



## 100TH GENERAL ASSEMBLY

### State of Illinois

### 2017 and 2018

### HB3208

by Rep. Melissa Conyears-Ervin

#### SYNOPSIS AS INTRODUCED:

35 ILCS 130/6	from Ch. 120, par. 453.6
35 ILCS 143/10-25	
235 ILCS 5/3-12	
235 ILCS 5/6-16.1	
705 ILCS 405/5-615	
705 ILCS 405/5-710	
720 ILCS 675/Act title	
720 ILCS 675/0.01	from Ch. 23, par. 2356.9
720 ILCS 675/1	from Ch. 23, par. 2357
720 ILCS 675/2	from Ch. 23, par. 2358
720 ILCS 675/1.5 rep.	
720 ILCS 677/5	
720 ILCS 677/10	
720 ILCS 677/15	
720 ILCS 678/1	
720 ILCS 678/5	
720 ILCS 678/6	
720 ILCS 678/7	
720 ILCS 678/8	
720 ILCS 680/Act rep.	
720 ILCS 685/2	from Ch. 23, par. 2358-2
720 ILCS 685/4	from Ch. 23, par. 2358-4

Amends the Prevention of Tobacco Use by Minors and Sale and Distribution of Tobacco Products Act. Changes the name of the Act to the Prevention of Tobacco Use by Persons under 21 Years of Age and Sale and Distribution of Tobacco Products Act. Raises the age for whom tobacco products, electronic cigarettes, and alternative nicotine products may be sold to and possessed by from at least 18 years of age to at least 21 years of age. Defines "electronic cigarette". Repeals the Smokeless Tobacco Limitation Act. Amends various other Acts to make conforming changes.

LRB100 04765 RLC 14772 b

1 AN ACT concerning criminal law.

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

4 Section 5. The Cigarette Tax Act is amended by changing  
5 Section 6 as follows:

6 (35 ILCS 130/6) (from Ch. 120, par. 453.6)

7 Sec. 6. Revocation, cancellation, or suspension of  
8 license. The Department may, after notice and hearing as  
9 provided for by this Act, revoke, cancel or suspend the license  
10 of any distributor, secondary distributor, or retailer for the  
11 violation of any provision of this Act, or for noncompliance  
12 with any provision herein contained, or for any noncompliance  
13 with any lawful rule or regulation promulgated by the  
14 Department under Section 8 of this Act, or because the licensee  
15 is determined to be ineligible for a distributor's license for  
16 any one or more of the reasons provided for in Section 4 of  
17 this Act, or because the licensee is determined to be  
18 ineligible for a secondary distributor's license for any one or  
19 more of the reasons provided for in Section 4c of this Act, or  
20 because the licensee is determined to be ineligible for a  
21 retailer's license for any one or more of the reasons provided  
22 for in Section 4g of this Act. However, no such license shall  
23 be revoked, cancelled or suspended, except after a hearing by

1 the Department with notice to the distributor, secondary  
2 distributor, or retailer, as aforesaid, and affording such  
3 distributor, secondary distributor, or retailer a reasonable  
4 opportunity to appear and defend, and any distributor,  
5 secondary distributor, or retailer aggrieved by any decision of  
6 the Department with respect thereto may have the determination  
7 of the Department judicially reviewed, as herein provided.

8 The Department may revoke, cancel, or suspend the license  
9 of any distributor for a violation of the Tobacco Product  
10 Manufacturers' Escrow Enforcement Act as provided in Section 30  
11 of that Act. The Department may revoke, cancel, or suspend the  
12 license of any secondary distributor for a violation of  
13 subsection (e) of Section 15 of the Tobacco Product  
14 Manufacturers' Escrow Enforcement Act.

15 If the retailer has a training program that facilitates  
16 compliance with minimum-age tobacco laws, the Department shall  
17 suspend for 3 days the license of that retailer for a fourth or  
18 subsequent violation of the Prevention of Tobacco Use by  
19 Persons under 21 Years of Age ~~Minors~~ and Sale and Distribution  
20 of Tobacco Products Act, as provided in subsection (a) of  
21 Section 2 of that Act. For the purposes of this Section, any  
22 violation of subsection (a) of Section 2 of the Prevention of  
23 Tobacco Use by Persons under 21 Years of Age ~~Minors~~ and Sale  
24 and Distribution of Tobacco Products Act occurring at the  
25 retailer's licensed location during a 24-month period shall be  
26 counted as a violation against the retailer.

1           If the retailer does not have a training program that  
2 facilitates compliance with minimum-age tobacco laws, the  
3 Department shall suspend for 3 days the license of that  
4 retailer for a second violation of the Prevention of Tobacco  
5 Use by Persons under 21 Years of Age ~~Minors~~ and Sale and  
6 Distribution of Tobacco Products Act, as provided in subsection  
7 (a-5) of Section 2 of that Act.

8           If the retailer does not have a training program that  
9 facilitates compliance with minimum-age tobacco laws, the  
10 Department shall suspend for 7 days the license of that  
11 retailer for a third violation of the Prevention of Tobacco Use  
12 by Persons under 21 Years of Age ~~Minors~~ and Sale and  
13 Distribution of Tobacco Products Act, as provided in subsection  
14 (a-5) of Section 2 of that Act.

15           If the retailer does not have a training program that  
16 facilitates compliance with minimum-age tobacco laws, the  
17 Department shall suspend for 30 days the license of a retailer  
18 for a fourth or subsequent violation of the Prevention of  
19 Tobacco Use by Persons under 21 Years of Age ~~Minors~~ and Sale  
20 and Distribution of Tobacco Products Act, as provided in  
21 subsection (a-5) of Section 2 of that Act.

22           A training program that facilitates compliance with  
23 minimum-age tobacco laws must include at least the following  
24 elements: (i) it must explain that only individuals displaying  
25 valid identification demonstrating that they are 21 ~~18~~ years of  
26 age or older shall be eligible to purchase cigarettes or

1 tobacco products and (ii) it must explain where a clerk can  
2 check identification for a date of birth. The training may be  
3 conducted electronically. Each retailer that has a training  
4 program shall require each employee who completes the training  
5 program to sign a form attesting that the employee has received  
6 and completed tobacco training. The form shall be kept in the  
7 employee's file and may be used to provide proof of training.

8 Any distributor, secondary distributor, or retailer  
9 aggrieved by any decision of the Department under this Section  
10 may, within 20 days after notice of the decision, protest and  
11 request a hearing. Upon receiving a request for a hearing, the  
12 Department shall give notice in writing to the distributor,  
13 secondary distributor, or retailer requesting the hearing that  
14 contains a statement of the charges preferred against the  
15 distributor, secondary distributor, or retailer and that  
16 states the time and place fixed for the hearing. The Department  
17 shall hold the hearing in conformity with the provisions of  
18 this Act and then issue its final administrative decision in  
19 the matter to the distributor, secondary distributor, or  
20 retailer. In the absence of a protest and request for a hearing  
21 within 20 days, the Department's decision shall become final  
22 without any further determination being made or notice given.

23 No license so revoked, as aforesaid, shall be reissued to  
24 any such distributor, secondary distributor, or retailer  
25 within a period of 6 months after the date of the final  
26 determination of such revocation. No such license shall be

1 reissued at all so long as the person who would receive the  
2 license is ineligible to receive a distributor's license under  
3 this Act for any one or more of the reasons provided for in  
4 Section 4 of this Act, is ineligible to receive a secondary  
5 distributor's license under this Act for any one or more of the  
6 reasons provided for in Section 4c of this Act, or is  
7 determined to be ineligible for a retailer's license under the  
8 Act for any one or more of the reasons provided for in Section  
9 4g of this Act.

10 The Department upon complaint filed in the circuit court  
11 may by injunction restrain any person who fails, or refuses, to  
12 comply with any of the provisions of this Act from acting as a  
13 distributor, secondary distributor, or retailer of cigarettes  
14 in this State.

15 (Source: P.A. 98-1055, eff. 1-1-16; 99-192, eff. 1-1-16.)

16 Section 10. The Tobacco Products Tax Act of 1995 is amended  
17 by changing Section 10-25 as follows:

18 (35 ILCS 143/10-25)

19 Sec. 10-25. License actions.

20 (a) The Department may, after notice and a hearing, revoke,  
21 cancel, or suspend the license of any distributor or retailer  
22 who violates any of the provisions of this Act. The notice  
23 shall specify the alleged violation or violations upon which  
24 the revocation, cancellation, or suspension proceeding is

1 based.

2 (b) The Department may revoke, cancel, or suspend the  
3 license of any distributor for a violation of the Tobacco  
4 Product Manufacturers' Escrow Enforcement Act as provided in  
5 Section 20 of that Act.

6 (c) If the retailer has a training program that facilitates  
7 compliance with minimum-age tobacco laws, the Department shall  
8 suspend for 3 days the license of that retailer for a fourth or  
9 subsequent violation of the Prevention of Tobacco Use by  
10 Persons under 21 Years of Age ~~Minors~~ and Sale and Distribution  
11 of Tobacco Products Act, as provided in subsection (a) of  
12 Section 2 of that Act. For the purposes of this Section, any  
13 violation of subsection (a) of Section 2 of the Prevention of  
14 Tobacco Use by Persons under 21 Years of Age ~~Minors~~ and Sale  
15 and Distribution of Tobacco Products Act occurring at the  
16 retailer's licensed location, during a 24-month period, shall  
17 be counted as a violation against the retailer.

18 If the retailer does not have a training program that  
19 facilitates compliance with minimum-age tobacco laws, the  
20 Department shall suspend for 3 days the license of that  
21 retailer for a second violation of the Prevention of Tobacco  
22 Use by Persons under 21 years of age ~~Minors~~ and Sale and  
23 Distribution of Tobacco Products Act, as provided in subsection  
24 (a-5) of Section 2 of that Act.

25 If the retailer does not have a training program that  
26 facilitates compliance with minimum-age tobacco laws, the

1 Department shall suspend for 7 days the license of that  
2 retailer for a third violation of the Prevention of Tobacco Use  
3 by Persons under 21 Years of Age ~~Minors~~ and Sale and  
4 Distribution of Tobacco Products Act, as provided in subsection  
5 (a-5) of Section 2 of that Act.

6 If the retailer does not have a training program that  
7 facilitates compliance with minimum-age tobacco laws, the  
8 Department shall suspend for 30 days the license of a retailer  
9 for a fourth or subsequent violation of the Prevention of  
10 Tobacco Use by Persons under 21 Years of Age ~~Minors~~ and Sale  
11 and Distribution of Tobacco Products Act, as provided in  
12 subsection (a-5) of Section 2 of that Act.

13 A training program that facilitates compliance with  
14 minimum-age tobacco laws must include at least the following  
15 elements: (i) it must explain that only individuals displaying  
16 valid identification demonstrating that they are 21 ~~18~~ years of  
17 age or older shall be eligible to purchase cigarettes or  
18 tobacco products and (ii) it must explain where a clerk can  
19 check identification for a date of birth. The training may be  
20 conducted electronically. Each retailer that has a training  
21 program shall require each employee who completes the training  
22 program to sign a form attesting that the employee has received  
23 and completed tobacco training. The form shall be kept in the  
24 employee's file and may be used to provide proof of training.

25 (d) The Department may, by application to any circuit  
26 court, obtain an injunction restraining any person who engages



1 in business as a distributor of tobacco products without a  
2 license (either because his or her license has been revoked,  
3 canceled, or suspended or because of a failure to obtain a  
4 license in the first instance) from engaging in that business  
5 until that person, as if that person were a new applicant for a  
6 license, complies with all of the conditions, restrictions, and  
7 requirements of Section 10-20 of this Act and qualifies for and  
8 obtains a license. Refusal or neglect to obey the order of the  
9 court may result in punishment for contempt.

10 (Source: P.A. 98-1055, eff. 1-1-16; 99-192, eff. 1-1-16.)

11 Section 15. The Liquor Control Act of 1934 is amended by  
12 changing Sections 3-12 and 6-16.1 as follows:

13 (235 ILCS 5/3-12)

14 Sec. 3-12. Powers and duties of State Commission.

15 (a) The State commission shall have the following powers,  
16 functions, and duties:

17 (1) To receive applications and to issue licenses to  
18 manufacturers, foreign importers, importing distributors,  
19 distributors, non-resident dealers, on premise consumption  
20 retailers, off premise sale retailers, special event  
21 retailer licensees, special use permit licenses, auction  
22 liquor licenses, brew pubs, caterer retailers,  
23 non-beverage users, railroads, including owners and  
24 lessees of sleeping, dining and cafe cars, airplanes,

1 boats, brokers, and wine maker's premises licensees in  
2 accordance with the provisions of this Act, and to suspend  
3 or revoke such licenses upon the State commission's  
4 determination, upon notice after hearing, that a licensee  
5 has violated any provision of this Act or any rule or  
6 regulation issued pursuant thereto and in effect for 30  
7 days prior to such violation. Except in the case of an  
8 action taken pursuant to a violation of Section 6-3, 6-5,  
9 or 6-9, any action by the State Commission to suspend or  
10 revoke a licensee's license may be limited to the license  
11 for the specific premises where the violation occurred.

