

**EXHIBIT A—AMENDED VILLAGE CODE OF ORDINANCE SECTIONS 136.35
THROUGH 136.44**

§ 136.35 DEFINITIONS.

For the purposes of this subchapter, the following words and phrases shall have the meanings respectively ascribed to them:

"SMOKING MATERIALS." Any substance included within the definitions of the terms "tobacco products", "electronic cigarettes" and "alternative nicotine products" as set forth within the Illinois Prevention of Tobacco Use by Minors and Sale and Distribution of Tobacco Products Act, 720 ILCS 670/1 et. seq., as amended.

"VENDING MACHINE." Any mechanical, electric or electronic, self-service device which, upon insertion of money, tokens or any other form of payment, dispenses smoking materials.

"MINOR." A person who has not yet attained the age of 21 years of age.

"PERSON." Any individual, firm, partnership, corporation, company, association, joint venture or any employee or agent thereof.

§ 136.36 PROHIBITED SALES, DELIVERY.

(A) It shall be unlawful for any person to sell, buy for, offer for sale, give away or deliver smoking materials to any person under the age of 21 years, or for any person under the age of 21 years to buy smoking materials.

(B) Before selling, offering for sale, giving, or furnishing smoking materials to another person, the person selling, offering for sale, giving, or furnishing the smoking materials shall verify that the person is at least 21 years of age by:

(1) examining from any person that appears to be under 30 years of age a government-issued photographic identification that establishes the person to be 21 years of age or older; or

(2) for sales of smoking materials made through the Internet or other remote sales methods, performing an age verification through an independent, third party age verification service that compares information available from public records to the personal information entered by the person during the ordering process that establishes the person is 21 years of age or older.

§ 136.37 WARNING SIGNS.

Every person engaged in the business of selling smoking materials shall at all times display signs informing the public of the age restrictions provided for herein. The sign shall be posted by every licensee at or near every display of smoking materials and on or upon every vending machine which offers smoking materials for sale. Each such sign shall be plainly visible and shall state:

"THE SALE OF SMOKING MATERIALS TO PERSONS UNDER TWENTY ONE YEARS

OF AGE IS PROHIBITED BY LAW"

The text of such signs shall be in red letters on a white background, said letters to be at least one inch high.

§ 136.38 MINIMUM AGE TO SELL SMOKING MATERIALS.

It shall be unlawful to engage, employ or permit any person less than 16 years of age to sell smoking materials.

§ 136.39 PURCHASE BY MINORS PROHIBITED.

It shall be unlawful for any person under the age of 21 years to purchase smoking materials, or to misrepresent their identity or age, or to use any false or altered identification for the purpose of purchasing smoking materials. No person shall transfer, alter or deface such an identification card; use the identification card of another; carry or use a false or forged identification card; or obtain an identification card by means of false information.

§ 136.40 POSSESSION BY MINORS PROHIBITED.

It shall be unlawful for any person under the age of 21 years to possess any smoking materials; provided that the possession by a person under the age of 21 years under the direct supervision of the parent or guardian of such person in the privacy of the parent's or guardian's home shall not be prohibited.

§ 136.41 CERTAIN FREE DISTRIBUTIONS PROHIBITED.

It shall be unlawful for any person in the business of selling or otherwise distributing, promoting or advertising smoking materials, or any employee or agent of any such person, in the course of such person's business, to distribute, give away or deliver smoking materials free of charge to any person on any right-of-way, park, playground or other property owned by the village, any school district, any park district or any public library, or to give away or distribute smoking materials under any circumstances where the same would be prohibited by the Illinois Prevention of Tobacco Use by Minors and Sale and Distribution of Tobacco Products Act, 720 ILCS 670/1 et. seq., as amended.

§ 136.42 VENDING MACHINES

Smoking materials may be sold through a vending machine only if such tobacco products, electronic cigarettes, and alternative nicotine products are not placed together with any non-tobacco product, other than matches, in the vending machine and the vending machine is in any of the following locations:

(1) Places to which persons under 21 years of age are not permitted access at any time and

(2) Places where alcoholic beverages are sold and consumed on the premises and the vending machine operation is under the direct supervision of the owner or manager.

§ 136.43 RESPONSIBILITY FOR AGENTS AND EMPLOYEES.

Every act or omission of any nature which constitutes a violation of any of the provisions of this subchapter by any officer, director, manager or other agent or employee of any person possessing a village business license shall be deemed and held to be the act of such licensee; and such licensee shall be punishable in the same manner as if such act or omission had been done or omitted by the licensee personally.

§ 136.44 REVOCATION OF LICENSES.

Violation of this subchapter shall constitute grounds for revocation and/or suspension of any and all village licenses issued to the persons/premises where such violations occur. Such revocation or suspension shall be as provided for in the ordinance granting such license or in any other ordinance providing procedures for the same.