

**Rise of the Campus of the Vapes:
Options for Local Regulation of E-Cigarettes
Around the University of Illinois at Champaign-Urbana**

Emily Brown

1029 S. Anderson St. Urbana, IL 61801
emilygb2@illinois.edu
630-430-1530

University of Illinois College of Law
Graduation Anticipated May 2020

Biography: Emily graduated with a B.A. in international studies from Illinois Wesleyan University in 2017 and is currently in her second year of law school at the University of Illinois. When she is not working as law clerk for the City of Champaign or studying for law school, Emily enjoys training her rescued border collie, Apollo.

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Introduction

Electronic cigarettes (e-cigarettes), also called electronic nicotine delivery systems (ENDS), have gained popularity among teenagers and young adults on college campuses across the state. The dangers of traditional cigarettes are real and widely known, resulting in frequent regulation of cigarettes in public places for the benefit of public health. Among young adults ages 18-24 who use e-cigarettes, 40% have never used traditional cigarettes.¹ Cigarettes are harder to conceal while e-cigarettes, such as the popular JUUL that looks like a USB device, can be used then quickly stored away.² E-cigarettes do not leave a cloud of smoke with that distinctive cigarette-smell and are unlikely to set off smoke alarms.³ The United States Food and Drug Administration (“FDA”) found that in 2018 the number of e-cigarette users in high school increased almost 80%.⁴ An increasing number of high school students using e-cigarettes indicates an increasing number of students entering college who will use e-cigarettes on and around their college campus.⁵

¹ *Electronic Cigarettes What’s the Bottom Line?*, Centers for Disease Control and Prevention, https://www.cdc.gov/tobacco/basic_information/e-cigarettes/pdfs/Electronic-Cigarettes-Infographic-508.pdf (last visited Oct. 23, 2018).

² Ana B. Ibarra, *These Tiny Inhalers Could be a Big Health Risk for Students and Teachers Can’t See Them*, The Sacramento Bee (March 27, 2018) <https://www.sacbee.com/latest-news/article206364704.html>.

³ *See Do E-Cigarettes Set Off Fire Alarms*, Blu (Jan. 15, 2018), <https://www.blu.com/en/US/blog/vaping-tips/do-ecigarettes-set-off-fire-alarms.html?countryselect=true> (finding e-cigarettes are unlikely to set off ionization-based detectors, but could trigger photoelectric-based detectors if there is enough vapor present).

⁴ *Statement from FDA Commissioner Scott Gottlieb, M.D., on proposed new steps to protect youth by preventing access to flavored tobacco products and banning menthol in cigarettes*, U.S. Food & Drug Admin. (Nov. 15, 2018), <https://www.fda.gov/NewsEvents/Newsroom/PressAnnouncements/ucm625884.htm>.

⁵ Debra Pressey, *Mind if I Vape? Health District Sure Does*, The News-Gazette (July 5, 2017) <http://www.news-gazette.com/news/local/2017-07-05/mind-if-i-vape-health-district-sure-does.html>.

The Illinois' Smoke-Free Campus Act applies to only state-sponsored universities and public community colleges.⁶ In the absence of federal and state legislation outside of college campuses, it is left to municipalities to protect communities and students from the dangers of ENDS. The University of Illinois at Champaign-Urbana prohibits e-cigarettes and other forms of tobacco from campus property under the Smoke-Free Campus Act.⁷ Despite the ban on using e-cigarettes, many students still use the popular JUUL brand of e-cigarette on and around campus.⁸ The University of Illinois campus is large and integrated with Champaign and Urbana which gives students easily accessible locations to purchase and use e-cigarettes legally. Young adults may not be aware that their vaping habits could amount to smoking more than a pack of cigarettes per day, leading to the same addiction problem seen in habitual cigarette smokers.⁹ Champaign and Urbana must work together to prevent public use of e-cigarettes and protect students from nicotine addiction and other potential health problems from e-cigarettes.

Neither the city of Champaign nor the city of Urbana currently regulates e-cigarettes or alternative nicotine products. The cities have an interest in protecting public health and safety,

⁶ 110 ILCS 64/10.

⁷ 110 ILCS 64/15.

⁸ Gillian Dunlop, *Popularity of JUULs on Campus is High despite Ban*, The Daily Illini (Oct. 23, 2017), <https://dailyillini.com/news/2017/10/23/juuls-e-cigarettes-prevalent-campus-despite-ban/>.