12 In lieu of suspending or revoking a license, the  
13 commission may impose a fine, upon the State commission's  
14 determination and notice after hearing, that a licensee has  
15 violated any provision of this Act or any rule or  
16 regulation issued pursuant thereto and in effect for 30  
17 days prior to such violation.

18 For the purpose of this paragraph (1), when determining  
19 multiple violations for the sale of alcohol to a person  
20 under the age of 21, a second or subsequent violation for  
21 the sale of alcohol to a person under the age of 21 shall  
22 only be considered if it was committed within 5 years after  
23 the date when a prior violation for the sale of alcohol to  
24 a person under the age of 21 was committed.

25 The fine imposed under this paragraph may not exceed  
26 \$500 for each violation. Each day that the activity, which

1 gave rise to the original fine, continues is a separate  
2 violation. The maximum fine that may be levied against any  
3 licensee, for the period of the license, shall not exceed  
4 \$20,000. The maximum penalty that may be imposed on a  
5 licensee for selling a bottle of alcoholic liquor with a  
6 foreign object in it or serving from a bottle of alcoholic  
7 liquor with a foreign object in it shall be the destruction  
8 of that bottle of alcoholic liquor for the first 10 bottles  
9 so sold or served from by the licensee. For the eleventh  
10 bottle of alcoholic liquor and for each third bottle  
11 thereafter sold or served from by the licensee with a  
12 foreign object in it, the maximum penalty that may be  
13 imposed on the licensee is the destruction of the bottle of  
14 alcoholic liquor and a fine of up to \$50.

15 (2) To adopt such rules and regulations consistent with  
16 the provisions of this Act which shall be necessary to  
17 carry on its functions and duties to the end that the  
18 health, safety and welfare of the People of the State of  
19 Illinois shall be protected and temperance in the  
20 consumption of alcoholic liquors shall be fostered and  
21 promoted and to distribute copies of such rules and  
22 regulations to all licensees affected thereby.

23 (3) To call upon other administrative departments of  
24 the State, county and municipal governments, county and  
25 city police departments and upon prosecuting officers for  
26 such information and assistance as it deems necessary in

1 the performance of its duties.

2 (4) To recommend to local commissioners rules and  
3 regulations, not inconsistent with the law, for the  
4 distribution and sale of alcoholic liquors throughout the  
5 State.

6 (5) To inspect, or cause to be inspected, any premises  
7 in this State where alcoholic liquors are manufactured,  
8 distributed, warehoused, or sold. Nothing in this Act  
9 authorizes an agent of the Commission to inspect private  
10 areas within the premises without reasonable suspicion or a  
11 warrant during an inspection. "Private areas" include, but  
12 are not limited to, safes, personal property, and closed  
13 desks.

14 (5.1) Upon receipt of a complaint or upon having  
15 knowledge that any person is engaged in business as a  
16 manufacturer, importing distributor, distributor, or  
17 retailer without a license or valid license, to notify the  
18 local liquor authority, file a complaint with the State's  
19 Attorney's Office of the county where the incident  
20 occurred, or initiate an investigation with the  
21 appropriate law enforcement officials.

22 (5.2) To issue a cease and desist notice to persons  
23 shipping alcoholic liquor into this State from a point  
24 outside of this State if the shipment is in violation of  
25 this Act.

26 (5.3) To receive complaints from licensees, local

1 officials, law enforcement agencies, organizations, and  
2 persons stating that any licensee has been or is violating  
3 any provision of this Act or the rules and regulations  
4 issued pursuant to this Act. Such complaints shall be in  
5 writing, signed and sworn to by the person making the  
6 complaint, and shall state with specificity the facts in  
7 relation to the alleged violation. If the Commission has  
8 reasonable grounds to believe that the complaint  
9 substantially alleges a violation of this Act or rules and  
10 regulations adopted pursuant to this Act, it shall conduct  
11 an investigation. If, after conducting an investigation,  
12 the Commission is satisfied that the alleged violation did  
13 occur, it shall proceed with disciplinary action against  
14 the licensee as provided in this Act.

15 (6) To hear and determine appeals from orders of a  
16 local commission in accordance with the provisions of this  
17 Act, as hereinafter set forth. Hearings under this  
18 subsection shall be held in Springfield or Chicago, at  
19 whichever location is the more convenient for the majority  
20 of persons who are parties to the hearing.

21 (7) The commission shall establish uniform systems of  
22 accounts to be kept by all retail licensees having more  
23 than 4 employees, and for this purpose the commission may  
24 classify all retail licensees having more than 4 employees  
25 and establish a uniform system of accounts for each class  
26 and prescribe the manner in which such accounts shall be

1 kept. The commission may also prescribe the forms of  
2 accounts to be kept by all retail licensees having more  
3 than 4 employees, including but not limited to accounts of  
4 earnings and expenses and any distribution, payment, or  
5 other distribution of earnings or assets, and any other  
6 forms, records and memoranda which in the judgment of the  
7 commission may be necessary or appropriate to carry out any  
8 of the provisions of this Act, including but not limited to  
9 such forms, records and memoranda as will readily and  
10 accurately disclose at all times the beneficial ownership  
11 of such retail licensed business. The accounts, forms,  
12 records and memoranda shall be available at all reasonable  
13 times for inspection by authorized representatives of the  
14 State commission or by any local liquor control  
15 commissioner or his or her authorized representative. The  
16 commission, may, from time to time, alter, amend or repeal,  
17 in whole or in part, any uniform system of accounts, or the  
18 form and manner of keeping accounts.

19 (8) In the conduct of any hearing authorized to be held  
20 by the commission, to appoint, at the commission's  
21 discretion, hearing officers to conduct hearings involving  
22 complex issues or issues that will require a protracted  
23 period of time to resolve, to examine, or cause to be  
24 examined, under oath, any licensee, and to examine or cause  
25 to be examined the books and records of such licensee; to  
26 hear testimony and take proof material for its information

1 in the discharge of its duties hereunder; to administer or  
2 cause to be administered oaths; for any such purpose to  
3 issue subpoena or subpoenas to require the attendance of  
4 witnesses and the production of books, which shall be  
5 effective in any part of this State, and to adopt rules to  
6 implement its powers under this paragraph (8).

7 Any Circuit Court may by order duly entered, require  
8 the attendance of witnesses and the production of relevant  
9 books subpoenaed by the State commission and the court may  
10 compel obedience to its order by proceedings for contempt.

11 (9) To investigate the administration of laws in  
12 relation to alcoholic liquors in this and other states and  
13 any foreign countries, and to recommend from time to time  
14 to the Governor and through him or her to the legislature  
15 of this State, such amendments to this Act, if any, as it  
16 may think desirable and as will serve to further the  
17 general broad purposes contained in Section 1-2 hereof.

18 (10) To adopt such rules and regulations consistent  
19 with the provisions of this Act which shall be necessary  
20 for the control, sale or disposition of alcoholic liquor  
21 damaged as a result of an accident, wreck, flood, fire or  
22 other similar occurrence.

23 (11) To develop industry educational programs related  
24 to responsible serving and selling, particularly in the  
25 areas of overserving consumers and illegal underage  
26 purchasing and consumption of alcoholic beverages.

1           (11.1) To license persons providing education and  
2 training to alcohol beverage sellers and servers for  
3 mandatory and non-mandatory training under the Beverage  
4 Alcohol Sellers and Servers Education and Training  
5 (BASSET) programs and to develop and administer a public  
6 awareness program in Illinois to reduce or eliminate the  
7 illegal purchase and consumption of alcoholic beverage  
8 products by persons under the age of 21. Application for a  
9 license shall be made on forms provided by the State  
10 Commission.

11           (12) To develop and maintain a repository of license  
12 and regulatory information.

13           (13) (Blank). ~~On or before January 15, 1994, the~~  
14 ~~Commission shall issue a written report to the Governor and~~  
15 ~~General Assembly that is to be based on a comprehensive~~  
16 ~~study of the impact on and implications for the State of~~  
17 ~~Illinois of Section 1926 of the Federal ADAMHA~~  
18 ~~Reorganization Act of 1992 (Public Law 102 321). This study~~  
19 ~~shall address the extent to which Illinois currently~~  
20 ~~complies with the provisions of P.L. 102 321 and the rules~~  
21 ~~promulgated pursuant thereto.~~

22           ~~As part of its report, the Commission shall provide the~~  
23 ~~following essential information:~~

24           ~~(i) the number of retail distributors of tobacco~~  
25 ~~products, by type and geographic area, in the State;~~

26           ~~(ii) the number of reported citations and~~



1 ~~successful convictions, categorized by type and~~  
2 ~~location of retail distributor, for violation of the~~  
3 ~~Prevention of Tobacco Use by Minors and Sale and~~  
4 ~~Distribution of Tobacco Products Act and the Smokeless~~  
5 ~~Tobacco Limitation Act;~~

6 ~~(iii) the extent and nature of organized~~  
7 ~~educational and governmental activities that are~~  
8 ~~intended to promote, encourage or otherwise secure~~  
9 ~~compliance with any Illinois laws that prohibit the~~  
10 ~~sale or distribution of tobacco products to minors; and~~

11 ~~(iv) the level of access and availability of~~  
12 ~~tobacco products to individuals under the age of 18.~~

13 ~~To obtain the data necessary to comply with the~~  
14 ~~provisions of P.L. 102-321 and the requirements of this~~  
15 ~~report, the Commission shall conduct random, unannounced~~  
16 ~~inspections of a geographically and scientifically~~  
17 ~~representative sample of the State's retail tobacco~~  
18 ~~distributors.~~

19 ~~The Commission shall consult with the Department of~~  
20 ~~Public Health, the Department of Human Services, the~~  
21 ~~Illinois State Police and any other executive branch~~  
22 ~~agency, and private organizations that may have~~  
23 ~~information relevant to this report.~~

24 ~~The Commission may contract with the Food and Drug~~  
25 ~~Administration of the U.S. Department of Health and Human~~  
26 ~~Services to conduct unannounced investigations of Illinois~~

1 ~~tobacco vendors to determine compliance with federal laws~~  
2 ~~relating to the illegal sale of cigarettes and smokeless~~  
3 ~~tobacco products to persons under the age of 18.~~

4 (14) On or before April 30, 2008 and every 2 years  
5 thereafter, the Commission shall present a written report  
6 to the Governor and the General Assembly that shall be  
7 based on a study of the impact of Public Act 95-634 ~~this~~  
8 ~~amendatory Act of the 95th General Assembly~~ on the business  
9 of soliciting, selling, and shipping wine from inside and  
10 outside of this State directly to residents of this State.  
11 As part of its report, the Commission shall provide all of  
12 the following information:

13 (A) The amount of State excise and sales tax  
14 revenues generated.

15 (B) The amount of licensing fees received.

16 (C) The number of cases of wine shipped from inside  
17 and outside of this State directly to residents of this  
18 State.

19 (D) The number of alcohol compliance operations  
20 conducted.

21 (E) The number of winery shipper's licenses  
22 issued.

23 (F) The number of each of the following: reported  
24 violations; cease and desist notices issued by the  
25 Commission; notices of violations issued by the  
26 Commission and to the Department of Revenue; and

1 notices and complaints of violations to law  
2 enforcement officials, including, without limitation,  
3 the Illinois Attorney General and the U.S. Department  
4 of Treasury's Alcohol and Tobacco Tax and Trade Bureau.

5 (15) As a means to reduce the underage consumption of  
6 alcoholic liquors, the Commission shall conduct alcohol  
7 compliance operations to investigate whether businesses  
8 that are soliciting, selling, and shipping wine from inside  
9 or outside of this State directly to residents of this  
10 State are licensed by this State or are selling or  
11 attempting to sell wine to persons under 21 years of age in  
12 violation of this Act.

13 (16) The Commission shall, in addition to notifying any  
14 appropriate law enforcement agency, submit notices of  
15 complaints or violations of Sections 6-29 and 6-29.1 by  
16 persons who do not hold a winery shipper's license under  
17 this ~~amendatory~~ Act to the Illinois Attorney General and to  
18 the U.S. Department of Treasury's Alcohol and Tobacco Tax  
19 and Trade Bureau.

