

**AN ORDINANCE CLARIFYING THE CITY CODE CONCERNING
SMOKING LOUNGES AND INDOOR SMOKING**

WHEREAS, the City of Rolling Meadows is a home rule municipality in accordance with Article VII, Section 6 of the Constitution of the State of Illinois of 1970 and has the authority to exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, the City has adopted a licensing scheme and regulations that apply to tobacco and industrial hemp dealers in Division 2 ("Tobacco and Industrial Hemp Dealers") of Article II ("Merchants") of Chapter 22 ("Businesses") of the Rolling Meadows Municipal Code ("***Tobacco Regulations***"); and

WHEREAS, the Tobacco Regulations define as a "Smoking Lounge" those commercial establishments where tobacco and industrial hemp products are used by persons on the premises; and

WHEREAS, the City Council desires to adopt additional regulations to clarify and ensure that Smoking Lounges do not operate as bars or restaurants or otherwise in violation of the Smoke Free Illinois Act (410 ILCS 82/1 *et seq.*); and

WHEREAS, the City Council further desires to amend its local adoption of the Smoke Free Illinois Act to clarify and enact greater restrictions than State law by only allowing licensed Smoking Lounges to utilize an exemption allowing indoor smoking at retail tobacco stores; and

WHEREAS, the Corporate Authorities of the City of Rolling Meadows have determined that it would be in the best interest of the City to amend the Tobacco Regulations as set forth in this Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Rolling Meadows, Illinois:

Section 1: Recitals. The recitals set forth above are incorporated herein by reference as the findings of the Corporate Authorities.

Section 2: Amendment to Section 22-111. Section 22-111 ("Operating regulations") of Division 2 ("Tobacco and Industrial Hemp Dealers") of Article II ("Merchants") of Chapter 22 ("Businesses") is hereby amended to insert new regulations applicable to Smoking Lounges as follows [additions are **bold and double-underlined**; ~~deletions are struck through~~]:

"Sec. 22-111 Operating regulations.

Each establishment licensed pursuant to this Division 2 shall operate in the following manner at all times, and failure to do so shall be grounds for possible revocation of the applicable license:

* * *

(g) Nature of smoking lounge business.

(1) Gross revenue.

**(i) A premises licensed as a smoking lounge must
 primarily be engaged in the sale of Regulated Products.**

to which the sale of other products is merely incidental.

(ii) Not less than 80 percent of the licensee's annual gross income shall derive from the sale of loose tobacco, plants, herbs and cigars, cigarettes, pipes or other smoking devices for smoking tobacco and related smoking accessories.

(iii) The licensee shall annually file an affidavit with the Illinois Department of Public Health by January 31 attesting to the licensee's income from tobacco products as required by the Smoke Free Illinois Act for retail tobacco stores (410 ILCS 82/35(2)) and shall concurrently file a copy of the affidavit with the City.

(2) No premises licensed as a smoking lounge shall be licensed to deliver, sell, or offer to sell at retail any alcoholic liquor or to operate any video gaming terminals pursuant to Chapter 6 ("Alcoholic Beverages") of this Code.

(3) No premises licensed as a smoking lounge shall operate as a Category I or Category II food establishment as those terms are defined in the Illinois Food Code (77 Ill. Adm. Code 750)."

Section 3: Amendment to Section 70-227. Section 70-227 ("Definitions") of Division 2 ("Clean Indoor Air") of Article V ("Tobacco Products") of Chapter 70 ("Offenses and Miscellaneous Provisions") is hereby amended to delete the definition of "retail tobacco store" as follows [additions are **bold and double-underlined**; deletions are struck through]:

"Sec. 70-227 Definitions.

In this division:

* * *

~~Retail tobacco store means a retail establishment that does not permit the consumption of food or beverages on the premises, and derives more than 80 percent of its gross revenue from the sale of loose tobacco, plants, or herbs and cigars, cigarettes, pipes, and other smoking devices for burning tobacco and related smoking accessories and in which the sale of other products is merely incidental. "Retail tobacco store" does not include a tobacco department or section of a larger commercial establishment or any establishment with any type of liquor, food, or restaurant license.~~

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Section 4: Amendment to Section 70-232. Section 70-232 ("Exemptions") of Division 2 ("Clean Indoor Air") of Article V ("Tobacco Products") of Chapter 70 ("Offenses and Miscellaneous Provisions") is hereby amended as follows [additions are **bold and double-underlined**; deletions are struck through]:

"Sec. 70-232 Exemptions.

Notwithstanding any other provisions of this division, smoking is allowed in the following areas:

* * *

~~(2) Retail tobacco stores as defined in section 70-227 of this division in operation prior to January 1, 2008. The retail tobacco store shall annually file with the department by January 31 an affidavit stating the percentage of its gross income during the prior calendar year that was derived from the sale of loose tobacco, plants, or herbs and cigars, cigarettes, pipes, or other smoking devices for smoking tobacco and related smoking accessories. Any retail tobacco store that begins operation after the January 1, 2008, may only qualify for an exemption if located in a freestanding structure occupied solely by the business and smoke from the business does not migrate into an enclosed area where smoke is prohibited. **A premises currently licensed as a "smoking lounge" pursuant to Section 22-107 of this Code.**~~

* * *

Section 5: Severability. If any provision of this Ordinance or part thereof is held invalid by a court of competent jurisdiction, the remaining provisions of this Ordinance shall remain in full force and effect, and shall be interpreted, applied, and enforced so as to achieve, as near as may be, the purpose and intent of this Ordinance to the greatest extent permitted by applicable law.

Section 6: Effective Date. This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form in the manner provided by law.

PASSED AND APPROVED by the City Council of Rolling Meadows, Cook County, Illinois this 9th day of September, 2025.

AYES: Boucher, Reyez, Koehler, McHale, Budmats, O'Brien, Vinezeano

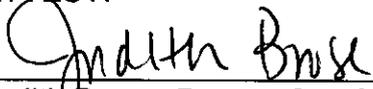
NAYS: 0

ABSENT: 0



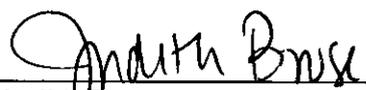
Lara Sanoica, Mayor

ATTEST:



Judith Brose, Deputy City Clerk

Published this 10th day of September, 2025.



Judith Brose, Deputy City Clerk