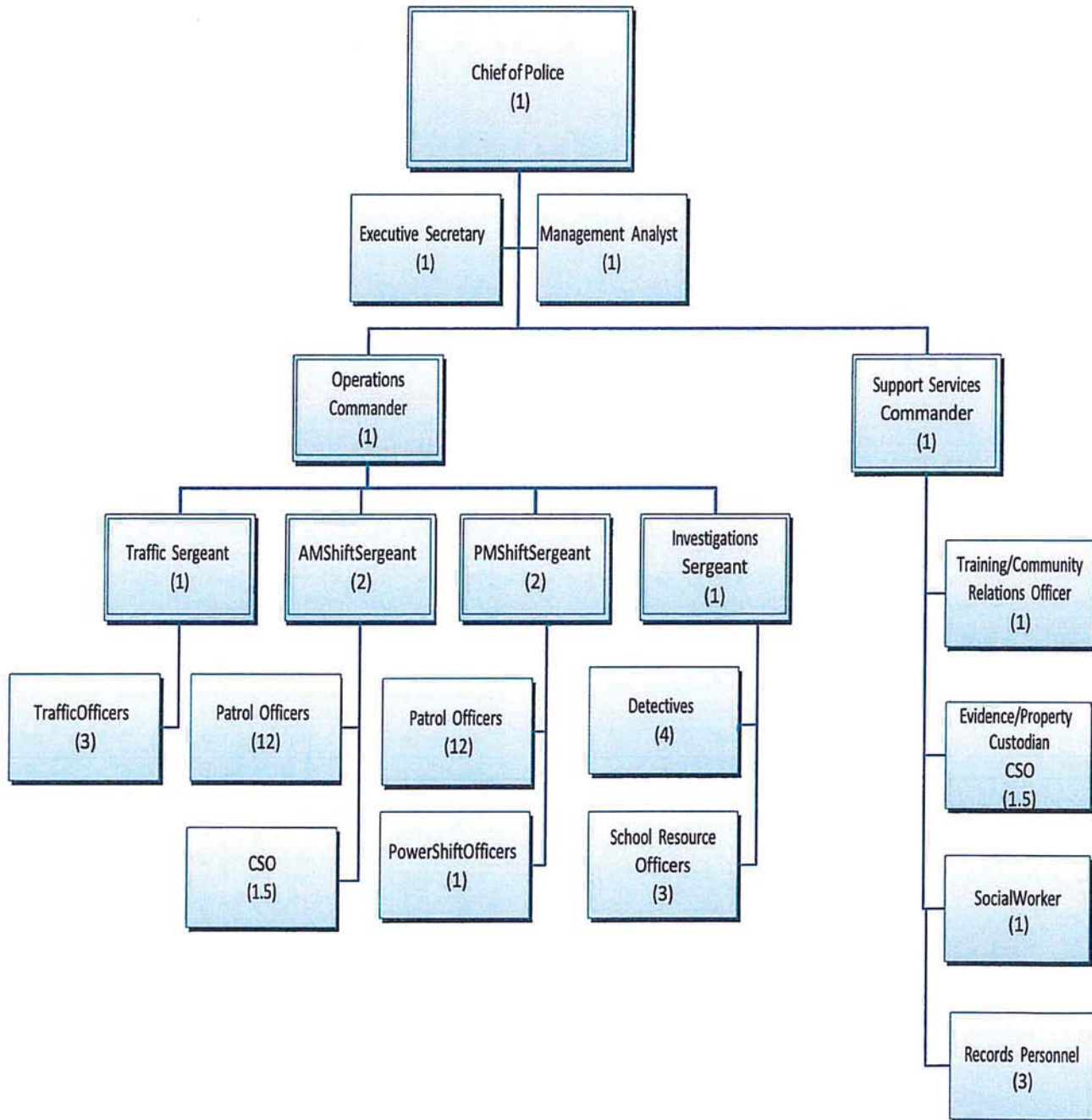
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## WEST CHICAGO POLICE DEPARTMENT

### ORGANIZATIONAL CHART





## *WEST CHICAGO POLICE DEPARTMENT MONTHLY REPORT*

### **DEPARTMENT OVERVIEW**

The Mission of the West Chicago Police Department is to Protect Life and Liberty, Provide Quality Police Services, and Forge Community Partnerships with Integrity and Professionalism.

There are three divisions in the Police Department: Office of the Chief of Police, Support Services Division, and the Patrol Division.

The Office of the Chief of Police's primary responsibility is to provide general management direction and control for the Department. The Office of the Chief of Police consists of the Management Analyst, and the Executive Secretary.

The Support Services Division consists of Community Relations, Evidence/Property, Vehicle and Building Maintenance, Records, and Social Services.

The Patrol Division consists of Uniformed Patrol, Investigations Unit, School Resource Officers, Traffic Safety Unit, and Community Service Officers.



## PERSONNEL



Beginning in March 2018, a group of West Chicago Police Officers volunteered to wear and field test body cameras while on patrol. The Department is taking advantage of an offer from Axon which is providing the Department with the cameras, supporting hardware, software, data storage, training, and support free of cost for one year. The new body-worn cameras will supplement the in-car cameras already mounted in each police vehicles.