⁹ Typical usage of a habitual JUUL user seems to be up to two pods per day. See u/[deleted], Reddit (July 20, 2018, 2:10 AM), https://www.reddit.com/r/juul/comments/90duvu/how_many_pods_do_you_go_through_a_day/ (responses to the post indicate using one to two pods per day); Rachel Becker, *Juul Plans to Release Lower-Nicotine Vape Juice Starting in August*, The Verge (July 12, 2018), <https://www.theverge.com/2018/7/12/17565066/juul-labs-reduces-nicotine-dose-virginia-tobacco-mint-flavors> (finding a typical JUUL Pod contains 5% nicotine, equal to a pack of cigarettes); u/Infohiker, Reddit (June 15, 2018, 7:07 AM), https://www.reddit.com/r/juul/comments/8rafhy/for_smokersexsmokers_how_many_pods_in_a_day/ (u/Infohiker uses two pods per day, responses to the post from heavy smokers indicate they use one to two pods per day); u/[deleted], Reddit (July 20, 2018, 2:10 AM), https://www.reddit.com/r/juul/comments/90duvu/how_many_pods_do_you_go_through_a_day/ (responses to the post indicate using one to two pods per day).

enforcing the age restriction on sale and possession of ENDS, and enforcing existing smoking bans. To address e-cigarette usage, the municipalities need to work together to pass identical regulations. Three options for reducing the proliferation of e-cigarettes at the University of Illinois include (1) amend the tobacco ordinances to include ENDS, (2) raise the age for sale and possession of ENDS to 21, and (3) impose a fine and/or an education class for offenders who are minors.

Background

The Constitution does not include a right to smoke and challenges to smoking bans, which are often based in the equal protection clause or due process clause are not successful. Courts across the country have found smokers are not a protected class under the equal protection clause. Discriminatory laws against smoking are not subject to heightened scrutiny and must only be rationally related to a legitimate government interest.¹⁰ Protecting employees and the community from second-hand smoke is a legitimate government interest that is often used to justify smoke-free laws and ordinances. Scientific studies have proven the negative effects of smoking and second-hand smoke, giving municipalities persuasive evidence of the dangers of allowing smoking in workplaces and spaces open to the public, such as restaurants.

Due to being a new product on the market, the data on the long term effects of using e-cigarettes is very limited. Nevertheless, studies on the health effects of e-cigarette users and second-hand vaping are beginning to emerge. One of the most popular e-cigarettes, JUUL,

¹⁰ *NYC C.L.A.S.H., Inc. v. City of New York*, 315 F. Supp. 2d 461, 484 (S.D.N.Y. 2004) (finding no basis for intermediate or strict scrutiny of equal protection claims); *Am. Legion Post No. 149 v. Dep't of Health*, 164 Wash. 2d 570 (2008) (finding prohibiting smoking in private workplaces is rationally related to protecting employees from second-hand smoke); *City of Tucson v. Grezaffi*, 23 P.3d 675 (Ariz. Ct. App. 2001) (finding no fundamental right to smoke and finding the ordinance is a reasonable way to protect public health from the dangers of second-hand smoke).

contains as much nicotine as a pack of cigarettes.¹¹ Nicotine is proven to affect brain development and cognitive function in adolescents and young adults.¹² While the effects of nicotine are widely known, there is much that is still unknown about the health effects of the liquid used to deliver nicotine and the danger of second-hand vaping. One small study showed nicotine and other particulate matter was left in the room's air from e-cigarette use, indicating second-hand vapor from e-cigarettes may be a danger to health similar to second-hand cigarette smoke.¹³ Other studies have found e-cigarette vapor to include toxic chemicals and heavy metals.¹⁴

At the federal level, the FDA deems ENDS to be tobacco products when the nicotine contained in the ENDS is derived from tobacco, which includes nearly every ENDS product.¹⁵ As such, the FDA has the authority to regulate ENDS as a tobacco product under the Federal Food, Drug, and Cosmetic Act.¹⁶ The FDA's regulatory authority extends to components, parts, advertising and distribution of ENDS.¹⁷ Both federal and Illinois state law prohibits sale of e-cigarettes and other ENDS to customers under the age of 18, but do not restrict where ENDS may

¹¹ Rachel Becker, *Juul Plans to Release Lower-Nicotine Vape Juice Starting in August*, The Verge (July 12, 2018), <https://www.theverge.com/2018/7/12/17565066/juul-labs-reduces-nicotine-dose-virginia-tobacco-mint-flavors>.