20 (17) (A) A person licensed to make wine under the laws  
21 of another state who has a winery shipper's license under  
22 this ~~amendatory~~ Act and annually produces less than 25,000  
23 gallons of wine or a person who has a first-class or  
24 second-class wine manufacturer's license, a first-class or  
25 second-class wine-maker's license, or a limited wine  
26 manufacturer's license under this Act and annually

1 produces less than 25,000 gallons of wine may make  
2 application to the Commission for a self-distribution  
3 exemption to allow the sale of not more than 5,000 gallons  
4 of the exemption holder's wine to retail licensees per  
5 year.

6 (B) In the application, which shall be sworn under  
7 penalty of perjury, such person shall state (1) the  
8 date it was established; (2) its volume of production  
9 and sales for each year since its establishment; (3)  
10 its efforts to establish distributor relationships;  
11 (4) that a self-distribution exemption is necessary to  
12 facilitate the marketing of its wine; and (5) that it  
13 will comply with the liquor and revenue laws of the  
14 United States, this State, and any other state where it  
15 is licensed.

16 (C) The Commission shall approve the application  
17 for a self-distribution exemption if such person: (1)  
18 is in compliance with State revenue and liquor laws;  
19 (2) is not a member of any affiliated group that  
20 produces more than 25,000 gallons of wine per annum or  
21 produces any other alcoholic liquor; (3) will not  
22 annually produce for sale more than 25,000 gallons of  
23 wine; and (4) will not annually sell more than 5,000  
24 gallons of its wine to retail licensees.

25 (D) A self-distribution exemption holder shall  
26 annually certify to the Commission its production of

1 wine in the previous 12 months and its anticipated  
2 production and sales for the next 12 months. The  
3 Commission may fine, suspend, or revoke a  
4 self-distribution exemption after a hearing if it  
5 finds that the exemption holder has made a material  
6 misrepresentation in its application, violated a  
7 revenue or liquor law of Illinois, exceeded production  
8 of 25,000 gallons of wine in any calendar year, or  
9 become part of an affiliated group producing more than  
10 25,000 gallons of wine or any other alcoholic liquor.

11 (E) Except in hearings for violations of this Act  
12 or Public Act 95-634 ~~amendatory Act~~ or a bona fide  
13 investigation by duly sworn law enforcement officials,  
14 the Commission, or its agents, the Commission shall  
15 maintain the production and sales information of a  
16 self-distribution exemption holder as confidential and  
17 shall not release such information to any person.

18 (F) The Commission shall issue regulations  
19 governing self-distribution exemptions consistent with  
20 this Section and this Act.

21 (G) Nothing in this subsection (17) shall prohibit  
22 a self-distribution exemption holder from entering  
23 into or simultaneously having a distribution agreement  
24 with a licensed Illinois distributor.

25 (H) It is the intent of this subsection (17) to  
26 promote and continue orderly markets. The General

1 Assembly finds that in order to preserve Illinois'  
2 regulatory distribution system it is necessary to  
3 create an exception for smaller makers of wine as their  
4 wines are frequently adjusted in varietals, mixes,  
5 vintages, and taste to find and create market niches  
6 sometimes too small for distributor or importing  
7 distributor business strategies. Limited  
8 self-distribution rights will afford and allow smaller  
9 makers of wine access to the marketplace in order to  
10 develop a customer base without impairing the  
11 integrity of the 3-tier system.

12 (18) (A) A class 1 brewer licensee, who must also be  
13 either a licensed brewer or licensed non-resident dealer  
14 and annually manufacture less than 930,000 gallons of beer,  
15 may make application to the State Commission for a  
16 self-distribution exemption to allow the sale of not more  
17 than 232,500 gallons of the exemption holder's beer to  
18 retail licensees per year.

19 (B) In the application, which shall be sworn under  
20 penalty of perjury, the class 1 brewer licensee shall  
21 state (1) the date it was established; (2) its volume  
22 of beer manufactured and sold for each year since its  
23 establishment; (3) its efforts to establish  
24 distributor relationships; (4) that a  
25 self-distribution exemption is necessary to facilitate  
26 the marketing of its beer; and (5) that it will comply

1 with the alcoholic beverage and revenue laws of the  
2 United States, this State, and any other state where it  
3 is licensed.

4 (C) Any application submitted shall be posted on  
5 the State Commission's website at least 45 days prior  
6 to action by the State Commission. The State Commission  
7 shall approve the application for a self-distribution  
8 exemption if the class 1 brewer licensee: (1) is in  
9 compliance with the State, revenue, and alcoholic  
10 beverage laws; (2) is not a member of any affiliated  
11 group that manufactures ~~manufacturers~~ more than  
12 930,000 gallons of beer per annum or produces any other  
13 alcoholic beverages; (3) shall not annually  
14 manufacture for sale more than 930,000 gallons of beer;  
15 (4) shall not annually sell more than 232,500 gallons  
16 of its beer to retail licensees; and (5) has  
17 relinquished any brew pub license held by the licensee,  
18 including any ownership interest it held in the  
19 licensed brew pub.

20 (D) A self-distribution exemption holder shall  
21 annually certify to the State Commission its  
22 manufacture of beer during the previous 12 months and  
23 its anticipated manufacture and sales of beer for the  
24 next 12 months. The State Commission may fine, suspend,  
25 or revoke a self-distribution exemption after a  
26 hearing if it finds that the exemption holder has made

1 a material misrepresentation in its application,  
2 violated a revenue or alcoholic beverage law of  
3 Illinois, exceeded the manufacture of 930,000 gallons  
4 of beer in any calendar year or became part of an  
5 affiliated group manufacturing more than 930,000  
6 gallons of beer or any other alcoholic beverage.

7 (E) The State Commission shall issue rules and  
8 regulations governing self-distribution exemptions  
9 consistent with this Act.

10 (F) Nothing in this paragraph (18) shall prohibit a  
11 self-distribution exemption holder from entering into  
12 or simultaneously having a distribution agreement with  
13 a licensed Illinois importing distributor or a  
14 distributor. If a self-distribution exemption holder  
15 enters into a distribution agreement and has assigned  
16 distribution rights to an importing distributor or  
17 distributor, then the self-distribution exemption  
18 holder's distribution rights in the assigned  
19 territories shall cease in a reasonable time not to  
20 exceed 60 days.

21 (G) It is the intent of this paragraph (18) to  
22 promote and continue orderly markets. The General  
23 Assembly finds that in order to preserve Illinois'  
24 regulatory distribution system, it is necessary to  
25 create an exception for smaller manufacturers in order  
26 to afford and allow such smaller manufacturers of beer



1 access to the marketplace in order to develop a  
2 customer base without impairing the integrity of the  
3 3-tier system.

4 (b) On or before April 30, 1999, the Commission shall  
5 present a written report to the Governor and the General  
6 Assembly that shall be based on a study of the impact of Public  
7 Act 90-739 ~~this amendatory Act of 1998~~ on the business of  
8 soliciting, selling, and shipping alcoholic liquor from  
9 outside of this State directly to residents of this State.

10 As part of its report, the Commission shall provide the  
11 following information:

12 (i) the amount of State excise and sales tax revenues  
13 generated as a result of Public Act 90-739 ~~this amendatory~~  
14 ~~Act of 1998~~;

15 (ii) the amount of licensing fees received as a result  
16 of Public Act 90-739 ~~this amendatory Act of 1998~~;

17 (iii) the number of reported violations, the number of  
18 cease and desist notices issued by the Commission, the  
19 number of notices of violations issued to the Department of  
20 Revenue, and the number of notices and complaints of  
21 violations to law enforcement officials.

22 (Source: P.A. 98-401, eff. 8-16-13; 98-939, eff. 7-1-15;  
23 98-941, eff. 1-1-15; 99-78, eff. 7-20-15; 99-448, eff. 8-24-15;  
24 revised 9-13-16.)

25 (235 ILCS 5/6-16.1)

1           Sec. 6-16.1. Enforcement actions.

2           (a) A licensee or an officer, associate, member,  
3 representative, agent, or employee of a licensee may sell,  
4 give, or deliver alcoholic liquor to a person under the age of  
5 21 years or authorize the sale, gift, or delivery of alcoholic  
6 liquor to a person under the age of 21 years pursuant to a plan  
7 or action to investigate, patrol, or otherwise conduct a "sting  
8 operation" or enforcement action against a person employed by  
9 the licensee or on any licensed premises if the licensee or  
10 officer, associate, member, representative, agent, or employee  
11 of the licensee provides written notice, at least 14 days  
12 before the "sting operation" or enforcement action, unless  
13 governing body of the municipality or county having  
14 jurisdiction sets a shorter period by ordinance, to the law  
15 enforcement agency having jurisdiction, the local liquor  
16 control commissioner, or both. Notice provided under this  
17 Section shall be valid for a "sting operation" or enforcement  
18 action conducted within 60 days of the provision of that  
19 notice, unless the governing body of the municipality or county  
20 having jurisdiction sets a shorter period by ordinance.

21           (b) A local liquor control commission or unit of local  
22 government that conducts alcohol and tobacco compliance  
23 operations shall establish a policy and standards for alcohol  
24 and tobacco compliance operations to investigate whether a  
25 licensee is furnishing (1) alcoholic liquor to persons under 21  
26 years of age in violation of this Act or (2) tobacco to persons

1 in violation of the Prevention of Tobacco Use by Persons under  
2 21 Years of Age ~~Minors~~ and Sale and Distribution of Tobacco  
3 Products Act.

4 (c) The Illinois Law Enforcement Training Standards Board  
5 shall develop a model policy and guidelines for the operation  
6 of alcohol and tobacco compliance checks by local law  
7 enforcement officers. The Illinois Law Enforcement Training  
8 Standards Board shall also require the supervising officers of  
9 such compliance checks to have met a minimum training standard  
10 as determined by the Board. The Board shall have the right to  
11 waive any training based on current written policies and  
12 procedures for alcohol and tobacco compliance check operations  
13 and in-service training already administered by the local law  
14 enforcement agency, department, or office.

15 (d) The provisions of subsections (b) and (c) do not apply  
16 to a home rule unit with more than 2,000,000 inhabitants.

17 (e) A home rule unit, other than a home rule unit with more  
18 than 2,000,000 inhabitants, may not regulate enforcement  
19 actions in a manner inconsistent with the regulation of  
20 enforcement actions under this Section. This subsection (e) is  
21 a limitation under subsection (i) of Section 6 of Article VII  
22 of the Illinois Constitution on the concurrent exercise by home  
23 rule units of powers and functions exercised by the State.

24 (f) A licensee who is the subject of an enforcement action  
25 or "sting operation" under this Section and is found, pursuant  
26 to the enforcement action, to be in compliance with this Act

1 shall be notified by the enforcement agency action that no  
2 violation was found within 30 days after the finding.

3 (Source: P.A. 96-179, eff. 8-10-09; 96-446, eff. 1-1-10;  
4 96-1000, eff. 7-2-10.)

5 Section 20. The Juvenile Court Act of 1987 is amended by  
6 changing Sections 5-615 and 5-710 as follows:

7 (705 ILCS 405/5-615)

8 Sec. 5-615. Continuance under supervision.

9 (1) The court may enter an order of continuance under  
10 supervision for an offense other than first degree murder, a  
11 Class X felony or a forcible felony:

12 (a) upon an admission or stipulation by the appropriate  
13 respondent or minor respondent of the facts supporting the  
14 petition and before the court makes a finding of  
15 delinquency, and in the absence of objection made in open  
16 court by the minor, his or her parent, guardian, or legal  
17 custodian, the minor's attorney or the State's Attorney; or

18 (b) upon a finding of delinquency and after considering  
19 the circumstances of the offense and the history,  
20 character, and condition of the minor, if the court is of  
21 the opinion that:

22 (i) the minor is not likely to commit further  
23 crimes;

24 (ii) the minor and the public would be best served

1 if the minor were not to receive a criminal record; and  
2 (iii) in the best interests of justice an order of  
3 continuance under supervision is more appropriate than  
4 a sentence otherwise permitted under this Act.

5 (2) (Blank).

6 (3) Nothing in this Section limits the power of the court  
7 to order a continuance of the hearing for the production of  
8 additional evidence or for any other proper reason.

9 (4) When a hearing where a minor is alleged to be a  
10 delinquent is continued pursuant to this Section, the period of  
11 continuance under supervision may not exceed 24 months. The  
12 court may terminate a continuance under supervision at any time  
13 if warranted by the conduct of the minor and the ends of  
14 justice or vacate the finding of delinquency or both.