On March 4<sup>th</sup>, members of the West Chicago Police Department, their families and friends, participated in the Polar Plunge at Silver Springs State Park. The Polar Plunge is the first of many events across the State as part of the Law Enforcement Torch Run fundraising campaign to benefit Special Olympics Illinois this year. Plungers this year included Chief Uplegger, Officer Jones, Detective Peterson and members of his family, the Harper family and Jordan Meister.



Westchester Police Chief Steven Stelter, 2nd Vice-president of the Illinois Chiefs of Police Association, attended the March 5<sup>th</sup> City Council meeting to present Chief Uplegger with the Illinois Law Enforcement Accreditation Program (ILEAP) Accreditation Award. The Department successfully completed the process for Tier II Accreditation. Accreditation is the ongoing process whereby agencies evaluate policies and procedures against established criteria, and compliance with those criteria as verified by an independent and authoritative body, the Illinois Law Enforcement Accreditation Council.



## WEST CHICAGO POLICE DEPARTMENT MONTHLY REPORT

### PERSONNEL



On March 9<sup>th</sup>, Katie Sullivan, Special Education Transition Teacher at the West Chicago Community High School and a group of her students visited the Police Station. The students toured the Station, met Chief Uplegger, and viewed some of the Department's equipment. The students also brought handmade cards and cookies for the Officers.

On March 29<sup>th</sup>, Justin Rigler, who spent the last several years working for the City as a Community Service Officer, was sworn in as the Department's newest officer. Officer Rigler will be attending the Suburban Law Enforcement Academy beginning April 2<sup>nd</sup>.



The Reach For the Moon Foundation generously donated 70 Easter baskets for area families in need. Social Services Coordinator, Rosie Valencia, distributed these baskets to area families.



## WEST CHICAGO POLICE DEPARTMENT MONTHLY REPORT

### CRIMINAL ACTIVITIES

#### Criminal Damage to Property:

Person(s) unknown damaged the front door and two adjacent windows of a building in the 800 block of Main St. The property owner suspects a tenant is responsible for the damage. Investigation is ongoing.

Person(s) unknown removed four numbers from a mailbox in the 1400 block of S. Neltor Blvd.

Person(s) unknown backed a delivery truck onto a lawn in the 100 block of Arbor St. The owner of the liquor store, where the delivery was made, will review surveillance video in an attempt to identify the truck and/or driver. Investigation is ongoing.

Person(s) unknown cut an outdoor lighting electrical cord at a residence in the 1600 block of Whispering Oaks Ct.

Person(s) unknown cut an outdoor lighting electrical cord at a residence in the 2600 block of Havens Dr.

Person(s) unknown damaged a vehicle parked in the 800 block of Main St. Four BB or pellet type marks were found on the windshield and frame of the vehicle.

#### Criminal Defacement:

Person(s) unknown spray painted non-gang related graffiti on a fence in the 400 block of Fremont St.

Person(s) unknown spray painted non-gang related graffiti on a shed at the northwest quadrant of the intersection of Ann St. and the Canadian National railroad crossing.

Person(s) unknown spray painted gang related graffiti on the west side of a building in the 100 block of S. Neltor Blvd.

#### Motor Vehicle Theft:

On March 12<sup>th</sup>, at approximately 5:30 a.m., person(s) unknown stole a vehicle from a driveway in the 1200 block of S. Oak St. The owner left the vehicle running with the keys in the car while she was in the residence. On March 13<sup>th</sup>, at approximately 3:18 a.m. the Elmwood Park Police Department advised us that they had recovered our stolen car. The vehicle had been involved in a crash in its City, and they currently had two female juveniles, who were passengers in the vehicle, in custody. The driver of the stolen vehicle, carjacked the vehicle he crashed into and fled the scene. Investigation is ongoing.

#### Retail Theft:

On February 28<sup>th</sup>, a known customer removed \$80.00 in shrimp from Carnicerias Jimenez located at 559 Main St. without paying for it. When the individual returned on a later date, store management contacted the police. Store surveillance clearly showed the individual stealing the shrimp. Store management declined to press charges after the individual paid for the shrimp.

#### Recovered Stolen Auto:

A vehicle reported as stolen out of Chicago was found unoccupied and running in the 1200 block of S. Oak St. The Chicago Police Department was notified and the vehicle was towed from the scene.

#### Residential Burglary:

Person(s) unknown forced entry to a residence in the 300 block of E. Hazel St. and ransacked a bedroom. The homeowner stated that upon returning home they found the back door open. The homeowner stated that nothing appeared to be missing from the home. Investigation is ongoing.

## WEST CHICAGO POLICE DEPARTMENT MONTHLY REPORT

### CRIMINAL ACTIVITIES

Person(s) unknown forced entry to a residence in the 1400 block of Snowberry Ln. and went through all the bedrooms in the house. At the time of the initial report only a Mac Book Pro computer is known to have been taken. Investigation is ongoing.

Forgery:

Person(s) unknown made a purchase at La Indita located at 329 S. Wilson Ave., with a counterfeit \$50.00 bill.