¹² See Natalia A. Goriounova & Huibert D. Mansvelder, *Short- and Long-Term Consequences of Nicotine Exposure During Adolescence for Prefrontal Cortex Neuronal Network Function*, *Cold Spring Harbor Perspectives in Med.* 2012;2:a012120.

¹³ Wolfgang Schober et al., *Use of Electronic Cigarettes (e-cigarettes) Impairs Indoor Air Quality and Increases FeNO Levels of E-Cigarette Consumers*, 217 *Int'l J. Hygiene & Env'tl. Health* 628 (2014).

¹⁴ Debra Pressey, *Mind if I Vape? Health District Sure Does*, *The News-Gazette* (July 5, 2017) <http://www.news-gazette.com/news/local/2017-07-05/mind-if-i-vape-health-district-sure-does.html>.

¹⁵ 82 Fed. Reg. 2193, 2196-97 (Jan. 9, 2017).

¹⁶ 81 Fed. Reg. 28973, 28974 (Aug. 8, 2016); 82 Fed. Reg. 2193, 2196-97 (Jan. 9, 2017).

¹⁷ *Vaporizers, E-Cigarettes, and other Electronic Nicotine Delivery Systems (ENDS)*, U.S. Food & Drug Admin. (Sept. 12, 2018), <https://www.fda.gov/TobaccoProducts/Labeling/ucm456610.htm>.

be used.¹⁸ States and municipalities may impose stricter regulation on tobacco and e-cigarette products.

Some states and municipalities have chosen to raise the age for purchase of tobacco products, including ENDS, to 21.¹⁹ States have also taken it upon themselves to enact bans on smoking tobacco indoors, in the absence of federal regulation.²⁰ The Smoke Free Illinois Act predates proliferation of ENDS and, because alternative nicotine products are not included in the definitions of the Smoke Free Illinois Act, it therefore does not prohibit using e-cigarettes in enclosed public places.²¹ In the absence of state regulation, municipalities bear the burden of creating legislation beyond indoor tobacco smoking bans to create a safe and healthy community.

Regulation of smoking by local governments may impose additional or more stringent restrictions, but cannot violate federal regulations.²² Home rule governments may regulate smoking in public places but cannot be less restrictive than the Smoke Free Illinois Act.²³ Legislation targeting smoking, and presumably e-cigarettes as well, is not subject to a heightened level of scrutiny and it is most likely the courts would require only a rational relation to a government interest.²⁴ Local governments have the same interest in legislating e-cigarettes as they

¹⁸ 720 ILCS 675/1.5; *Summary of Federal Rules for Tobacco Retailers*, U.S. Food & Drug Admin., <https://www.fda.gov/TobaccoProducts/GuidanceComplianceRegulatoryInformation/Retail/ucm205021.htm> (last visited Sept. 26, 2018).

¹⁹ Jenni Bergal, *Oregon Raises Cigarette-Buying Age to 21*, *The Washington Post* (Aug. 18, 2017), https://www.washingtonpost.com/national/health-science/oregon-raises-cigarette-buying-age-to-21/2017/08/18/83366b7a-811e-11e7-902a-2a9f2d808496_story.html?utm_term=.d6a7e3dfbbb4 (“Oregon has become the fifth state to raise the legal age to buy [tobacco products]”).

²⁰ 410 ILCS 82/15 (2018).

²¹ *Id.*

²² 21 U.S.C. § 387p (West 2018).

²³ 410 ILCS 82/65 (2018).

²⁴ *NYC C.L.A.S.H., Inc. v. City of New York*, 315 F. Supp. 2d 461, 486 (S.D.N.Y. 2004) (finding smokers are not a protected class and indoor smoking bans do not violate the first or fourteenth amendments).

have in regulating tobacco use - for public health and safety.²⁵ Municipal ordinances creating tobacco product regulations are allowed when it creates more stringent or additional restrictions, and when the municipality has a legitimate interest in regulating tobacco and nicotine products.

The Daily Illini noted Champaign's lack of regulation and published an article about the legality of vaping in Champaign bars and on the University of Illinois campus.²⁶ According to the article, despite all smoking (tobacco or ENDS) being prohibited from campus property, students are smoking and vaping in campus buildings.²⁷ The University of Illinois Police Department considers calls about smoking or vaping to be low-priority, and usually the person smoking is gone by the time the police officer arrives.²⁸ It is likely that there is a higher concentration of young adults using e-cigarettes inside community buildings, such as restaurants and bars, due to the lack of enforcement of campus smoking bans.

