



Rep. Melissa Conyears-Ervin

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1 AMENDMENT TO HOUSE BILL 3208

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3208 by replacing  
3 everything after the enacting clause with the following:

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

1 this Act, or because the licensee is determined to be  
2 ineligible for a secondary distributor's license for any one or  
3 more of the reasons provided for in Section 4c of this Act, or  
4 because the licensee is determined to be ineligible for a  
5 retailer's license for any one or more of the reasons provided  
6 for in Section 4g of this Act. However, no such license shall  
7 be revoked, cancelled or suspended, except after a hearing by  
8 the Department with notice to the distributor, secondary  
9 distributor, or retailer, as aforesaid, and affording such  
10 distributor, secondary distributor, or retailer a reasonable  
11 opportunity to appear and defend, and any distributor,  
12 secondary distributor, or retailer aggrieved by any decision of  
13 the Department with respect thereto may have the determination  
14 of the Department judicially reviewed, as herein provided.

15 The Department may revoke, cancel, or suspend the license  
16 of any distributor for a violation of the Tobacco Product  
17 Manufacturers' Escrow Enforcement Act as provided in Section 30  
18 of that Act. The Department may revoke, cancel, or suspend the  
19 license of any secondary distributor for a violation of  
20 subsection (e) of Section 15 of the Tobacco Product  
21 Manufacturers' Escrow Enforcement Act.

22 If the retailer has a training program that facilitates  
23 compliance with minimum-age tobacco laws, the Department shall  
24 suspend for 3 days the license of that retailer for a fourth or  
25 subsequent violation of the Prevention of Tobacco Use by  
26 Persons under 21 Years of Age ~~Minors~~ and Sale and Distribution

1 of Tobacco Products Act, as provided in subsection (a) of  
2 Section 2 of that Act. For the purposes of this Section, any  
3 violation of subsection (a) of Section 2 of the Prevention of  
4 Tobacco Use by Persons under 21 Years of Age ~~Minors~~ and Sale  
5 and Distribution of Tobacco Products Act occurring at the  
6 retailer's licensed location during a 24-month period shall be  
7 counted as a violation against the retailer.

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 3 days the license of that  
11 retailer for a second violation of the Prevention of Tobacco  
12 Use 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 7 days the license of that  
18 retailer for a third violation of the Prevention of Tobacco Use  
19 by Persons under 21 Years of Age ~~Minors~~ and Sale and  
20 Distribution of Tobacco Products Act, as provided in subsection  
21 (a-5) of Section 2 of that Act.

22 If the retailer does not have a training program that  
23 facilitates compliance with minimum-age tobacco laws, the  
24 Department shall suspend for 30 days the license of a retailer  
25 for a fourth or subsequent violation of the Prevention of  
26 Tobacco Use by Persons under 21 Years of Age ~~Minors~~ and Sale

1 and Distribution of Tobacco Products Act, as provided in  
2 subsection (a-5) of Section 2 of that Act.

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

15 Any distributor, secondary distributor, or retailer  
16 aggrieved by any decision of the Department under this Section  
17 may, within 20 days after notice of the decision, protest and  
18 request a hearing. Upon receiving a request for a hearing, the  
19 Department shall give notice in writing to the distributor,  
20 secondary distributor, or retailer requesting the hearing that  
21 contains a statement of the charges preferred against the  
22 distributor, secondary distributor, or retailer and that  
23 states the time and place fixed for the hearing. The Department  
24 shall hold the hearing in conformity with the provisions of  
25 this Act and then issue its final administrative decision in  
26 the matter to the distributor, secondary distributor, or

1 retailer. In the absence of a protest and request for a hearing  
2 within 20 days, the Department's decision shall become final  
3 without any further determination being made or notice given.

4 No license so revoked, as aforesaid, shall be reissued to  
5 any such distributor, secondary distributor, or retailer  
6 within a period of 6 months after the date of the final  
7 determination of such revocation. No such license shall be  
8 reissued at all so long as the person who would receive the  
9 license is ineligible to receive a distributor's license under  
10 this Act for any one or more of the reasons provided for in  
11 Section 4 of this Act, is ineligible to receive a secondary  
12 distributor's license under this Act for any one or more of the  
13 reasons provided for in Section 4c of this Act, or is  
14 determined to be ineligible for a retailer's license under the  
15 Act for any one or more of the reasons provided for in Section  
16 4g of this Act.

17 The Department upon complaint filed in the circuit court  
18 may by injunction restrain any person who fails, or refuses, to  
19 comply with any of the provisions of this Act from acting as a  
20 distributor, secondary distributor, or retailer of cigarettes  
21 in this State.

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

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

1 (35 ILCS 143/10-25)

2 Sec. 10-25. License actions.

3 (a) The Department may, after notice and a hearing, revoke,  
4 cancel, or suspend the license of any distributor or retailer  
5 who violates any of the provisions of this Act. The notice  
6 shall specify the alleged violation or violations upon which  
7 the revocation, cancellation, or suspension proceeding is  
8 based.