Fraud:

Person(s) unknown attempted to make a purchase at the Burger King located at 340 S. Neltor Blvd., with two counterfeit \$20.00 bills. Investigation is ongoing.

Credit Card Fraud:

Person(s) unknown opened a credit card account using the victim's name and information. The victim learned of the fraudulent account when she was contacted by a collection agency advising she owed an outstanding balance of \$709.29 on the credit card account.

Fraud/Theft:

A known person made a number of online purchases using the victim's debit card account. The victim's account has been charged over \$4,200.00 for these unauthorized purchases. The complainant will press charges if she is not compensated for these purchases.

Attempted Burglary to Motor Vehicle:

Three individuals were observed going through vehicles parked in a lot in the 300 block of Main St. A witness confronted the suspects and told them to turn over whatever they had removed from the cars. Two suspects ran westbound from the scene and the witness stated he wrestled with the third for the item(s) he removed from the vehicle(s). The suspect ultimately dropped an LG Tablet, and fled the scene. The tablet was returned to the owner. Investigation is ongoing.

Public Indecency:

An individual was causing a disturbance in a business in the 500 block of Main St. and was said to be urinating on the sidewalk in front of the business. The offender was located at the McDonalds at Main St. and Neltor Blvd. The individual was brought back to the business where he was identified as the offender by store personnel. The offender was issued two local Ordinance citations for Public Indecency and served with a Criminal Trespass to Property Letter.

Public Drunkenness:

Officers responded to the 300 block of E. Stimmel St. for the report of an individual lying in a yard. Upon arrival, Officers determined the individual was highly intoxicated and contacted the West Chicago Fire Protection District. Upon it's arrival, it was determined the suspect needed to be transported to the hospital for further evaluation. The suspect was issued a local Ordinance citation for Public Drunkenness prior to being transported to Central DuPage Hospital.



## CRIMINAL ACTIVITIES

### Disorderly Conduct:

A known person shattered a window to a business in the 900 block of E. Roosevelt Rd. The offender was attending a private party at the establishment when she became upset about being advised she could have no more to drink due to her intoxicated state. The individual left the establishment but returned a short time later and began to pound on the front window with her fists at which time the window shattered. Glass debris landed on a table of juveniles seated by the window. At the request of one of the juvenile's parent, the offender was issued a local Ordinance citation for Disorderly Conduct.

### Identity Theft:

Person(s) unknown was found to be using the victim's social security number. The victim learned someone was using her identity when she went to open a credit card account and was told that she owed Sears \$1,500.00. Investigation is ongoing.

### Theft Over \$500:

Person(s) unknown removed the victim's iPhone from a residence in the 100 block of W. Brown St. The victim was at the residence and when he left, forgot his phone on the kitchen table. Returning later, the phone was found to be missing. Loss is estimated at \$700.00.

Person(s) unknown removed the victim's iPhone from a residence in the 900 block of Carolina Dr. The victim had been attending a party when she noticed that her phone was missing. Loss is estimated at \$800.00.

### Telephone Threat:

Person(s) unknown called a residence in the 100 block of W. Stimmel St. and told them a resident at the address was going to be shot by gang members.

Person(s) unknown sent a text message, which included a photo of the victim and former spouse, with the caption "if someone doesn't pay him someone will need to go". The victim blocked the number from which the threatening text message was sent.

A known person sent threatening text messages to the victim. The victim declined to press charges and asked for Officers to contact the suspect and advise him to stop. An Officer contacted the suspect and told him to cease contact with the victim.

### Theft Under \$500:

Person(s) unknown removed two cell phones from unsecured lockers at Leman Middle School located at 238 E. Hazel St. Loss is estimated at \$800.00.

A known person removed a Nintendo 3DS gaming system from a residence in the 600 block of Nor Oaks Ct. The victim believes a friend took the gaming system. The suspect was located and asked about the gaming system. The suspect stated he found the Nintendo 3DS on the ground at the skate park, and only recently discovered who it belonged to and he planned to return it. The suspect returned the gaming system to the owner. No charges filed.

## CRIMINAL ACTIVITIES

### Aggravated Assault:

A known person is alleged to have pointed a handgun at the victim during a traffic altercation at Prince Crossing Rd. and Geneva St. The victim was able to obtain a license plate number for the offender's vehicle. Investigation is ongoing.

### Assault:

A known suspect threatened to strike the victim with a liquor bottle at a residence in the 800 block of Burr Oaks Dr. The suspect was taken into custody and charged with one count of assault.

### Battery:

A known person choked a victim at a facility in the 200 block of W. North Ave. Due to the mental condition of both the victim and offender, no charges were filed.

A known person struck the victim in the face at a facility in the 200 block of W. North Ave. Due to the mental condition of both the victim and offender, no charges were filed.

A known person struck the victim in the face with a closed fist at a facility in the 200 block of W. North Ave. Due to the mental condition of both the victim and offender, no charges were filed.