1. Amend the Tobacco Ordinance to Include ENDS

The Champaign Clean Air Ordinance defines "smoking" as inhaling and exhaling a "lighted tobacco product" and defines "tobacco" as products which contain the tobacco leaf.²⁹ The Champaign Clean Air Ordinance does not apply to non-traditional or tobacco-less products, such as an e-cigarette, because it is not "lighted tobacco" and does not contain a tobacco leaf.³⁰ The city of Urbana likewise defines "tobacco" as a substance containing tobacco leaf and does not address

²⁵ Daniel F. Hardin, *Blowing Electronic Smoke: Electronic Cigarettes, Regulation and Protecting the Public Health*, 2011 U. Ill. J.L. Tech. & Pol'y 433, 455-56 (2011).

²⁶ Emma Palatnik, *Juuling legal inside Champaign bars*, *The Daily Illini* (April 16, 2018), <https://dailyillini.com/features/2018/04/16/juuling-legal-inside-champaign-bars/>.

²⁷ *Id.*

²⁸ *Id.*

²⁹ Champaign, Ill. Municipal Code § 16-6 (2018).

³⁰ *Id.*

e-cigarettes.³¹ As a result, e-cigarettes are unregulated in both Champaign and Urbana where the University of Illinois is located.

Like second-hand smoke, not everyone wants to be exposed to second-hand vape. It is currently left to individual businesses in Champaign County to make policies on the usage of e-cigarettes, and “at least 300 businesses ... have added rules against vaping” to their existing smoke-free policies.³² In addition to preventing second-hand vaping, including e-cigarettes in the tobacco ordinances would make it easier to enforce indoor cigarette smoking bans as well. It can be difficult to visually distinguish cigarette smoke from e-cigarette vapor, which may allow for indoor smoking to go unregulated.³³

Including ENDS in Champaign’s tobacco ordinance would create a healthier environment inside restaurants and bars, where smoking is already prohibited. A city-wide ordinance would likely improve compliance and enforcement because an individual would not have to inquire about each business’ policy and businesses, especially restaurants and bars, would not have to worry about losing customers to a vaping-allowed business if they choose to ban vaping and smoking. Likewise, a ban on indoor use of e-cigarettes must be enforced in both Champaign and Urbana to actually reduce the amount of e-cigarette usage among college students.

Without a uniform policy for all businesses, there can be confusion about whether e-cigarettes are allowed and surprise if a no-vaping policy is enforced. Many municipalities have already added ENDS to their tobacco ordinance by including e-cigarettes and alternative nicotine

³¹ Urbana, Ill. Code of Ordinances § 11-27 (2018).

³² Debra Pressey, *Mind if I Vape? Health District Sure Does*, The News-Gazette (July 5, 2017), <http://www.news-gazette.com/news/local/2017-07-05/mind-if-i-vape-health-district-sure-does.html>.

³³ Seth A. Richardson, *Bill Would Ban Indoor Use of Electronic Cigarettes in Illinois*, The State Journal-Register (Feb. 16, 2015), <https://www.sj-r.com/article/20150216/NEWS/150219582>.

devices in the definitions section.³⁴ This would be the most efficient way to incorporate ENDS to the Champaign Municipal Code and Urbana Code of Ordinances. The rest of the code may remain unchanged by amending only the definition of tobacco products. A uniform rule on ENDS usage in Champaign and Urbana would give patrons notice and make enforcement easier. Including alternative nicotine products in the tobacco ordinance furthers the government's interest of public health and safety and would likely satisfy rational review.

2. Enforce a Higher Age Requirement for Sale and Purchase of ENDS

Enforcing stricter requirements for purchase of e-cigarettes is a reasonable measure to limit access to e-cigarettes. Increasing the age for sale and possession in Champaign and Urbana could help reduce e-cigarette usage on campus and in the community.³⁵ It also serves to address a concern shared by the FDA of minors using ENDS that contain nicotine that is harmful to their health.³⁶ Most college students are 18-years-old, or older, yet not all think that they should have access to e-cigarettes. Normal, home of Illinois State University ("ISU"), raised the age for purchase from 18 to 21 in November after lobbying efforts by a group of ISU students.³⁷

In addition to increasing the purchase age, monitoring retailer compliance with age-restrictions can reduce the ability for students to obtain e-cigarettes. The FDA issued over 1,300

³⁴ See Des Plaines, Ill. City Code, Ordinance M-07-18 (May 7, 2018); Park Ridge, Ill. Code of Ordinances §§ 12-9-1, 12-9-6, 12-9-7 (2018); St. Charles Ill. Municipal Code § 5.16.020, 5.16.110 (2018); Chicago, Ill. Municipal Code §§ 7-23-010, 7-23-015 (2018); Buffalo Grove, Ill. Code of Ordinances § 5.32.010 (2018).