15 (5) When a hearing where a minor is alleged to be  
16 delinquent is continued pursuant to this Section, the court  
17 may, as conditions of the continuance under supervision,  
18 require the minor to do any of the following:

19 (a) not violate any criminal statute of any  
20 jurisdiction;

21 (b) make a report to and appear in person before any  
22 person or agency as directed by the court;

23 (c) work or pursue a course of study or vocational  
24 training;

25 (d) undergo medical or psychotherapeutic treatment  
26 rendered by a therapist licensed under the provisions of

1 the Medical Practice Act of 1987, the Clinical Psychologist  
2 Licensing Act, or the Clinical Social Work and Social Work  
3 Practice Act, or an entity licensed by the Department of  
4 Human Services as a successor to the Department of  
5 Alcoholism and Substance Abuse, for the provision of drug  
6 addiction and alcoholism treatment;

7 (e) attend or reside in a facility established for the  
8 instruction or residence of persons on probation;

9 (f) support his or her dependents, if any;

10 (g) pay costs;

11 (h) refrain from possessing a firearm or other  
12 dangerous weapon, or an automobile;

13 (i) permit the probation officer to visit him or her at  
14 his or her home or elsewhere;

15 (j) reside with his or her parents or in a foster home;

16 (k) attend school;

17 (k-5) with the consent of the superintendent of the  
18 facility, attend an educational program at a facility other  
19 than the school in which the offense was committed if he or  
20 she committed a crime of violence as defined in Section 2  
21 of the Crime Victims Compensation Act in a school, on the  
22 real property comprising a school, or within 1,000 feet of  
23 the real property comprising a school;

24 (l) attend a non-residential program for youth;

25 (m) contribute to his or her own support at home or in  
26 a foster home;

1           (n) perform some reasonable public or community  
2 service;

3           (o) make restitution to the victim, in the same manner  
4 and under the same conditions as provided in subsection (4)  
5 of Section 5-710, except that the "sentencing hearing"  
6 referred to in that Section shall be the adjudicatory  
7 hearing for purposes of this Section;

8           (p) comply with curfew requirements as designated by  
9 the court;

10          (q) refrain from entering into a designated geographic  
11 area except upon terms as the court finds appropriate. The  
12 terms may include consideration of the purpose of the  
13 entry, the time of day, other persons accompanying the  
14 minor, and advance approval by a probation officer;

15          (r) refrain from having any contact, directly or  
16 indirectly, with certain specified persons or particular  
17 types of persons, including but not limited to members of  
18 street gangs and drug users or dealers;

19          (r-5) undergo a medical or other procedure to have a  
20 tattoo symbolizing allegiance to a street gang removed from  
21 his or her body;

22          (s) refrain from having in his or her body the presence  
23 of any illicit drug prohibited by the Cannabis Control Act,  
24 the Illinois Controlled Substances Act, or the  
25 Methamphetamine Control and Community Protection Act,  
26 unless prescribed by a physician, and submit samples of his

1 or her blood or urine or both for tests to determine the  
2 presence of any illicit drug; or

3 (t) comply with any other conditions as may be ordered  
4 by the court.

5 (6) A minor whose case is continued under supervision under  
6 subsection (5) shall be given a certificate setting forth the  
7 conditions imposed by the court. Those conditions may be  
8 reduced, enlarged, or modified by the court on motion of the  
9 probation officer or on its own motion, or that of the State's  
10 Attorney, or, at the request of the minor after notice and  
11 hearing.

12 (7) If a petition is filed charging a violation of a  
13 condition of the continuance under supervision, the court shall  
14 conduct a hearing. If the court finds that a condition of  
15 supervision has not been fulfilled, the court may proceed to  
16 findings, adjudication, and disposition or adjudication and  
17 disposition. The filing of a petition for violation of a  
18 condition of the continuance under supervision shall toll the  
19 period of continuance under supervision until the final  
20 determination of the charge, and the term of the continuance  
21 under supervision shall not run until the hearing and  
22 disposition of the petition for violation; provided where the  
23 petition alleges conduct that does not constitute a criminal  
24 offense, the hearing must be held within 30 days of the filing  
25 of the petition unless a delay shall continue the tolling of  
26 the period of continuance under supervision for the period of



1 the delay.

2 (8) When a hearing in which a minor is alleged to be a  
3 delinquent for reasons that include a violation of Section  
4 21-1.3 of the Criminal Code of 1961 or the Criminal Code of  
5 2012 is continued under this Section, the court shall, as a  
6 condition of the continuance under supervision, require the  
7 minor to perform community service for not less than 30 and not  
8 more than 120 hours, if community service is available in the  
9 jurisdiction. The community service shall include, but need not  
10 be limited to, the cleanup and repair of the damage that was  
11 caused by the alleged violation or similar damage to property  
12 located in the municipality or county in which the alleged  
13 violation occurred. The condition may be in addition to any  
14 other condition.

15 (8.5) When a hearing in which a minor is alleged to be a  
16 delinquent for reasons that include a violation of Section 3.02  
17 or Section 3.03 of the Humane Care for Animals Act or paragraph  
18 (d) of subsection (1) of Section 21-1 of the Criminal Code of  
19 1961 or paragraph (4) of subsection (a) of Section 21-1 or the  
20 Criminal Code of 2012 is continued under this Section, the  
21 court shall, as a condition of the continuance under  
22 supervision, require the minor to undergo medical or  
23 psychiatric treatment rendered by a psychiatrist or  
24 psychological treatment rendered by a clinical psychologist.  
25 The condition may be in addition to any other condition.

26 (9) When a hearing in which a minor is alleged to be a

1 delinquent is continued under this Section, the court, before  
2 continuing the case, shall make a finding whether the offense  
3 alleged to have been committed either: (i) was related to or in  
4 furtherance of the activities of an organized gang or was  
5 motivated by the minor's membership in or allegiance to an  
6 organized gang, or (ii) is a violation of paragraph (13) of  
7 subsection (a) of Section 12-2 or paragraph (2) of subsection  
8 (c) of Section 12-2 of the Criminal Code of 1961 or the  
9 Criminal Code of 2012, a violation of any Section of Article 24  
10 of the Criminal Code of 1961 or the Criminal Code of 2012, or a  
11 violation of any statute that involved the unlawful use of a  
12 firearm. If the court determines the question in the  
13 affirmative the court shall, as a condition of the continuance  
14 under supervision and as part of or in addition to any other  
15 condition of the supervision, require the minor to perform  
16 community service for not less than 30 hours, provided that  
17 community service is available in the jurisdiction and is  
18 funded and approved by the county board of the county where the  
19 offense was committed. The community service shall include, but  
20 need not be limited to, the cleanup and repair of any damage  
21 caused by an alleged violation of Section 21-1.3 of the  
22 Criminal Code of 1961 or the Criminal Code of 2012 and similar  
23 damage to property located in the municipality or county in  
24 which the alleged violation occurred. When possible and  
25 reasonable, the community service shall be performed in the  
26 minor's neighborhood. For the purposes of this Section,

1 "organized gang" has the meaning ascribed to it in Section 10  
2 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

3 (10) The court shall impose upon a minor placed on  
4 supervision, as a condition of the supervision, a fee of \$50  
5 for each month of supervision ordered by the court, unless  
6 after determining the inability of the minor placed on  
7 supervision to pay the fee, the court assesses a lesser amount.  
8 The court may not impose the fee on a minor who is made a ward  
9 of the State under this Act while the minor is in placement.  
10 The fee shall be imposed only upon a minor who is actively  
11 supervised by the probation and court services department. A  
12 court may order the parent, guardian, or legal custodian of the  
13 minor to pay some or all of the fee on the minor's behalf.

14 (11) If a minor is placed on supervision for a violation of  
15 subsection (a-7) of Section 1 of the Prevention of Tobacco Use  
16 by Persons under 21 Years of Age and Sale and Distribution of  
17 Tobacco Products ~~Minors~~ Act, the court may, in its discretion,  
18 and upon recommendation by the State's Attorney, order that  
19 minor and his or her parents or legal guardian to attend a  
20 smoker's education or youth diversion program as defined in  
21 that Act if that program is available in the jurisdiction where  
22 the offender resides. Attendance at a smoker's education or  
23 youth diversion program shall be time-credited against any  
24 community service time imposed for any first violation of  
25 subsection (a-7) of Section 1 of that Act. In addition to any  
26 other penalty that the court may impose for a violation of

1 subsection (a-7) of Section 1 of that Act, the court, upon  
2 request by the State's Attorney, may in its discretion require  
3 the offender to remit a fee for his or her attendance at a  
4 smoker's education or youth diversion program.

5 For purposes of this Section, "smoker's education program"  
6 or "youth diversion program" includes, but is not limited to, a  
7 seminar designed to educate a person on the physical and  
8 psychological effects of smoking tobacco products and the  
9 health consequences of smoking tobacco products that can be  
10 conducted with a locality's youth diversion program.

11 In addition to any other penalty that the court may impose  
12 under this subsection (11):

13 (a) If a minor violates subsection (a-7) of Section 1  
14 of the Prevention of Tobacco Use by Persons under 21 Years  
15 of Age and Sale and Distribution of Tobacco Products ~~Minors~~  
16 Act, the court may impose a sentence of 15 hours of  
17 community service or a fine of \$25 for a first violation.

18 (b) A second violation by a minor of subsection (a-7)  
19 of Section 1 of that Act that occurs within 12 months after  
20 the first violation is punishable by a fine of \$50 and 25  
21 hours of community service.

22 (c) A third or subsequent violation by a minor of  
23 subsection (a-7) of Section 1 of that Act that occurs  
24 within 12 months after the first violation is punishable by  
25 a \$100 fine and 30 hours of community service.

26 (d) Any second or subsequent violation not within the

1 12-month time period after the first violation is  
2 punishable as provided for a first violation.

3 (Source: P.A. 97-1150, eff. 1-25-13; 98-62, eff. 1-1-14.)

4 (705 ILCS 405/5-710)

5 Sec. 5-710. Kinds of sentencing orders.

6 (1) The following kinds of sentencing orders may be made in  
7 respect of wards of the court:

8 (a) Except as provided in Sections 5-805, 5-810, 5-815,  
9 a minor who is found guilty under Section 5-620 may be:

10 (i) put on probation or conditional discharge and  
11 released to his or her parents, guardian or legal  
12 custodian, provided, however, that any such minor who  
13 is not committed to the Department of Juvenile Justice  
14 under this subsection and who is found to be a  
15 delinquent for an offense which is first degree murder,  
16 a Class X felony, or a forcible felony shall be placed  
17 on probation;

18 (ii) placed in accordance with Section 5-740, with  
19 or without also being put on probation or conditional  
20 discharge;

21 (iii) required to undergo a substance abuse  
22 assessment conducted by a licensed provider and  
23 participate in the indicated clinical level of care;

24 (iv) on and after the effective date of this  
25 amendatory Act of the 98th General Assembly and before

1 January 1, 2017, placed in the guardianship of the  
2 Department of Children and Family Services, but only if  
3 the delinquent minor is under 16 years of age or,  
4 pursuant to Article II of this Act, a minor for whom an  
5 independent basis of abuse, neglect, or dependency  
6 exists. On and after January 1, 2017, placed in the  
7 guardianship of the Department of Children and Family  
8 Services, but only if the delinquent minor is under 15  
9 years of age or, pursuant to Article II of this Act, a  
10 minor for whom an independent basis of abuse, neglect,  
11 or dependency exists. An independent basis exists when  
12 the allegations or adjudication of abuse, neglect, or  
13 dependency do not arise from the same facts, incident,  
14 or circumstances which give rise to a charge or  
15 adjudication of delinquency;

16 (v) placed in detention for a period not to exceed  
17 30 days, either as the exclusive order of disposition  
18 or, where appropriate, in conjunction with any other  
19 order of disposition issued under this paragraph,  
20 provided that any such detention shall be in a juvenile  
21 detention home and the minor so detained shall be 10  
22 years of age or older. However, the 30-day limitation  
23 may be extended by further order of the court for a  
24 minor under age 15 committed to the Department of  
25 Children and Family Services if the court finds that  
26 the minor is a danger to himself or others. The minor

1 shall be given credit on the sentencing order of  
2 detention for time spent in detention under Sections  
3 5-501, 5-601, 5-710, or 5-720 of this Article as a  
4 result of the offense for which the sentencing order  
5 was imposed. The court may grant credit on a sentencing  
6 order of detention entered under a violation of  
7 probation or violation of conditional discharge under  
8 Section 5-720 of this Article for time spent in  
9 detention before the filing of the petition alleging  
10 the violation. A minor shall not be deprived of credit  
11 for time spent in detention before the filing of a  
12 violation of probation or conditional discharge  
13 alleging the same or related act or acts. The  
14 limitation that the minor shall only be placed in a  
15 juvenile detention home does not apply as follows:

16 Persons 18 years of age and older who have a  
17 petition of delinquency filed against them may be  
18 confined in an adult detention facility. In making a  
19 determination whether to confine a person 18 years of  
20 age or older who has a petition of delinquency filed  
21 against the person, these factors, among other  
22 matters, shall be considered:

23 (A) the age of the person;

24 (B) any previous delinquent or criminal  
25 history of the person;

26 (C) any previous abuse or neglect history of

1 the person;

2 (D) any mental health history of the person;

3 and

4 (E) any educational history of the person;

5 (vi) ordered partially or completely emancipated  
6 in accordance with the provisions of the Emancipation  
7 of Minors Act;

8 (vii) subject to having his or her driver's license  
9 or driving privileges suspended for such time as  
10 determined by the court but only until he or she  
11 attains 18 years of age;

12 (viii) put on probation or conditional discharge  
13 and placed in detention under Section 3-6039 of the  
14 Counties Code for a period not to exceed the period of  
15 incarceration permitted by law for adults found guilty  
16 of the same offense or offenses for which the minor was  
17 adjudicated delinquent, and in any event no longer than  
18 upon attainment of age 21; this subdivision (viii)  
19 notwithstanding any contrary provision of the law;

20 (ix) ordered to undergo a medical or other  
21 procedure to have a tattoo symbolizing allegiance to a  
22 street gang removed from his or her body; or

23 (x) placed in electronic home detention under Part  
24 7A of this Article.