### Criminal Trespass to Property:

A known suspect was found sleeping in the train depot located at 508 Main St., after having been served with a No Trespassing Letter. The suspect was issued a local Ordinance citation for Criminal Trespass to Property and sent on his way.

On three separate occasions, a known suspect was found in the train depot located at 508 Main St., after having been served with a No Trespassing Letter. On two of the occasions the suspect was issued local Ordinance citations for Criminal Trespass to Property as well as Public Drunkenness. On the third occasion, the offender was located asleep in the train depot. She was arrested, transported to the Station, processed and charged with Criminal Trespass to Property and released.

A known suspect entered a residence in the 400 block of Colford Ave. when no one was home. The suspect entered the home through an unlocked side door and then later exited the home by another door. The victim does not believe anything is missing at this time. A complaint and warrant for Criminal Trespass to Residence has been obtained. Investigation is ongoing.



*WEST CHICAGO POLICE DEPARTMENT MONTHLY REPORT*

**MONTHLY PERFORMANCE**

<b>Activities</b>	<b>Dec. 2017</b>	<b>Jan. 2018</b>	<b>Feb. 2018</b>	<b>March 2018</b>	<b>YTD 2018</b>	<b>YTD 2017</b>	<b>Total 2017</b>
<b>Calls for Service (911 Calls)</b>	745	715	694	746	2,178	2,062	10,267
<b>Officer Generated Activity</b>	2,194	2,167	1,790	1,967	5,924	5,654	23,472
<b>Traffic Stops</b>	736	855	815	867	2,537	2,310	9,032
<b>Traffic Citations</b>	319	430	475	486	1,391	784	3,563
<b>Traffic Warnings</b>	538	525	441	490	1,456	1,763	6,296
<b>Parking Citations</b>	322	335	228	202	765	855	3,026
<b>Traffic Crashes</b>	74	106	68	50	224	198	886
<b>Incident Reports</b>	269	281	286	312	879	875	3,720

WEST CHICAGO POLICE DEPARTMENT MONTHLY REPORT

UNIFORM CRIME REPORT

State law mandates Illinois law enforcement agencies report the occurrence of selected offenses and arrests within specific Index Crime categories. The State then forwards the data to the Federal Bureau of Investigation. The Uniform Crime Reporting (UCR) Program has been the starting place for law enforcement executives, students of criminal justice, researchers, members of the media, and the public at large seeking information on crime in the nation.

Crime	2016Total	2017Total	2018YTD
Murder	0	0	0
Robbery	10	11	2
Criminal Sexual Assault	6	7	4
Aggravated Assault/Battery	17	12	5
Burglary	46	53	8
Theft	240	250	41
Arson	2	1	0
Motor Vehicle Theft	14	15	2
Human Trafficking Commercial Sex Acts	*	*	0
Human Trafficking Involuntary Servitude	*	*	0
<b>Total UCR</b>	<b>335</b>	<b>349</b>	<b>62</b>

SUPPLEMENTAL CRIMES

Criminal Damage to Motor Vehicle	103	68	9
Criminal Damage to Property	59	54	19
Criminal Defacement	92	34	24
Simple Assault/Battery	81	67	25
<b>Total Supplemental</b>	<b>335</b>	<b>223</b>	<b>77</b>



## OFFICER ACTIVITIES

On December 25<sup>th</sup>, Officer Richards and Diveley responded to a residential burglary call in the 900 block of Academy Ln. Entry to the home had been made by breaking a basement window. Missing from the home were all the wrapped presents, gift cards and other miscellaneous items. The victim was able to provide receipts for a number of the presents that were stolen, including a Nintendo Switch. On February 19<sup>th</sup>, Detective Herbert received notification that one of the items taken during the burglary had been pawned in Warrenville. Detectives Bowers and Herbert were able to identify and recover the Nintendo Switch. The pawn shop provided information as to the identity of the individual who pawned the item. On March 13<sup>th</sup>, Officers Fearon and Calabrese stopped a vehicle where the suspect was a passenger. The suspect was taken into custody and transported to the Station where he was interviewed by Detective Hebert. The suspect did not provide information or a confession. The suspect was released without charges at this time. On March 15<sup>th</sup>, Detective Herbert obtained a complaint and warrant for Theft Under \$500. On March 21<sup>st</sup>, the suspect was arrested by Sergeant Langelan and Officer Diveley. The suspect was processed, provided with copies of the paperwork and released from custody.

On March 12<sup>th</sup>, Officer Schoonhoven stopped a vehicle for a speeding in the area of Roosevelt Rd. and Joliet St. Upon speaking with the driver, Officer Schoonhoven detected an odor of cannabis emanating from the vehicle. Officers Berg, Diveley and Zepeda arrived on scene to assist. Due to the odor of cannabis, the driver was asked multiple times to step from the vehicle so a search of the vehicle could be conducted. The driver refused, rolled up the windows, locked the car doors and asked for a supervisor to respond to the scene. Officer in Charge Perry arrived and also spoke with the suspect. For 45 minutes the suspect refused to open the door and exit the vehicle. A K9 Unit from the Naperville Police Department was requested and responded to the scene. Upon arrival of the K9, the suspect exited the vehicle. Upon searching the vehicle, the K9 alerted on multiple locations within the vehicle where drugs may be hidden. A search of the vehicle located a glass jar and four plastic bags containing cannabis, cannabis waxes and a small glass container of suspected cannabis oil. Also found in the vehicle, were two glass pipes and a cannabis wax heater. The suspect was arrested and transported to the Station to be interviewed. During the interview, the offender admitted the contraband found in the car was for his personal use. The DuPage County State's Attorney's Office was contacted and declined felony charges. The offender was charged with Speeding, Resisting a Peace Officer, Possession of Cannabis and Possession of Drug Paraphernalia. The offender was processed and released from custody.