³⁵ *Statement from FDA Commissioner Scott Gottlieb, M.D., on new steps to address epidemic of youth e-cigarette use*, U.S. Food & Drug Admin. (Sept. 12, 2018).

³⁶ *Id.*

³⁷ Andrew Dougherty, *Town of Normal Raises Tobacco, Vaping Purchase Age to 21*, Vidette Online (Nov. 28, 2018), http://www.videtteonline.com/news/town-of-normal-raises-tobacco-vaping-purchase-age-to/article_0c6ce478-edbb-11e8-8ee7-633f027409fa.html.

warnings to retailers for selling e-cigarette products to minors from June to September in 2018.³⁸ The industry leader in e-cigarettes, JUUL Labs, is making a good faith effort to curb underage sales by ending sales of flavored refill pods in retail stores until retailers invest in age-verification technology.³⁹ The idea is that making pods with “fruity” flavors, like cucumber and mango, will make using JUUL devices less appealing to teenagers and young adults.⁴⁰ However, e-cigarettes in more “neutral” flavors will still be available so it is important to continue to monitor whether age-restrictions are being enforced locally.

Changing the availability of fruity flavors to online-only decreases its direct availability to minors because online-age verification technology is able to search public records or compare a real-time photo to a government issued ID. Similar to alcohol, if the age to purchase ENDS is raised to 21 then the age of possession should also increase. In a college town, like Champaign-Urbana, direct purchase is not the only way that students are able to obtain e-cigarettes. Raising the purchase and possession ages together would be more effective at creating a noticeable change in e-cigarette usage.

The FDA is aware that some states have a higher age-restriction and is not opposed to such regulation; their free “Rules for ENDS Sales” retailer poster includes a disclaimer that state or local laws may be more restrictive.⁴¹ A bill was passed by the Illinois General Assembly to raise

³⁸ *Warning Letters and Civil Money Penalties Issued to Retailers for Selling JUUL and Other E-Cigarettes to Minors*, U.S. Food & Drug Admin. (Sept. 12, 2018), <https://www.fda.gov/tobaccoproducts/newsevents/ucm605278.htm>.

³⁹ Mary Hanbury, *Flavored Juul Pods Will No Longer be Sold in Retail Stores — But Here’s Where You can Still Buy Them*, Business Insider (Nov. 17, 2018), <https://www.businessinsider.com/juul-pods-banned-where-to-buy-2018-11>.

⁴⁰ *Id.*

⁴¹ *This Is Our Watch FDA Rules for Electronic Nicotine Delivery System Sales*, Center for Tobacco Products Exchange Lab, <https://www.fda.gov/downloads/TobaccoProducts/AboutCTP/UCM580536.pdf> (last visited Sept. 26, 2018).

the age for who may buy tobacco and alternative nicotine products from 18 to 21, but was vetoed in August by Governor Rauner.⁴² Since the state law retains the age of 18-years-old for possession and purchase of e-cigarettes, municipalities must follow the state law but may enforce more restrictive laws. Several municipalities in Illinois include ENDS in their tobacco regulations by prohibiting vaping where smoking is also prohibited, increasing the age for purchase to 21, or both.⁴³

An increase in the purchase and possession ages would be more effective at decreasing usage, protecting young adults from the effects of nicotine addiction, and reducing the amount of indoor vaping to benefit public health. Champaign and Urbana may increase the age of purchase and/or possession in the interest in protecting the health and safety of the community, especially minors. Increasing the age to purchase and possess alternative nicotine products or ENDS is imposing stricter regulation on tobacco products that does not conflict with federal law, furthers a legitimate government interest, and is allowed under federal tobacco laws.⁴⁴

3. Create Alternative Consequences for Minors

The Illinois Prevention of Tobacco Use by Minors and Sale and Distribution of Tobacco Products Act provides criminal penalties for the possession and distribution of alternative nicotine products to minors under 18, including ENDS.⁴⁵ A minor found guilty of possession is subject to 25 hours of community service and a fine of \$50 for their first violation.⁴⁶ The community service hours and fine increase with subsequent violations within a 12-month period.⁴⁷ The minor may

⁴² SB2332, 100th Gen. Assem. (2018).

