

AN ACT in relation to tobacco products.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

Section 1. Short title. This Act may be cited as the Display of Tobacco Products Act.

Section 5. Definitions. In this Act:

"Line of sight" means visible to a cashier or other employee.

"Age restricted area" means a signed designated area in a retail establishment to which minors under 18 years of age are not permitted access unless accompanied by a parent or legal guardian.

Section 10. Tobacco product displays. All single packs of cigarettes must be sold from behind the counter or in an age restricted area or in a sealed display case. Any other tobacco products must be sold in line of sight.

The restrictions described in this Section do not apply to a retail tobacco store that (i) derives at least 90% of its revenue from tobacco and tobacco related products; (ii) does not permit persons under the age of 18 to enter the premises unless accompanied by a parent or legal guardian; and (iii) posts a sign on the main entrance way stating that persons under the age of 18 are prohibited from entering unless accompanied by a parent or legal guardian.

Section 15. Vending machines. This Act does not prohibit the sale of tobacco products from vending machines if the location of the vending machines are in compliance with the provisions of Section 1 of the Sale of Tobacco to Minors Act.

Section 20. Sentence. A violation of this Act is a petty

offense for which the court shall impose a fine of not less than \$100 nor more than \$1,000.

Section 105. The Sale of Tobacco to Minors Act is amended by changing Section 1 as follows:

(720 ILCS 675/1) (from Ch. 23, par. 2357)

Sec. 1. Prohibition on sale of tobacco to minors; vending machines; lunch wagons.

(a) No minor under 18 years of age shall buy any cigar, cigarette, smokeless tobacco or tobacco in any of its forms. No person shall sell, buy for, distribute samples of or furnish any cigar, cigarette, smokeless tobacco or tobacco in any of its forms, to any minor under 18 years of age.

(a-5) No minor under 16 years of age may sell any cigar, cigarette, smokeless tobacco, or tobacco in any of its forms at a retail establishment selling tobacco products. This subsection does not apply to a sales clerk in a family-owned business which can prove that the sales clerk is in fact a son or daughter of the owner.

For the purpose of this Section, "smokeless tobacco" means any tobacco products that are suitable for dipping or chewing.

(b) Tobacco products listed above may be sold through a vending machine only in the following locations:

(1) Factories, businesses, offices, private clubs, and other places not open to the general public.

(2) Places to which minors under 18 years of age are not permitted access.

(3) Places where alcoholic beverages are sold and consumed on the premises.

(4) Places where the vending machine is under the direct supervision of the owner of the establishment or an employee over 18 years of age. The sale of tobacco products from a vending machine under direct supervision of the owner or an employee of the establishment is considered a sale of tobacco products by that person. As used in this

subdivision, "direct supervision" means that the owner or employee has an unimpeded line of sight to the vending machine.

(5) Places where the vending machine can only be operated by the owner or an employee over age 18 either directly or through a remote control device if the device is inaccessible to all customers.

(c) The sale or distribution at no charge of cigarettes from a lunch wagon engaging in any sales activity within 1,000 feet of any public or private elementary or secondary school grounds is prohibited.

For the purpose of this Section, "lunch wagon" means a mobile vehicle designed and constructed to transport food and from which food is sold to the general public.

(Source: P.A. 93-284, eff. 1-1-04.)

Section 999. Effective date. This Act takes effect January 1, 2005.