#### OFFICER ACTIVITIES

On December 27<sup>th</sup>, Officers Diveley, Richards and Perry and Sergeant Langelan responded to the Thornton's gas station located at 1330 S. Neltnor Blvd. for a reported armed robbery. An unknown person, wearing a black mask, entered the Thornton's gas station, produced a black handgun and demanded the clerk open the register and safe. The suspect took a carton of cigarettes and \$341.00 in cash. The clerk was told to hand the suspect his personal and business cell phones. The offender then fled in a northwest direction from the scene. Detectives Bowers and Herbert obtained video of the suspect and created an informational bulletin with the offender's picture that was disseminated to area law enforcement agencies. On January 10<sup>th</sup>, Detective Bowers received information on a possible suspect. On January 30<sup>th</sup>, Detectives Bowers and Herbert interviewed the suspect and his mother. On the same date search warrants were executed at the suspect's residence. On March 1<sup>st</sup>, the DuPage County State's Attorney approved a count of Armed Robbery against the suspect. On March 5<sup>th</sup>, Detective Bowers appeared before a judge who approved the complaint and warrant, setting bond at \$100,000.00. On March 6<sup>th</sup>, the offender was served with his copies of the complaint and warrant and processed while he was in custody at the Kane County Jail on unrelated charges.

On March 12<sup>th</sup>, Officers Calabrese and Fearon were conducting a foot patrol in the 100 block of E. Geneva St. when they observed a suspicious vehicle. The Officers approached the vehicle and questioned the occupants. While speaking with the occupants of the vehicle, the Officers detected an odor of cannabis coming from the vehicle. The occupants were asked if there was anything illegal in the vehicle. The driver admitted there was cannabis in a backpack in the car. Officer Sauseda arrived on scene to assist. The occupants exited the vehicle and a search of the car was conducted. Found during the search were a grinder, two digital scales, three bags and one small jar containing cannabis. The driver was placed under arrest and transported to the Station where he was issued local Ordinance citations for Possession of Cannabis and Possession of Drug Paraphernalia.

On March 16<sup>th</sup>, Officer Calabrese observed a vehicle enter onto Geneva St. from a driveway without stopping or yielding to traffic on Geneva St. Officer Calabrese initiated a traffic stop on the vehicle in the area behind the La Chiquita supermarket. Officer Fearon arrived on scene to assist with the stop. Upon speaking with the driver, an odor of cannabis was detected emanating from the vehicle. When asked, the driver admitted to having a "quad" or approximately 10 ounces of cannabis in the car. A search of the car was conducted. Officers located cannabis, three "vapes" and a digital scale with cannabis residue. The driver was arrested and transported to the Station where he was processed and charged with Possession of Cannabis and Possession of Drug Paraphernalia.

On March 18<sup>th</sup>, Officers Sauseda, Fearon and Calabrese and Officer in Charge Cummings responded to a check on well-being call in the 200 block of Heritage Woods Dr. The complainant was concerned because she has been unable to contact the individual for several days. There was no answer at the door and upon looking through a window, Officers observed an individual lying on the floor. The person's feet appeared to be purple in color and the man did not respond to verbal calls. The doors and windows to the home were locked. Officers forcibly gained access to the house and made contact with the victim. West Chicago Fire Protection District Staff arrived on scene and transported him to Central DuPage Hospital for further medical care.



## OFFICER ACTIVITIES

On March 21<sup>st</sup>, Officer Kowalik responded to the Station for a theft report. Officer Kowalik learned that person(s) unknown removed three bags of snacks worth \$7.00 from La Indita located at 329 S. Wilson Ave. without paying. The theft was captured on the store's surveillance system. On March 22<sup>nd</sup>, while patrolling the area of Turner Ct. and Main St, Officer Kowalik observed two subjects who fit the description of the offenders from the previous day's retail theft. When stopped and questioned, the suspects asked if they could repay the store for the items. Upon initiating a records check on both individuals, Officer Kowalik learned that they were both reported as missing juveniles and one of the suspects was also wanted on a warrant out of Kane County for Failure to Appear on a Robbery charge. Officer Makofski arrived on scene to assist. The suspects were transported to the Station where the necessary notifications were made. The subject wanted on the warrant was transported to the Kane County Youth Home and the second suspect was released to a parent.