25 (b) A minor found to be guilty may be committed to the  
26 Department of Juvenile Justice under Section 5-750 if the



1 minor is at least 13 years and under 20 years of age,  
2 provided that the commitment to the Department of Juvenile  
3 Justice shall be made only if the minor was found guilty of  
4 a felony offense or first degree murder. The court shall  
5 include in the sentencing order any pre-custody credits the  
6 minor is entitled to under Section 5-4.5-100 of the Unified  
7 Code of Corrections. The time during which a minor is in  
8 custody before being released upon the request of a parent,  
9 guardian or legal custodian shall also be considered as  
10 time spent in custody.

11 (c) When a minor is found to be guilty for an offense  
12 which is a violation of the Illinois Controlled Substances  
13 Act, the Cannabis Control Act, or the Methamphetamine  
14 Control and Community Protection Act and made a ward of the  
15 court, the court may enter a disposition order requiring  
16 the minor to undergo assessment, counseling or treatment in  
17 a substance abuse program approved by the Department of  
18 Human Services.

19 (2) Any sentencing order other than commitment to the  
20 Department of Juvenile Justice may provide for protective  
21 supervision under Section 5-725 and may include an order of  
22 protection under Section 5-730.

23 (3) Unless the sentencing order expressly so provides, it  
24 does not operate to close proceedings on the pending petition,  
25 but is subject to modification until final closing and  
26 discharge of the proceedings under Section 5-750.

1           (4) In addition to any other sentence, the court may order  
2 any minor found to be delinquent to make restitution, in  
3 monetary or non-monetary form, under the terms and conditions  
4 of Section 5-5-6 of the Unified Code of Corrections, except  
5 that the "presentencing hearing" referred to in that Section  
6 shall be the sentencing hearing for purposes of this Section.  
7 The parent, guardian or legal custodian of the minor may be  
8 ordered by the court to pay some or all of the restitution on  
9 the minor's behalf, pursuant to the Parental Responsibility  
10 Law. The State's Attorney is authorized to act on behalf of any  
11 victim in seeking restitution in proceedings under this  
12 Section, up to the maximum amount allowed in Section 5 of the  
13 Parental Responsibility Law.

14           (5) Any sentencing order where the minor is committed or  
15 placed in accordance with Section 5-740 shall provide for the  
16 parents or guardian of the estate of the minor to pay to the  
17 legal custodian or guardian of the person of the minor such  
18 sums as are determined by the custodian or guardian of the  
19 person of the minor as necessary for the minor's needs. The  
20 payments may not exceed the maximum amounts provided for by  
21 Section 9.1 of the Children and Family Services Act.

22           (6) Whenever the sentencing order requires the minor to  
23 attend school or participate in a program of training, the  
24 truant officer or designated school official shall regularly  
25 report to the court if the minor is a chronic or habitual  
26 truant under Section 26-2a of the School Code. Notwithstanding

1 any other provision of this Act, in instances in which  
2 educational services are to be provided to a minor in a  
3 residential facility where the minor has been placed by the  
4 court, costs incurred in the provision of those educational  
5 services must be allocated based on the requirements of the  
6 School Code.

7 (7) In no event shall a guilty minor be committed to the  
8 Department of Juvenile Justice for a period of time in excess  
9 of that period for which an adult could be committed for the  
10 same act. The court shall include in the sentencing order a  
11 limitation on the period of confinement not to exceed the  
12 maximum period of imprisonment the court could impose under  
13 Article V of the Unified Code of Corrections.

14 (7.5) In no event shall a guilty minor be committed to the  
15 Department of Juvenile Justice or placed in detention when the  
16 act for which the minor was adjudicated delinquent would not be  
17 illegal if committed by an adult.

18 (7.6) In no event shall a guilty minor be committed to the  
19 Department of Juvenile Justice for an offense which is a Class  
20 4 felony under Section 19-4 (criminal trespass to a residence),  
21 21-1 (criminal damage to property), 21-1.01 (criminal damage to  
22 government supported property), 21-1.3 (criminal defacement of  
23 property), 26-1 (disorderly conduct), or 31-4 (obstructing  
24 justice) of the Criminal Code of 2012.

25 (7.75) In no event shall a guilty minor be committed to the  
26 Department of Juvenile Justice for an offense that is a Class 3

1 or Class 4 felony violation of the Illinois Controlled  
2 Substances Act unless the commitment occurs upon a third or  
3 subsequent judicial finding of a violation of probation for  
4 substantial noncompliance with court-ordered ~~court-ordered~~  
5 treatment or programming.

6 (8) A minor found to be guilty for reasons that include a  
7 violation of Section 21-1.3 of the Criminal Code of 1961 or the  
8 Criminal Code of 2012 shall be ordered to perform community  
9 service for not less than 30 and not more than 120 hours, if  
10 community service is available in the jurisdiction. The  
11 community service shall include, but need not be limited to,  
12 the cleanup and repair of the damage that was caused by the  
13 violation or similar damage to property located in the  
14 municipality or county in which the violation occurred. The  
15 order may be in addition to any other order authorized by this  
16 Section.

17 (8.5) A minor found to be guilty for reasons that include a  
18 violation of Section 3.02 or Section 3.03 of the Humane Care  
19 for Animals Act or paragraph (d) of subsection (1) of Section  
20 21-1 of the Criminal Code of 1961 or paragraph (4) of  
21 subsection (a) of Section 21-1 of the Criminal Code of 2012  
22 shall be ordered to undergo medical or psychiatric treatment  
23 rendered by a psychiatrist or psychological treatment rendered  
24 by a clinical psychologist. The order may be in addition to any  
25 other order authorized by this Section.

26 (9) In addition to any other sentencing order, the court

1 shall order any minor found to be guilty for an act which would  
2 constitute, predatory criminal sexual assault of a child,  
3 aggravated criminal sexual assault, criminal sexual assault,  
4 aggravated criminal sexual abuse, or criminal sexual abuse if  
5 committed by an adult to undergo medical testing to determine  
6 whether the defendant has any sexually transmissible disease  
7 including a test for infection with human immunodeficiency  
8 virus (HIV) or any other identified causative agency of  
9 acquired immunodeficiency syndrome (AIDS). Any medical test  
10 shall be performed only by appropriately licensed medical  
11 practitioners and may include an analysis of any bodily fluids  
12 as well as an examination of the minor's person. Except as  
13 otherwise provided by law, the results of the test shall be  
14 kept strictly confidential by all medical personnel involved in  
15 the testing and must be personally delivered in a sealed  
16 envelope to the judge of the court in which the sentencing  
17 order was entered for the judge's inspection in camera. Acting  
18 in accordance with the best interests of the victim and the  
19 public, the judge shall have the discretion to determine to  
20 whom the results of the testing may be revealed. The court  
21 shall notify the minor of the results of the test for infection  
22 with the human immunodeficiency virus (HIV). The court shall  
23 also notify the victim if requested by the victim, and if the  
24 victim is under the age of 15 and if requested by the victim's  
25 parents or legal guardian, the court shall notify the victim's  
26 parents or the legal guardian, of the results of the test for

1 infection with the human immunodeficiency virus (HIV). The  
2 court shall provide information on the availability of HIV  
3 testing and counseling at the Department of Public Health  
4 facilities to all parties to whom the results of the testing  
5 are revealed. The court shall order that the cost of any test  
6 shall be paid by the county and may be taxed as costs against  
7 the minor.

8 (10) When a court finds a minor to be guilty the court  
9 shall, before entering a sentencing order under this Section,  
10 make a finding whether the offense committed either: (a) was  
11 related to or in furtherance of the criminal activities of an  
12 organized gang or was motivated by the minor's membership in or  
13 allegiance to an organized gang, or (b) involved a violation of  
14 subsection (a) of Section 12-7.1 of the Criminal Code of 1961  
15 or the Criminal Code of 2012, a violation of any Section of  
16 Article 24 of the Criminal Code of 1961 or the Criminal Code of  
17 2012, or a violation of any statute that involved the wrongful  
18 use of a firearm. If the court determines the question in the  
19 affirmative, and the court does not commit the minor to the  
20 Department of Juvenile Justice, the court shall order the minor  
21 to perform community service for not less than 30 hours nor  
22 more than 120 hours, provided that community service is  
23 available in the jurisdiction and is funded and approved by the  
24 county board of the county where the offense was committed. The  
25 community service shall include, but need not be limited to,  
26 the cleanup and repair of any damage caused by a violation of

1 Section 21-1.3 of the Criminal Code of 1961 or the Criminal  
2 Code of 2012 and similar damage to property located in the  
3 municipality or county in which the violation occurred. When  
4 possible and reasonable, the community service shall be  
5 performed in the minor's neighborhood. This order shall be in  
6 addition to any other order authorized by this Section except  
7 for an order to place the minor in the custody of the  
8 Department of Juvenile Justice. For the purposes of this  
9 Section, "organized gang" has the meaning ascribed to it in  
10 Section 10 of the Illinois Streetgang Terrorism Omnibus  
11 Prevention Act.

12 (11) If the court determines that the offense was committed  
13 in furtherance of the criminal activities of an organized gang,  
14 as provided in subsection (10), and that the offense involved  
15 the operation or use of a motor vehicle or the use of a  
16 driver's license or permit, the court shall notify the  
17 Secretary of State of that determination and of the period for  
18 which the minor shall be denied driving privileges. If, at the  
19 time of the determination, the minor does not hold a driver's  
20 license or permit, the court shall provide that the minor shall  
21 not be issued a driver's license or permit until his or her  
22 18th birthday. If the minor holds a driver's license or permit  
23 at the time of the determination, the court shall provide that  
24 the minor's driver's license or permit shall be revoked until  
25 his or her 21st birthday, or until a later date or occurrence  
26 determined by the court. If the minor holds a driver's license

1 at the time of the determination, the court may direct the  
2 Secretary of State to issue the minor a judicial driving  
3 permit, also known as a JDP. The JDP shall be subject to the  
4 same terms as a JDP issued under Section 6-206.1 of the  
5 Illinois Vehicle Code, except that the court may direct that  
6 the JDP be effective immediately.

7 (12) If a minor is found to be guilty of a violation of  
8 subsection (a-7) of Section 1 of the Prevention of Tobacco Use  
9 by Persons under 21 Years of Age and Sale and Distribution of  
10 Tobacco Products ~~Minors~~ Act, the court may, in its discretion,  
11 and upon recommendation by the State's Attorney, order that  
12 minor and his or her parents or legal guardian to attend a  
13 smoker's education or youth diversion program as defined in  
14 that Act if that program is available in the jurisdiction where  
15 the offender resides. Attendance at a smoker's education or  
16 youth diversion program shall be time-credited against any  
17 community service time imposed for any first violation of  
18 subsection (a-7) of Section 1 of that Act. In addition to any  
19 other penalty that the court may impose for a violation of  
20 subsection (a-7) of Section 1 of that Act, the court, upon  
21 request by the State's Attorney, may in its discretion require  
22 the offender to remit a fee for his or her attendance at a  
23 smoker's education or youth diversion program.