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

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

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

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

20 A training program that facilitates compliance with  
21 minimum-age tobacco laws must include at least the following  
22 elements: (i) it must explain that only individuals displaying  
23 valid identification demonstrating that they are 21 ~~18~~ years of  
24 age or older shall be eligible to purchase cigarettes or  
25 tobacco products and (ii) it must explain where a clerk can  
26 check identification for a date of birth. The training may be

1 conducted electronically. Each retailer that has a training  
2 program shall require each employee who completes the training  
3 program to sign a form attesting that the employee has received  
4 and completed tobacco training. The form shall be kept in the  
5 employee's file and may be used to provide proof of training.

6 (d) The Department may, by application to any circuit  
7 court, obtain an injunction restraining any person who engages  
8 in business as a distributor of tobacco products without a  
9 license (either because his or her license has been revoked,  
10 canceled, or suspended or because of a failure to obtain a  
11 license in the first instance) from engaging in that business  
12 until that person, as if that person were a new applicant for a  
13 license, complies with all of the conditions, restrictions, and  
14 requirements of Section 10-20 of this Act and qualifies for and  
15 obtains a license. Refusal or neglect to obey the order of the  
16 court may result in punishment for contempt.

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

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

20 (235 ILCS 5/3-12)

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

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

24 (1) To receive applications and to issue licenses to



1 manufacturers, foreign importers, importing distributors,  
2 distributors, non-resident dealers, on premise consumption  
3 retailers, off premise sale retailers, special event  
4 retailer licensees, special use permit licenses, auction  
5 liquor licenses, brew pubs, caterer retailers,  
6 non-beverage users, railroads, including owners and  
7 lessees of sleeping, dining and cafe cars, airplanes,  
8 boats, brokers, and wine maker's premises licensees in  
9 accordance with the provisions of this Act, and to suspend  
10 or revoke such licenses upon the State commission's  
11 determination, upon notice after hearing, that a licensee  
12 has violated any provision of this Act or any rule or  
13 regulation issued pursuant thereto and in effect for 30  
14 days prior to such violation. Except in the case of an  
15 action taken pursuant to a violation of Section 6-3, 6-5,  
16 or 6-9, any action by the State Commission to suspend or  
17 revoke a licensee's license may be limited to the license  
18 for the specific premises where the violation occurred.

19 In lieu of suspending or revoking a license, the  
20 commission may impose a fine, upon the State commission's  
21 determination and notice after hearing, that a licensee has  
22 violated any provision of this Act or any rule or  
23 regulation issued pursuant thereto and in effect for 30  
24 days prior to such violation.

25 For the purpose of this paragraph (1), when determining  
26 multiple violations for the sale of alcohol to a person

1 under the age of 21, a second or subsequent violation for  
2 the sale of alcohol to a person under the age of 21 shall  
3 only be considered if it was committed within 5 years after  
4 the date when a prior violation for the sale of alcohol to  
5 a person under the age of 21 was committed.

6 The fine imposed under this paragraph may not exceed  
7 \$500 for each violation. Each day that the activity, which  
8 gave rise to the original fine, continues is a separate  
9 violation. The maximum fine that may be levied against any  
10 licensee, for the period of the license, shall not exceed  
11 \$20,000. The maximum penalty that may be imposed on a  
12 licensee for selling a bottle of alcoholic liquor with a  
13 foreign object in it or serving from a bottle of alcoholic  
14 liquor with a foreign object in it shall be the destruction  
15 of that bottle of alcoholic liquor for the first 10 bottles  
16 so sold or served from by the licensee. For the eleventh  
17 bottle of alcoholic liquor and for each third bottle  
18 thereafter sold or served from by the licensee with a  
19 foreign object in it, the maximum penalty that may be  
20 imposed on the licensee is the destruction of the bottle of  
21 alcoholic liquor and a fine of up to \$50.

22 (2) To adopt such rules and regulations consistent with  
23 the provisions of this Act which shall be necessary to  
24 carry on its functions and duties to the end that the  
25 health, safety and welfare of the People of the State of  
26 Illinois shall be protected and temperance in the

1 consumption of alcoholic liquors shall be fostered and  
2 promoted and to distribute copies of such rules and  
3 regulations to all licensees affected thereby.

4 (3) To call upon other administrative departments of  
5 the State, county and municipal governments, county and  
6 city police departments and upon prosecuting officers for  
7 such information and assistance as it deems necessary in  
8 the performance of its duties.

9 (4) To recommend to local commissioners rules and  
10 regulations, not inconsistent with the law, for the  
11 distribution and sale of alcoholic liquors throughout the  
12 State.

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

21 (5.1) Upon receipt of a complaint or upon having  
22 knowledge that any person is engaged in business as a  
23 manufacturer, importing distributor, distributor, or  
24 retailer without a license or valid license, to notify the  
25 local liquor authority, file a complaint with the State's  
26 Attorney's Office of the county where the incident

1           occurred, or initiate an investigation with the  
2           appropriate law enforcement officials.

3           (5.2) To issue a cease and desist notice to persons  
4           shipping alcoholic liquor into this State from a point  
5           outside of this State if the shipment is in violation of  
6           this Act.