On March 12<sup>th</sup>, Officers Gelsomino and Nielsen responded to a residence in the 300 block of E. Pomeroy St. for a report of a person who had fainted. Upon arrival, officers discovered the individual's breathing was abnormal and had a fast pulse. The Officers moved the subject to the floor and administered sternal rubs and called the victim's name. When the individual did not respond, two doses of Narcan were administered. The subject regained consciousness and sat up. The individual stated he had ingested heroin and had overdosed again. West Chicago Fire Protection District personnel transported the individual to Central DuPage Hospital.

On March 29<sup>th</sup>, Officers responded to the Station for a walk-in Armed Robbery complaint. The victim related that while at an apartment in the 300 block of Wilson Ave. he was robbed at gunpoint of a gold chain. The victim stated that after the suspect took the chain he went into another room in the apartment at which time the victim fled the apartment and went to the Station where he met with Officer Makofski and Detective Bowers. The victim was able to identify the offender from a photo lineup. Additional investigators started a surveillance of the apartment where the suspect was. The suspect was observed exiting the apartment, entering a taxi and leaving the area. Officer Bertany, Detective Herbert and Sergeant Zurick initiated a traffic stop of the taxi at Main St. and Neltnor Blvd. where the suspect was taken into custody. A second individual was observed exiting the apartment, entering a vehicle and driving to the 200 block of E. Pomeroy St. where another subject entered the car. Officers approached the vehicle and met with the occupants of the vehicle. It was learned during this encounter, that the individual who drove to Pomeroy St. did not have a driver's license. A consent search of the car was obtained and a pipe used to smoke methamphetamines was discovered. Both subjects were placed under arrest for Possession of Drug Paraphernalia, and transported to the Station to be interviewed. Detectives Herbert and Bowers and Officer Potts obtained consent to search the apartment where the offense occurred. Numerous items of drug paraphernalia were located in the apartment used by the suspect. Detectives Herbert and Bowers relocated to another apartment in the complex where a friend of the offender lived. The occupants of this apartment granted officers consent to search their apartment. Detective Herbert located a yellow gold chain with a cross on it hidden inside of a shoe. The chain matched the description of the stolen chain provided by the victim. Officers also found bags of cannabis, ammunition, a .38 caliber revolver, an extended clip for a 9mm, and a 9mm handgun. The DuPage County State's Attorney's Office was contacted and approved charges of Armed Robbery and Robbery. The offender was processed, provided with copies of his paperwork and transported to DuPage County Jail.



# City of West Chicago

475 Main Street  
West Chicago, IL 60185



DEPARTMENT OF PUBLIC WORKS

Return To: Tim Wilcox email [twilcox@westchicago.org](mailto:twilcox@westchicago.org) - Fax (630) 293-2971

## Quotation Request

The above number must appear on all  
quotations and related correspondences

**THIS IS NOT AN ORDER**

VENDOR		Summary of Quotations					
* Aubrey Sign Co. 1847 Suncastr Lane Batavia, IL 60510 (630) 482-9901 <a href="mailto:sales@aubreysigns.com">sales@aubreysigns.com</a>	Item	Quantity	Vendor #1	Vendor #2	Vendor #3	Vendor #4	
	1	2	\$15,190.00	\$13,410.80	\$18,300.00	\$13,084.00	
	2	2	\$1,500.00	\$1,344.00	\$1,850.00	\$3,498.00	
	3	2	\$0.00	\$1,040.00	\$2,400.00	\$1,780.00	
Signarama 946 N. Neltnor Blvd. West Chicago, IL 60185 (630) 293-7300 <a href="mailto:ic@signarama-westchicago.com">ic@signarama-westchicago.com</a>	4	4	\$28,510.00	\$25,396.00	\$34,600.00	\$25,948.00	
	5	4	\$3,000.00	\$2,688.00	\$3,380.00	\$6,996.00	
	6	4	\$0.00	\$2,080.00	\$4,800.00	\$3,560.00	
	2 signs only		\$15,190.00	\$14,450.80	\$20,700.00	\$14,864.00	
* Parvin-Clauss Sign Company 165 Tubeway Dr. Carol Stream, IL 60188 (630) 510-2020 <a href="mailto:JJBank@parvinclauss.com">JJBank@parvinclauss.com</a>	2 signs with plaques		\$16,690.00	\$15,794.80	\$22,550.00	\$18,362.00	
	4 signs only		\$28,510.00	\$27,476.00	\$39,400.00	\$29,508.00	
	4 signs with plaques		\$31,510.00	\$30,164.00	\$42,780.00	\$36,504.00	
	Terms						
* DeSign Group Signage Corporation 2135 S. Frontage Rd. Des Plaines, IL 60018 847-390-0350 <a href="mailto:kbucyk@designgroupsignage.com">kbucyk@designgroupsignage.com</a>	F.O.B.						
	Shipment						
	Award To:						

Date Issued  
3/9/2018

THIS INQUIRY IMPLIES NO OBLIGATION ON OUR PART.  
CHANGES OR SUGGESTIONS OFFERING COST  
ECONOMIES ARE SOLICITED.