24 For purposes of this Section, "smoker's education program"  
25 or "youth diversion program" includes, but is not limited to, a  
26 seminar designed to educate a person on the physical and



1 psychological effects of smoking tobacco products and the  
2 health consequences of smoking tobacco products that can be  
3 conducted with a locality's youth diversion program.

4 In addition to any other penalty that the court may impose  
5 under this subsection (12):

6 (a) If a minor violates subsection (a-7) of Section 1  
7 of the Prevention of Tobacco Use by Persons under 21 Years  
8 of Age and Sale and Distribution of Tobacco Products ~~Minors~~  
9 Act, the court may impose a sentence of 15 hours of  
10 community service or a fine of \$25 for a first violation.

11 (b) A second violation by a minor of subsection (a-7)  
12 of Section 1 of that Act that occurs within 12 months after  
13 the first violation is punishable by a fine of \$50 and 25  
14 hours of community service.

15 (c) A third or subsequent violation by a minor of  
16 subsection (a-7) of Section 1 of that Act that occurs  
17 within 12 months after the first violation is punishable by  
18 a \$100 fine and 30 hours of community service.

19 (d) Any second or subsequent violation not within the  
20 12-month time period after the first violation is  
21 punishable as provided for a first violation.

22 (Source: P.A. 98-536, eff. 8-23-13; 98-803, eff. 1-1-15;  
23 99-268, eff. 1-1-16; 99-628, eff. 1-1-17; 99-879, eff. 1-1-17;  
24 revised 9-2-16.)

25 Section 25. The Prevention of Tobacco Use by Minors and

1 Sale and Distribution of Tobacco Products Act is amended by  
2 changing the title of the Act and Sections 0.01, 1, and 2 as  
3 follows:

4 (720 ILCS 675/Act title)

5 An Act to prohibit persons under 21 years of age ~~minors~~  
6 from buying, selling, or possessing tobacco in any of its  
7 forms, to prohibit selling, giving or furnishing tobacco, in  
8 any of its forms, to persons under 21 years of age ~~minors~~, and  
9 to prohibit the distribution of tobacco samples and providing  
10 penalties therefor.

11 (720 ILCS 675/0.01) (from Ch. 23, par. 2356.9)

12 Sec. 0.01. Short title. This Act may be cited as the  
13 Prevention of Tobacco Use by Persons under 21 years of Age  
14 ~~Minors~~ and Sale and Distribution of Tobacco Products Act.

15 (Source: P.A. 96-179, eff. 8-10-09; 96-446, eff. 1-1-10;  
16 96-1000, eff. 7-2-10.)

17 (720 ILCS 675/1) (from Ch. 23, par. 2357)

18 Sec. 1. Prohibition on sale to and possession of tobacco  
19 products, electronic cigarettes, and alternative nicotine  
20 products by persons under 21 years of age ~~by minors~~;  
21 prohibition on the distribution of tobacco product samples,  
22 electronic cigarette samples, and alternative nicotine product  
23 samples to any person; use of identification cards; vending

1 machines; lunch wagons; out-of-package sales.

2 (a) No person ~~minor~~ under 21 ~~18~~ years of age shall buy any  
3 tobacco product, electronic cigarette, or alternative nicotine  
4 product. No person shall sell, buy for, distribute samples of  
5 or furnish any tobacco product, electronic cigarette, or any  
6 alternative nicotine product to any person ~~minor~~ under 21 ~~18~~  
7 years of age.

8 (a-5) No person ~~minor~~ under 16 years of age may sell any  
9 tobacco product, electronic cigarette, or alternative nicotine  
10 product at a retail establishment selling tobacco products,  
11 electronic cigarettes, or alternative nicotine products. This  
12 subsection does not apply to a sales clerk in a family-owned  
13 business which can prove that the sales clerk is in fact a son  
14 or daughter of the owner.

15 (a-5.1) Before selling, offering for sale, giving, or  
16 furnishing a tobacco product, electronic cigarette, or  
17 alternative nicotine product to another person, the person  
18 selling, offering for sale, giving, or furnishing the tobacco  
19 product, electronic cigarette, or alternative nicotine product  
20 shall verify that the person is at least 21 years of age by:

21 (1) examining from any person that appears to be under  
22 30 years of age a government-issued photographic  
23 identification that establishes the person to be 21 years  
24 of age or older; or

25 (2) for sales of tobacco products, electronic  
26 cigarettes, or alternative nicotine products made through

1       the Internet or other remote sales methods, performing an  
2       age verification through an independent, third party age  
3       verification service that compares information available  
4       from public records to the personal information entered by  
5       the person during the ordering process that establishes the  
6       person is 21 years of age or older.

7       (a-6) No person ~~minor~~ under 21 ~~18~~ years of age in the  
8 furtherance or facilitation of obtaining any tobacco product,  
9 electronic cigarette, or alternative nicotine product shall  
10 display or use a false or forged identification card or  
11 transfer, alter, or deface an identification card.

12       (a-7) Except as otherwise provided in this Act, no person  
13 ~~No minor~~ under 21 ~~18~~ years of age shall possess any tobacco  
14 product, electronic cigarette, or alternative nicotine product  
15 ~~cigar, cigarette, smokeless tobacco, or tobacco in any of its~~  
16 ~~forms.~~

17       (a-8) A person shall not distribute without charge samples  
18 of any tobacco product, electronic cigarette, or alternative  
19 nicotine product to any other person, regardless of age:

20           (1) within a retail establishment selling tobacco  
21 products, electronic cigarettes, or alternative nicotine  
22 products unless the retailer has verified the purchaser's  
23 age with a government issued identification;

24           (2) from a lunch wagon; or

25           (3) on a public way as a promotion or advertisement of  
26 a tobacco manufacturer, ~~or~~ tobacco product, electronic

1 cigarette, or alternative nicotine product.

2 This subsection (a-8) does not apply to the distribution of  
3 a tobacco product, electronic cigarette, or alternative  
4 nicotine product sample in any adult-only facility.

5 (a-9) For the purpose of this Section:

6 "Adult-only facility means a facility or restricted  
7 area (whether open-air or enclosed) where the operator  
8 ensures or has a reasonable basis to believe (such as by  
9 checking identification as required under State law, or by  
10 checking the identification of any person appearing to be  
11 under the age of 30 ~~27~~) that no person under legal age is  
12 present. A facility or restricted area need not be  
13 permanently restricted to persons under 21 years of legal  
14 age to constitute an adult-only facility, provided that the  
15 operator ensures or has a reasonable basis to believe that  
16 no person under 21 years of legal age is present during the  
17 event or time period in question.

18 "Alternative nicotine product" means a product or  
19 device not consisting of or containing tobacco that  
20 provides for the ingestion into the body of nicotine,  
21 whether by chewing, smoking, absorbing, dissolving,  
22 inhaling, snorting, sniffing, or by any other means.

23 "Alternative nicotine product" does not include:  
24 cigarettes as defined in Section 1 of the Cigarette Tax Act  
25 and tobacco products as defined in Section 10-5 of the  
26 Tobacco Products Tax Act of 1995; tobacco product and

1 electronic cigarette as defined in this Section; or any  
2 product approved by the United States Food and Drug  
3 Administration for sale as a tobacco cessation product, as  
4 a tobacco dependence product, or for other medical  
5 purposes, and is being marketed and sold solely for that  
6 approved purpose.

7 "Electronic cigarette" means:

8 (1) any device that employs a battery or other  
9 mechanism to heat a solution or substance to produce a  
10 vapor or aerosol intended for inhalation;

11 (2) any cartridge or container of a solution or  
12 substance intended to be used with or in the device or to  
13 refill the device; or

14 (3) any solution or substance, whether or not it  
15 contains nicotine intended for use in the device.

16 "Electronic cigarette" includes, but is not limited to, any  
17 electronic nicotine delivery system, electronic cigar,  
18 electronic cigarillo, electronic pipe, electronic hookah,  
19 vape pen, or similar product or device, and any components  
20 or parts that can be used to build the product or device.

21 "Electronic cigarette" does not include: cigarettes as  
22 defined in Section 1 of the Cigarette Tax Act and tobacco  
23 products as defined in Section 10-5 of the Tobacco Products  
24 Tax Act of 1995; tobacco product and alternative nicotine  
25 product as defined in this Section; any product approved by  
26 the United States Food and Drug Administration for sale as

1 a tobacco cessation product, as a tobacco dependence  
2 product, or for other medical purposes, and is being  
3 marketed and sold solely for that approved purpose; any  
4 asthma inhaler prescribed by a physician for that condition  
5 and is being marketed and sold solely for that approved  
6 purpose; or any therapeutic product approved for use under  
7 the Compassionate Use of Medical Cannabis Pilot Program  
8 Act.

9 "Lunch wagon" means a mobile vehicle designed and  
10 constructed to transport food and from which food is sold  
11 to the general public.

12 "Nicotine" means any form of the chemical nicotine,  
13 including any salt or complex, regardless of whether the  
14 chemical is naturally or synthetically derived.

15 ~~"Smokeless tobacco" means any tobacco products that~~  
16 ~~are suitable for dipping or chewing.~~

17 "Tobacco product" means any product containing or made  
18 from tobacco that is intended for human consumption,  
19 whether smoked, heated, chewed, absorbed, dissolved,  
20 inhaled, snorted, sniffed, or ingested by any other means,  
21 including, but not limited to, cigarettes, cigars, little  
22 cigars, chewing tobacco, pipe tobacco, snuff, snus, and any  
23 other smokeless tobacco product which contains tobacco  
24 that is finely cut, ground, powdered, or leaf and intended  
25 to be placed in the oral cavity. "Tobacco product" includes  
26 any component, part, or accessory of a tobacco product,

1 whether or not sold separately. "Tobacco product" does not  
2 include: an electronic cigarette and alternative nicotine  
3 product as defined in this Section; or any product that has  
4 been approved by the United States Food and Drug  
5 Administration for sale as a tobacco cessation product, as  
6 a tobacco dependence product, or for other medical  
7 purposes, and is being marketed and sold solely for that  
8 approved purpose ~~means any cigar, cigarette, smokeless~~  
9 ~~tobacco, or tobacco in any of its forms.~~

10 (b) Tobacco products, electronic cigarettes, and  
11 alternative nicotine products ~~listed in this Section~~ may be  
12 sold through a vending machine only if such tobacco products,  
13 electronic cigarettes, and alternative nicotine products are  
14 not placed together with any non-tobacco product, other than  
15 matches, in the vending machine and the vending machine is in  
16 any of the following locations:

17 (1) (Blank).

18 (2) Places to which persons ~~minors~~ under 21 ~~18~~ years of  
19 age are not permitted access at any time.

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

23 (4) (Blank).

24 (5) (Blank). ~~Places where the vending machine can only~~  
25 ~~be operated by the owner or an employee over age 18 either~~  
26 ~~directly or through a remote control device if the device~~



1 ~~is inaccessible to all customers.~~

2 (c) (Blank).

3 (d) The sale or distribution by any person of a tobacco  
4 product as defined in this Section, including but not limited  
5 to a single or loose cigarette, that is not contained within a  
6 sealed container, pack, or package as provided by the  
7 manufacturer, which container, pack, or package bears the  
8 health warning required by federal law, is prohibited.

9 (e) It is not a violation of this Act for a person under 21  
10 ~~18~~ years of age to purchase or possess a tobacco product,  
11 electronic cigarette, or alternative nicotine product ~~eigar,~~  
12 ~~cigarette, smokeless tobacco or tobacco in any of its forms~~ if  
13 the person under the age of 21 ~~18~~ purchases or is given the  
14 ~~eigar, cigarette, smokeless tobacco or tobacco~~ product,  
15 electronic cigarette, or alternative nicotine product in any of  
16 its forms from a retail seller of tobacco products, electronic  
17 cigarettes, or alternative nicotine products or an employee of  
18 the retail seller pursuant to a plan or action to investigate,  
19 patrol, or otherwise conduct a "sting operation" or enforcement  
20 action against a retail seller of tobacco products, electronic  
21 cigarettes, or alternative nicotine products or a person  
22 employed by the retail seller of tobacco products, electronic  
23 cigarettes, or alternative nicotine products or on any premises  
24 authorized to sell tobacco products, electronic cigarettes, or  
25 alternative nicotine products to determine if tobacco  
26 products, electronic cigarettes, or alternative nicotine

1 products are being sold or given to persons under 21 ~~18~~ years  
2 of age if the "sting operation" or enforcement action is  
3 approved by, conducted by, or conducted on behalf of the  
4 Department of State Police, the county sheriff, a municipal  
5 police department, the Department of Revenue, the Department of  
6 Public Health, or a local health department. The results of any  
7 sting operation or enforcement action, including the name of  
8 the clerk, shall be provided to the retail seller within 7  
9 business days.