⁴³ See Lincolnshire, Ill. Village Code § 11-12-7 (2018); Chicago, Ill. Municipal Code § 4-64-360 (2018); Buffalo Grove, Ill. Code of Ordinances § 5.32.010 (2018).

⁴⁴ 21 U.S.C. § 387p (West 2018).

⁴⁵ 720 ILCS 675/1 (2017).

⁴⁶ 720 ILCS 675/2 (2017).

⁴⁷ *Id.*

also be ordered to attend a youth diversion program if it is available in their jurisdiction similar to a program recently enacted in Park Ridge, IL for non-criminal offenders.⁴⁸

If a municipality enacts a higher age requirement, it cannot impose criminal sanctions on an offender who is over 18. A home rule unit is authorized to adjudicate violations of a municipal ordinance.⁴⁹ Purchase, use, or possession of e-cigarettes that violate local laws can only be adjudicated by the municipality as an ordinance violation, limiting the type of penalties that may be imposed.

Park Ridge enacted an ordinance for an alternative penalty for a first-time offender who is a minor and is enrolled as a full-time student. The minor may be assigned to a “diversion and education program” rather than a \$500 fine.⁵⁰ The violator may agree to attend the program and pay the cost of the program plus a \$25 fine. The intent of this alternative penalty is to provide education on the effects of smoking cigarettes and vaping to prevent future use of these products.⁵¹

However, it is not clear whether educational programs are as effective at deterring future use as fines. The municipality needs to balance the cost of implementing an educational program in lieu of a fine and the effectiveness of such a program. Outlining the desired outcome from a program —changing attitudes towards smoking/vaping, punishment, or smoking/vaping cessation— and having framework in place to monitor the success of the program may help create an effective program. In monitoring people who participate in the educational program, the municipality may assess its effectiveness and make modifications to improve the program. If

⁴⁸ *Id.*

⁴⁹ 65 ILCS 5/1-2-1 (2009).

⁵⁰ Park Ridge, Ill. Code of Ordinances § 12-9-13.

⁵¹ Jennifer Johnson, *New Penalties in Place for Youth Caught Vaping in Park Ridge*, Chicago Tribune (July 26, 2017), <https://www.chicagotribune.com/suburbs/park-ridge/news/ct-prh-vaping-law-passed-tl-0727-20170726-story.html>.

educating offenders does not result in diversion, it may not be the best option for enforcement in that community.

Champaign, Urbana, or both should consider creating a pilot educational program, like Park Ridge, to evaluate whether it is an effective option for their communities. It may be that education is not efficient at diverting offenders, resulting in a waste of resources. However, it is worth considering whether an educational program would be effective. It may be that participation in an educational program in addition to a fine will better divert repeat offenders more than education or a fine alone.

Providing the option of an alternative penalty, like an education course, furthers the government's interest in protecting public health, preventing repeat offenders, and improving enforcement of underage ENDS possession. Rational relation is satisfied and there is not a federal law that prohibits a municipality from enacting civil penalties such as this.

Conclusion

Municipalities in Illinois are able to enact ordinances that are more restrictive than the state laws on tobacco sale, use, and possession. An increasing number of municipalities enacted, or are considering, ordinances that raise the age to purchase tobacco or amended the existing tobacco ordinances to include alternative nicotine products, such as e-cigarettes.⁵² Champaign and Urbana experience an increased number of young adults in the community due to the presence of the University of Illinois. E-cigarette usage among young adults has increased over the last year, and

⁵² See Des Plaines, Ill. City Code, Ordinance M-07-18 (May 7, 2018); Park Ridge, Ill. Code of Ordinances §§ 12-9-1, 12-9-6, 12-9-7 (2018); St. Charles Ill. Municipal Code § 5.16.020, 5.16.110 (2018); Chicago, Ill. Municipal Code §§ 7-23-010, 7-23-015 (2018); Buffalo Grove, Ill. Code of Ordinances § 5.32.010 (2018).

as a result there are likely more instances of using e-cigarettes indoors on and around campus.⁵³ Champaign and Urbana should determine what penalties are appropriate to divert minor offenders within their jurisdiction. Both municipalities need to work together to successfully address the health concerns of nicotine addiction in college students and the effects of using e-cigarettes in enclosed public spaces such as restaurants and bars.

⁵³ *Statement from FDA Commissioner Scott Gottlieb, M.D., on new steps to address epidemic of youth e-cigarette use*, U.S. Food & Drug Admin. (Sept. 12, 2018), <https://www.fda.gov/NewsEvents/Newsroom/PressAnnouncements/ucm620185.htm>.