DELIVERY REQUIRED

REPLY BEFORE  
3/19/2018

ITEM	QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT
1	2	Peachtree Foamcraft Synthetic Stucco Monument Signs for City Hall & Police Station (Cost to include shipping) (see attached plan views for dimensions/text details)		
2	2	Optional bronze City of West Chicago logo, mounted on left column (logo dimensions proportional to 1ft width logo) Similar to Logo mounted on City Monument sign located at Main Street and Route 59. (cost to included mounting)		
3	2	Installation cost for signs		
4	4	Alternate cost for item 1 if an additional two signs ordered (four total)		
5	4	Alternate cost for item 2 if an additional two signs ordered		
6	4	Alternate cost for item 3 if an additional two signs ordered		
Note: custom, two column synthetic stucco monument signs (one sided graphics) with faux stone finish on columns to match Sesquicentennial Park entry (Main Street at Wilson Ave. Bridge) and existing gateway sign colors				

TERMS

F.O.B.

SHIPPING WEIGHT

SHIPMENT REQUIRED

Buyer \_\_\_\_\_

Reason Order Placed With Successful Bidder

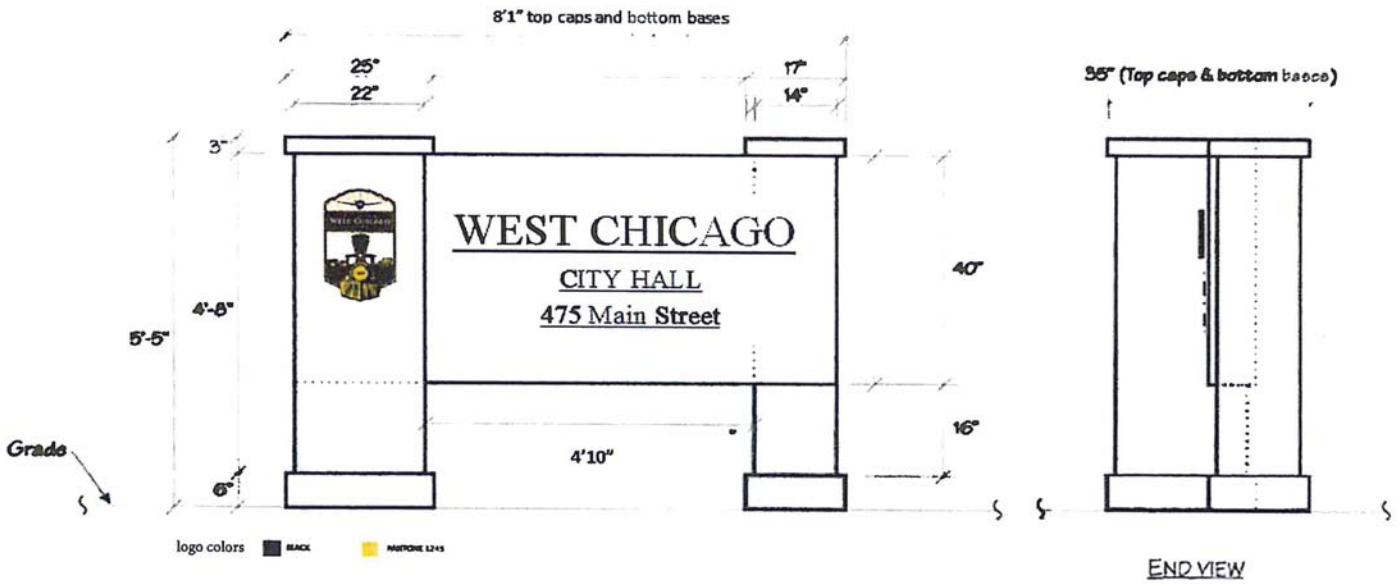
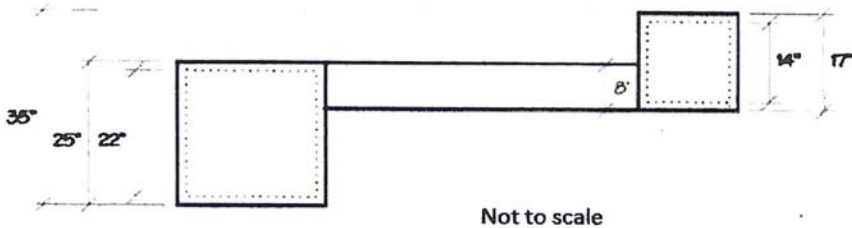
Other Reasons

Lowest Price	Quality	Best Delivery	Only Service	Best Source	Best Design

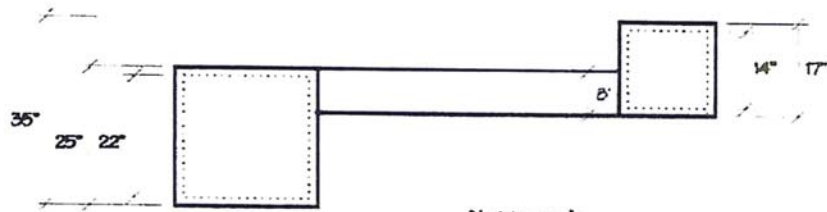
Retain This Original in Purchasing Department