10 (Source: P.A. 98-1055, eff. 1-1-16.)

11 (720 ILCS 675/2) (from Ch. 23, par. 2358)

12 Sec. 2. Penalties.

13 (a) Any person who violates subsection (a), ~~or~~ (a-5),  
14 (a-5.1), (a-8), (b), or (d) of Section 1 ~~or subsection (b) or~~  
15 ~~(c) of Section 1.5~~ of this Act is guilty of a petty offense.  
16 For the first offense in a 24-month period, the person shall be  
17 fined \$200 if his or her employer has a training program that  
18 facilitates compliance with minimum-age tobacco laws. For the  
19 second offense in a 24-month period, the person shall be fined  
20 \$400 if his or her employer has a training program that  
21 facilitates compliance with minimum-age tobacco laws. For the  
22 third offense in a 24-month period, the person shall be fined  
23 \$600 if his or her employer has a training program that  
24 facilitates compliance with minimum-age tobacco laws. For the  
25 fourth or subsequent offense in a 24-month period, the person

1 shall be fined \$800 if his or her employer has a training  
2 program that facilitates compliance with minimum-age tobacco  
3 laws. For the purposes of this subsection, the 24-month period  
4 shall begin with the person's first violation of the Act. The  
5 penalties in this subsection are in addition to any other  
6 penalties prescribed under the Cigarette Tax Act and the  
7 Tobacco Products Tax Act of 1995.

8 (a-5) Any retailer who violates subsection (a), ~~or (a-5),~~  
9 (a-5.1), (a-8), (b), or (d) of Section 1 ~~or subsection (b) or~~  
10 ~~(c) of Section 1.5~~ of this Act is guilty of a petty offense.  
11 For the first offense in a 24-month period, the retailer shall  
12 be fined \$200 if it does not have a training program that  
13 facilitates compliance with minimum-age tobacco laws. For the  
14 second offense in a 24-month period, the retailer shall be  
15 fined \$400 if it does not have a training program that  
16 facilitates compliance with minimum-age tobacco laws. For the  
17 third offense within a 24-month period, the retailer shall be  
18 fined \$600 if it does not have a training program that  
19 facilitates compliance with minimum-age tobacco laws. For the  
20 fourth or subsequent offense in a 24-month period, the retailer  
21 shall be fined \$800 if it does not have a training program that  
22 facilitates compliance with minimum-age tobacco laws. For the  
23 purposes of this subsection, the 24-month period shall begin  
24 with the person's first violation of the Act. The penalties in  
25 this subsection are in addition to any other penalties  
26 prescribed under the Cigarette Tax Act and the Tobacco Products

1 Tax Act of 1995.

2 (a-6) For the purpose of this Act, a training program that  
3 facilitates compliance with minimum-age tobacco laws must  
4 include at least the following elements: (i) it must explain  
5 that only individuals displaying valid identification  
6 demonstrating that they are 21 ~~18~~ years of age or older shall  
7 be eligible to purchase ~~cigarettes or~~ tobacco products, electronic cigarettes, or alternative nicotine products and  
8 (ii) it must explain where a clerk can check identification for  
9 a date of birth. The training may be conducted electronically.  
10 Each retailer that has a training program shall require each  
11 employee who completes the training program to sign a form  
12 attesting that the employee has received and completed tobacco  
13 training. The form shall be kept in the employee's file and may  
14 be used to provide proof of training.

16 (b) If a person under 21 years of age ~~minor~~ violates  
17 subsection (a-7) of Section 1, ~~or subsection (d) of Section 1.5~~  
18 he or she is guilty of a petty offense and the court may impose  
19 a sentence of 25 hours of community service and a fine of \$50  
20 for a first violation. If a person under 21 years of age ~~minor~~  
21 violates subsection (a-6) of Section 1, he or she is guilty of  
22 a Class A misdemeanor.

23 (c) A second violation by a person under 21 years of age  
24 ~~minor~~ of subsection (a-7) of Section 1 ~~or subsection (d) of~~  
25 ~~Section 1.5~~ that occurs within 12 months after the first  
26 violation is punishable by a fine of \$75 and 50 hours of

1 community service.

2 (d) A third or subsequent violation by a person under 21  
3 years of age ~~minor~~ of subsection (a-7) of Section 1 ~~or~~  
4 ~~subsection (d) of Section 1.5~~ that occurs within 12 months  
5 after the first violation is punishable by a \$200 fine and 50  
6 hours of community service.

7 (e) Any second or subsequent violation not within the  
8 12-month time period after the first violation is punishable as  
9 provided for a first violation.

10 (f) If a person under 21 years of age ~~minor~~ is convicted of  
11 or placed on supervision for a violation of subsection (a-6) or  
12 (a-7) of Section 1 ~~or subsection (d) of Section 1.5~~, the court  
13 may, in its discretion, and upon recommendation by the State's  
14 Attorney, order the offender ~~that minor~~ and his or her parents  
15 or legal guardian to attend a smoker's education or youth  
16 diversion program if that program is available in the  
17 jurisdiction where the offender resides. Attendance at a  
18 smoker's education or youth diversion program shall be  
19 time-credited against any community service time imposed for  
20 any first violation of subsection (a-7) of Section 1. In  
21 addition to any other penalty that the court may impose for a  
22 violation of subsection (a-7) of Section 1 ~~or subsection (d) of~~  
23 ~~Section 1.5~~, the court, upon request by the State's Attorney,  
24 may in its discretion require the offender to remit a fee for  
25 his or her attendance at a smoker's education or youth  
26 diversion program.

1 (g) For purposes of this Section, "smoker's education  
2 program" or "youth diversion program" includes, but is not  
3 limited to, a seminar designed to educate a person on the  
4 physical and psychological effects of using ~~smoking~~ tobacco  
5 products, electronic cigarettes, and alternative nicotine  
6 products and the health consequences of using ~~smoking~~ tobacco  
7 products, electronic cigarettes, and alternative nicotine  
8 products that can be conducted with a locality's youth  
9 diversion program.

10 (h) All moneys collected as fines for violations of  
11 subsection (a), (a-5), (a-5.1), (a-6), ~~or~~ (a-7), (a-8), (b), or  
12 (d) of Section 1 ~~and subsection (b), (c), or (d) of Section 1.5~~  
13 shall be distributed in the following manner:

14 (1) one-half of each fine shall be distributed to the  
15 unit of local government or other entity that successfully  
16 prosecuted the offender; and

17 (2) one-half shall be remitted to the State to be used  
18 for enforcing this Act.

19 Any violation of subsection (a) or (a-5) of Section 1 ~~or~~  
20 ~~subsection (b) or (c) of Section 1.5~~ shall be reported to the  
21 Department of Revenue within 7 business days.

22 (Source: P.A. 98-350, eff. 1-1-14; 98-1055, eff. 1-1-16;  
23 99-192, eff. 1-1-16; 99-496, eff. 6-1-16; revised 9-14-16.)

24 (720 ILCS 675/1.5 rep.)

25 Section 30. The Prevention of Tobacco Use by Minors and

1 Sale and Distribution of Tobacco Products Act is amended by  
2 repealing Section 1.5.

3 Section 35. The Display of Tobacco Products Act is amended  
4 by changing Sections 5, 10, and 15 as follows:

5 (720 ILCS 677/5)

6 Sec. 5. Definitions. In this Act:

7 "Electronic cigarette" ~~"Alternative nicotine product"~~ has  
8 the meaning ascribed to it in Section 1 ~~1.5~~ of the Prevention  
9 of Tobacco Use by Persons under 21 Years of Age ~~Minors~~ and Sale  
10 and Distribution of Tobacco Products Act.

11 "Alternative nicotine product" has the meaning ascribed to  
12 it in Section 1 of the Prevention of Tobacco Use by Persons  
13 under 21 Years of Age and Sale and Distribution of Tobacco  
14 Products Act.

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

17 "Age restricted area" means a signed designated area in a  
18 retail establishment to which persons ~~minors~~ under 21 ~~18~~ years  
19 of age are not permitted access unless accompanied by a parent  
20 or legal guardian.

21 (Source: P.A. 98-983, eff. 1-1-15.)

22 (720 ILCS 677/10)

23 Sec. 10. Tobacco product displays. All single packs of

1 cigarettes, and electronic cigarettes, and alternative  
2 nicotine products must be sold from behind the counter or in an  
3 age restricted area or in a sealed display case. Any other  
4 tobacco products must be sold in line of sight.

5 The restrictions described in this Section do not apply to  
6 a retail tobacco store that (i) derives at least 90% of its  
7 revenue from tobacco and tobacco related products; (ii) does  
8 not permit persons under the age of 21 ~~18~~ to enter the premises  
9 unless accompanied by a parent or legal guardian; and (iii)  
10 posts a sign on the main entrance way stating that persons  
11 under the age of 21 ~~18~~ are prohibited from entering unless  
12 accompanied by a parent or legal guardian.

13 (Source: P.A. 98-983, eff. 1-1-15.)

14 (720 ILCS 677/15)

15 Sec. 15. Vending machines. This Act does not prohibit the  
16 sale of tobacco products, electronic cigarettes, or  
17 alternative nicotine products from vending machines if the  
18 location of the vending machines are in compliance with the  
19 provisions of Section 1 of the Prevention of Tobacco Use by  
20 Persons under 21 Years of Age ~~Minors~~ and Sale and Distribution  
21 of Tobacco Products Act.

22 (Source: P.A. 96-179, eff. 8-10-09; 96-446, eff. 1-1-10;  
23 96-1000, eff. 7-2-10.)

24 Section 40. The Prevention of Cigarette Sales to Minors Act



1 is amended by changing Sections 1, 5, 6, 7, and 8 as follows:

2 (720 ILCS 678/1)

3 Sec. 1. Short title. This Act may be cited as the  
4 Prevention of Cigarette Sales to Persons Under 21 Years of Age  
5 ~~Minors~~ Act.

6 (Source: P.A. 93-960, eff. 8-20-04.)

7 (720 ILCS 678/5)

8 Sec. 5. Unlawful shipment or transportation of cigarettes.

9 (a) It is unlawful for any person engaged in the business  
10 of selling cigarettes to ship or cause to be shipped any  
11 cigarettes unless the person shipping the cigarettes:

12 (1) is licensed as a distributor under either the  
13 Cigarette Tax Act, or the Cigarette Use Tax Act; or  
14 delivers the cigarettes to a distributor licensed under  
15 either the Cigarette Tax Act or the Cigarette Use Tax Act;  
16 or

17 (2) ships them to an export warehouse proprietor  
18 pursuant to Chapter 52 of the Internal Revenue Code, or an  
19 operator of a customs bonded warehouse pursuant to Section  
20 1311 or 1555 of Title 19 of the United States Code.

21 For purposes of this subsection (a), a person is a licensed  
22 distributor if the person's name appears on a list of licensed  
23 distributors published by the Illinois Department of Revenue.  
24 The term cigarette has the same meaning as defined in Section 1

1 of the Cigarette Tax Act and Section 1 of the Cigarette Use Tax  
2 Act. Nothing in this Act prohibits a person licensed as a  
3 distributor under the Cigarette Tax Act or the Cigarette Use  
4 Tax Act from shipping or causing to be shipped any cigarettes  
5 to a registered retailer under the Retailers' Occupation Tax  
6 Act provided the cigarette tax or cigarette use tax has been  
7 paid.

8 (b) A common or contract carrier may transport cigarettes  
9 to any individual person in this State only if the carrier  
10 reasonably believes such cigarettes have been received from a  
11 person described in paragraph (a)(1). Common or contract  
12 carriers may make deliveries of cigarettes to licensed  
13 distributors described in paragraph (a)(1) of this Section.  
14 Nothing in this subsection (b) shall be construed to prohibit a  
15 person other than a common or contract carrier from  
16 transporting not more than 1,000 cigarettes at any one time to  
17 any person in this State.

18 (c) A common or contract carrier may not complete the  
19 delivery of any cigarettes to persons other than those  
20 described in paragraph (a)(1) of this Section without first  
21 obtaining from the purchaser an official written  
22 identification from any state or federal agency that displays  
23 the person's date of birth or a birth certificate that includes  
24 a reliable confirmation that the purchaser is at least 21 ~~18~~  
25 years of age; that the cigarettes purchased are not intended  
26 for consumption by an individual who is younger than 21 ~~18~~

1 years of age; and a written statement signed by the purchaser  
2 that certifies the purchaser's address and that the purchaser  
3 is at least 21 ~~18~~ years of age. The statement shall also  
4 confirm: (1) that the purchaser understands that signing  
5 another person's name to the certification is illegal; (2) that  
6 the sale of cigarettes to individuals under 21 ~~18~~ years of age  
7 is illegal; and (3) that the purchase of cigarettes by  
8 individuals under 21 ~~18~~ years of age is illegal under the laws  
9 of Illinois.