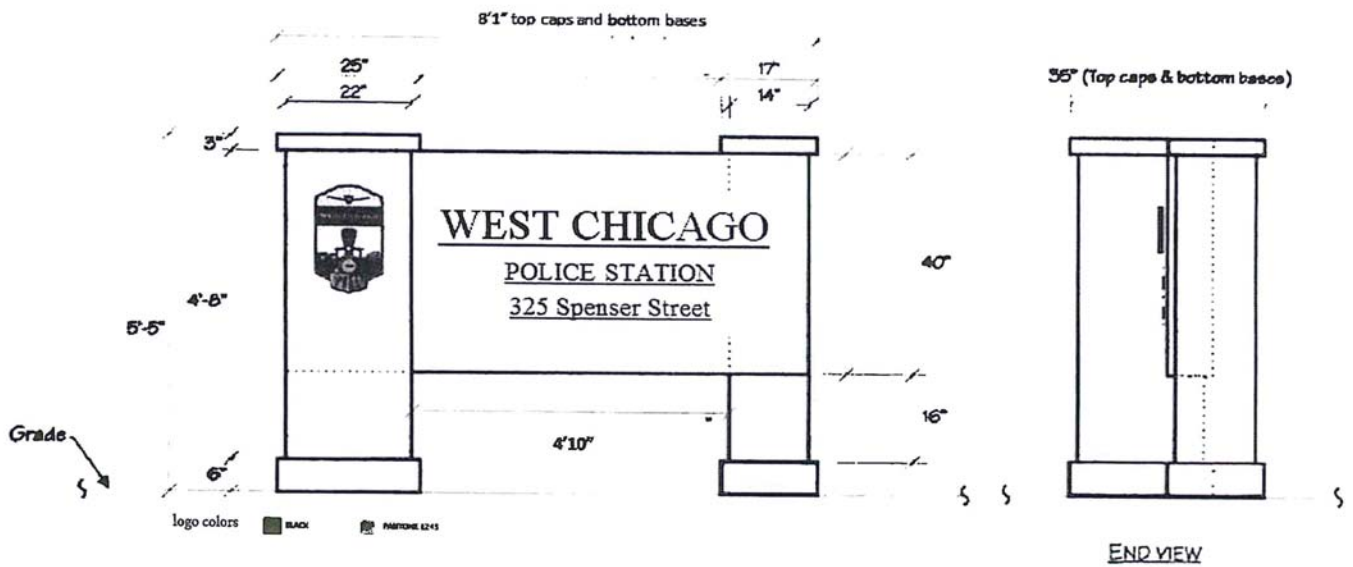
# CITY HALL



# POLICE STATION

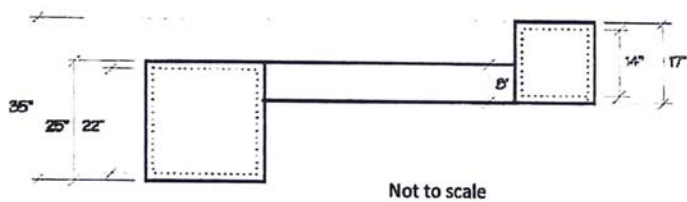


Not to scale

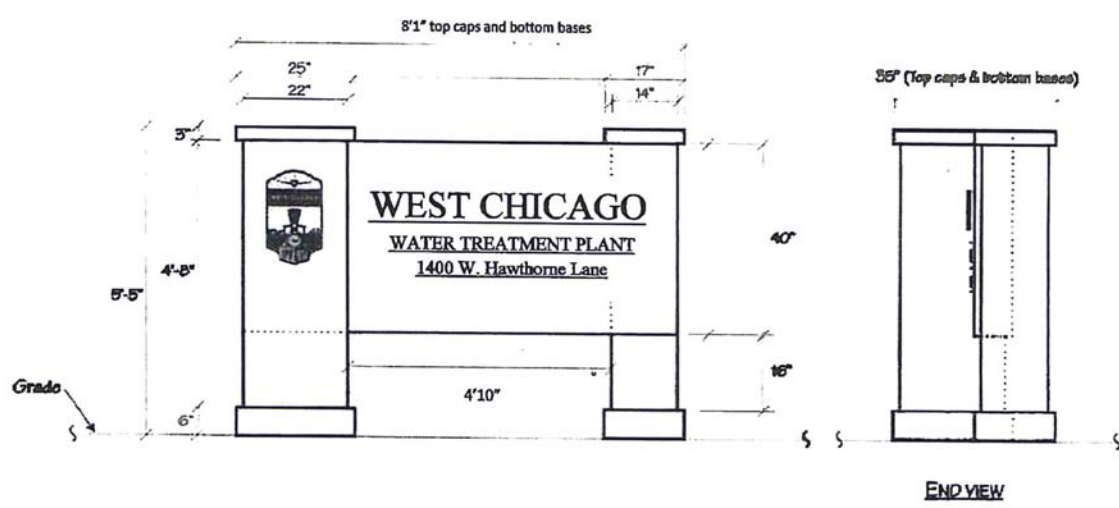




# WATER TREATMENT PLANT



Not to scale



Optional additional sign 1 of 2