10 (d) When a person engaged in the business of selling  
11 cigarettes ships or causes to be shipped any cigarettes to any  
12 person in this State, other than in the cigarette  
13 manufacturer's or tobacco products manufacturer's original  
14 container or wrapping, the container or wrapping must be  
15 plainly and visibly marked with the word "cigarettes".

16 (e) When a peace officer of this State or any duly  
17 authorized officer or employee of the Illinois Department of  
18 Public Health or Department of Revenue discovers any cigarettes  
19 which have been or which are being shipped or transported in  
20 violation of this Section, he or she shall seize and take  
21 possession of the cigarettes, and the cigarettes shall be  
22 subject to a forfeiture action pursuant to the procedures  
23 provided under the Cigarette Tax Act or Cigarette Use Tax Act.

24 (Source: P.A. 95-1053, eff. 1-1-10; 96-782, eff. 1-1-10.)

1           Sec. 6. Prevention of delivery sales to persons under 21  
2 years of age ~~minors~~.

3           (a) No person shall make a delivery sale of cigarettes to  
4 any individual who is under 21 ~~18~~ years of age.

5           (b) Each person accepting a purchase order for a delivery  
6 sale shall comply with the provisions of this Act and all other  
7 laws of this State generally applicable to sales of cigarettes  
8 that occur entirely within this State.

9           (Source: P.A. 95-1053, eff. 1-1-10; 96-782, eff. 1-1-10.)

10           (720 ILCS 678/7)

11           Sec. 7. Age verification and shipping requirements to  
12 prevent delivery sales to to persons under 21 of age ~~minors~~.

13           (a) No person, other than a delivery service, shall mail,  
14 ship, or otherwise cause to be delivered a shipping package in  
15 connection with a delivery sale unless the person:

16           (1) prior to the first delivery sale to the prospective  
17 consumer, obtains from the prospective consumer a written  
18 certification which includes a statement signed by the  
19 prospective consumer that certifies:

20                   (A) the prospective consumer's current address;

21                   and

22                   (B) that the prospective consumer is at least the  
23 legal minimum age;

24           (2) informs, in writing, such prospective consumer  
25 that:

1 (A) the signing of another person's name to the  
2 certification described in this Section is illegal;

3 (B) sales of cigarettes to individuals under 21 ~~18~~  
4 years of age are illegal;

5 (C) the purchase of cigarettes by individuals  
6 under 21 ~~18~~ years of age is illegal; and

7 (D) the name and identity of the prospective  
8 consumer may be reported to the state of the consumer's  
9 current address under the Act of October 19, 1949 (15  
10 U.S.C. § 375, et seq.), commonly known as the Jenkins  
11 Act;

12 (3) makes a good faith effort to verify the date of  
13 birth of the prospective consumer provided pursuant to this  
14 Section by:

15 (A) comparing the date of birth against a  
16 commercially available database; or

17 (B) obtaining a photocopy or other image of a  
18 valid, government-issued identification stating the  
19 date of birth or age of the prospective consumer;

20 (4) provides to the prospective consumer a notice that  
21 meets the requirements of subsection (b);

22 (5) receives payment for the delivery sale from the  
23 prospective consumer by a credit or debit card that has  
24 been issued in such consumer's name, or by a check or other  
25 written instrument in such consumer's name; and

26 (6) ensures that the shipping package is delivered to

1 the same address as is shown on the government-issued  
2 identification or contained in the commercially available  
3 database.

4 (b) The notice required under this Section shall include:

5 (1) a statement that cigarette sales to consumers below  
6 21 ~~18~~ years of age are illegal;

7 (2) a statement that sales of cigarettes are restricted  
8 to those consumers who provide verifiable proof of age in  
9 accordance with subsection (a);

10 (3) a statement that cigarette sales are subject to tax  
11 under Section 2 of the Cigarette Tax Act (35 ILCS 130/2),  
12 Section 2 of the Cigarette Use Tax Act, and Section 3 of  
13 the Use Tax Act and an explanation of how the correct tax  
14 has been, or is to be, paid with respect to such delivery  
15 sale.

16 (c) A statement meets the requirement of this Section if:

17 (1) the statement is clear and conspicuous;

18 (2) the statement is contained in a printed box set  
19 apart from the other contents of the communication;

20 (3) the statement is printed in bold, capital letters;

21 (4) the statement is printed with a degree of color  
22 contrast between the background and the printed statement  
23 that is no less than the color contrast between the  
24 background and the largest text used in the communication;  
25 and

26 (5) for any printed material delivered by electronic

1 means, the statement appears at both the top and the bottom  
2 of the electronic mail message or both the top and the  
3 bottom of the Internet website homepage.

4 (d) Each person, other than a delivery service, who mails,  
5 ships, or otherwise causes to be delivered a shipping package  
6 in connection with a delivery sale shall:

7 (1) include as part of the shipping documents a clear  
8 and conspicuous statement stating: "Cigarettes: Illinois  
9 Law Prohibits Shipping to Individuals Under 21 ~~18~~ and  
10 Requires the Payment of All Applicable Taxes";

11 (2) use a method of mailing, shipping, or delivery that  
12 requires a signature before the shipping package is  
13 released to the consumer; and

14 (3) ensure that the shipping package is not delivered  
15 to any post office box.

16 (Source: P.A. 95-1053, eff. 1-1-10; 96-782, eff. 1-1-10.)

17 (720 ILCS 678/8)

18 Sec. 8. Registration and reporting requirements to prevent  
19 delivery sales to persons under 21 years of age ~~minors~~.

20 (a) Not later than the 15th day of each month, each person  
21 making a delivery sale during the previous calendar month shall  
22 file a report with the Department containing the following  
23 information:

24 (1) the seller's name, trade name, and the address of  
25 such person's principal place of business and any other

1 place of business;

2 (2) the name and address of the consumer to whom such  
3 delivery sale was made;

4 (3) the brand style or brand styles of the cigarettes  
5 that were sold in such delivery sale;

6 (4) the quantity of cigarettes that were sold in such  
7 delivery sale;

8 (5) an indication of whether or not the cigarettes sold  
9 in the delivery sale bore a tax stamp evidencing payment of  
10 the tax under Section 2 of the Cigarette Tax Act (35 ILCS  
11 130/2); and

12 (6) such other information the Department may require.

13 (b) Each person engaged in business within this State who  
14 makes an out-of-state sale shall, for each individual sale,  
15 submit to the appropriate tax official of the state in which  
16 the consumer is located the information required in subsection  
17 (a).

18 (c) Any person that satisfies the requirements of 15 U.S.C.  
19 Section 376 shall be deemed to satisfy the requirements of  
20 subsections (a) and (b).

21 (d) The Department is authorized to disclose to the  
22 Attorney General any information received under this title and  
23 requested by the Attorney General. The Department and the  
24 Attorney General shall share with each other the information  
25 received under this title and may share the information with  
26 other federal, State, or local agencies for purposes of



1 enforcement of this title or the laws of the federal government  
2 or of other states.

3 (e) This Section shall not be construed to impose liability  
4 upon any delivery service, or officers or employees thereof,  
5 when acting within the scope of business of the delivery  
6 service.

7 (f) The Department may establish procedures requiring  
8 electronic transmission of the information required by this  
9 Section directly to the Department on forms prescribed and  
10 furnished by the Department.

11 (Source: P.A. 95-1053, eff. 1-1-10; 96-782, eff. 1-1-10.)

12 (720 ILCS 680/Act rep.)

13 Section 45. The Smokeless Tobacco Limitation Act is  
14 repealed.

15 Section 50. The Tobacco Accessories and Smoking Herbs  
16 Control Act is amended by changing Sections 2 and 4 as follows:

17 (720 ILCS 685/2) (from Ch. 23, par. 2358-2)

18 Sec. 2. Purpose. The sale and possession of marijuana,  
19 hashish, cocaine, opium and their derivatives, is not only  
20 prohibited by Illinois Law, but the use of these substances has  
21 been deemed injurious to the health of the user.

22 It has further been determined by the Surgeon General of  
23 the United States that the use of tobacco is hazardous to human

1 health.

2 The ready availability of smoking herbs to persons under 21  
3 years of age ~~minors~~ could lead to the use of tobacco and  
4 illegal drugs.

5 It is in the best interests of the citizens of the State of  
6 Illinois to seek to prohibit the spread of illegal drugs,  
7 tobacco or smoking materials to persons under 21 years of age  
8 ~~minors~~. The prohibition of the sale of tobacco and snuff  
9 accessories and smoking herbs to persons under 21 years of age  
10 ~~minors~~ would help to curb the usage of illegal drugs and  
11 tobacco products, among our youth.

12 (Source: P.A. 82-487.)

13 (720 ILCS 685/4) (from Ch. 23, par. 2358-4)

14 Sec. 4. Offenses.

15 (a) Sale to persons under 21 years of age ~~minors~~. No person  
16 shall knowingly sell, barter, exchange, deliver or give away or  
17 cause or permit or procure to be sold, bartered, exchanged,  
18 delivered, or given away tobacco accessories or smoking herbs  
19 to any person under 21 ~~18~~ years of age.

20 (a-5) Sale of bidi cigarettes. No person shall knowingly  
21 sell, barter, exchange, deliver, or give away a bidi cigarette  
22 to another person, nor shall a person cause or permit or  
23 procure a bidi cigarette to be sold, bartered, exchanged,  
24 delivered, or given away to another person.

25 (b) Sale of cigarette paper. No person shall knowingly

1 offer, sell, barter, exchange, deliver or give away cigarette  
2 paper or cause, permit, or procure cigarette paper to be sold,  
3 offered, bartered, exchanged, delivered, or given away except  
4 from premises or an establishment where other tobacco products  
5 are sold. For purposes of this Section, "tobacco products"  
6 means cigarettes, cigars, smokeless tobacco, or tobacco in any  
7 of its forms.

8 (b-5) Sale of flavored wrapping paper and wrapping leaf. A  
9 person shall not knowingly sell, give away, barter, exchange,  
10 or otherwise furnish to any person any wrapping paper or  
11 wrapping leaf, however characterized, including, without  
12 limitation, cigarette papers, blunt wraps, cigar wraps, or  
13 tubes of paper or leaf, or any similar device, for the purpose  
14 of making a roll of tobacco or herbs for smoking, that is or is  
15 held out to be, impregnated, scented, or imbibed with, or aged  
16 or dipped in, a characterizing flavor, other than tobacco or  
17 menthol, including, without limitation, alcoholic or liquor  
18 flavor, or both, chocolate, fruit flavoring, vanilla, peanut  
19 butter, jelly, or any combination of those flavors or similar  
20 child attractive scent or flavor.

21 (c) Sale of cigarette paper from vending machines. No  
22 person shall knowingly offer, sell, barter, exchange, deliver  
23 or give away cigarette paper or cause, permit, or procure  
24 cigarette paper to be sold, offered, bartered, exchanged,  
25 delivered, or given away by use of a vending or coin-operated  
26 machine or device. For purposes of this Section, "cigarette

1 paper" shall not include any paper that is incorporated into a  
2 product to which a tax stamp must be affixed under the  
3 Cigarette Tax Act or the Cigarette Use Tax Act.

4 (d) Use of identification cards. No person in the  
5 furtherance or facilitation of obtaining smoking accessories  
6 and smoking herbs shall display or use a false or forged  
7 identification card or transfer, alter, or deface an  
8 identification card.

9 (e) Warning to persons under 21 years of age ~~minors~~. Any  
10 person, firm, partnership, company or corporation operating a  
11 place of business where tobacco accessories and smoking herbs  
12 are sold or offered for sale shall post in a conspicuous place  
13 upon the premises a sign upon which there shall be imprinted  
14 the following statement, "SALE OF TOBACCO ACCESSORIES AND  
15 SMOKING HERBS TO PERSONS UNDER 21 ~~EIGHTEEN~~ YEARS OF AGE OR THE  
16 MISREPRESENTATION OF AGE TO PROCURE SUCH A SALE IS PROHIBITED  
17 BY LAW". The sign shall be printed on a white card in red  
18 letters at least one-half inch in height.

19 (Source: P.A. 97-917, eff. 8-9-12.)