7           (5.3) To receive complaints from licensees, local  
8           officials, law enforcement agencies, organizations, and  
9           persons stating that any licensee has been or is violating  
10          any provision of this Act or the rules and regulations  
11          issued pursuant to this Act. Such complaints shall be in  
12          writing, signed and sworn to by the person making the  
13          complaint, and shall state with specificity the facts in  
14          relation to the alleged violation. If the Commission has  
15          reasonable grounds to believe that the complaint  
16          substantially alleges a violation of this Act or rules and  
17          regulations adopted pursuant to this Act, it shall conduct  
18          an investigation. If, after conducting an investigation,  
19          the Commission is satisfied that the alleged violation did  
20          occur, it shall proceed with disciplinary action against  
21          the licensee as provided in this Act.

22          (6) To hear and determine appeals from orders of a  
23          local commission in accordance with the provisions of this  
24          Act, as hereinafter set forth. Hearings under this  
25          subsection shall be held in Springfield or Chicago, at  
26          whichever location is the more convenient for the majority

1 of persons who are parties to the hearing.

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

26 (8) In the conduct of any hearing authorized to be held

1 by the commission, to appoint, at the commission's  
2 discretion, hearing officers to conduct hearings involving  
3 complex issues or issues that will require a protracted  
4 period of time to resolve, to examine, or cause to be  
5 examined, under oath, any licensee, and to examine or cause  
6 to be examined the books and records of such licensee; to  
7 hear testimony and take proof material for its information  
8 in the discharge of its duties hereunder; to administer or  
9 cause to be administered oaths; for any such purpose to  
10 issue subpoena or subpoenas to require the attendance of  
11 witnesses and the production of books, which shall be  
12 effective in any part of this State, and to adopt rules to  
13 implement its powers under this paragraph (8).

14 Any Circuit Court may by order duly entered, require  
15 the attendance of witnesses and the production of relevant  
16 books subpoenaed by the State commission and the court may  
17 compel obedience to its order by proceedings for contempt.

18 (9) To investigate the administration of laws in  
19 relation to alcoholic liquors in this and other states and  
20 any foreign countries, and to recommend from time to time  
21 to the Governor and through him or her to the legislature  
22 of this State, such amendments to this Act, if any, as it  
23 may think desirable and as will serve to further the  
24 general broad purposes contained in Section 1-2 hereof.

25 (10) To adopt such rules and regulations consistent  
26 with the provisions of this Act which shall be necessary

1 for the control, sale or disposition of alcoholic liquor  
2 damaged as a result of an accident, wreck, flood, fire or  
3 other similar occurrence.

4 (11) To develop industry educational programs related  
5 to responsible serving and selling, particularly in the  
6 areas of overserving consumers and illegal underage  
7 purchasing and consumption of alcoholic beverages.

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

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

20 (13) (Blank). ~~On or before January 15, 1994, the~~  
21 ~~Commission shall issue a written report to the Governor and~~  
22 ~~General Assembly that is to be based on a comprehensive~~  
23 ~~study of the impact on and implications for the State of~~  
24 ~~Illinois of Section 1926 of the Federal ADAMHA~~  
25 ~~Reorganization Act of 1992 (Public Law 102-321). This study~~  
26 ~~shall address the extent to which Illinois currently~~

1 ~~complies with the provisions of P.L. 102-321 and the rules~~  
2 ~~promulgated pursuant thereto.~~

3 ~~As part of its report, the Commission shall provide the~~  
4 ~~following essential information:~~

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

7 ~~(ii) the number of reported citations and~~  
8 ~~successful convictions, categorized by type and~~  
9 ~~location of retail distributor, for violation of the~~  
10 ~~Prevention of Tobacco Use by Minors and Sale and~~  
11 ~~Distribution of Tobacco Products Act and the Smokeless~~  
12 ~~Tobacco Limitation Act;~~

13 ~~(iii) the extent and nature of organized~~  
14 ~~educational and governmental activities that are~~  
15 ~~intended to promote, encourage or otherwise secure~~  
16 ~~compliance with any Illinois laws that prohibit the~~  
17 ~~sale or distribution of tobacco products to minors; and~~

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

20 ~~To obtain the data necessary to comply with the~~  
21 ~~provisions of P.L. 102-321 and the requirements of this~~  
22 ~~report, the Commission shall conduct random, unannounced~~  
23 ~~inspections of a geographically and scientifically~~  
24 ~~representative sample of the State's retail tobacco~~  
25 ~~distributors.~~

26 ~~The Commission shall consult with the Department of~~



1 ~~Public Health, the Department of Human Services, the~~  
2 ~~Illinois State Police and any other executive branch~~  
3 ~~agency, and private organizations that may have~~  
4 ~~information relevant to this report.~~

5 ~~The Commission may contract with the Food and Drug~~  
6 ~~Administration of the U.S. Department of Health and Human~~  
7 ~~Services to conduct unannounced investigations of Illinois~~  
8 ~~tobacco vendors to determine compliance with federal laws~~  
9 ~~relating to the illegal sale of cigarettes and smokeless~~  
10 ~~tobacco products to persons under the age of 18.~~

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

20 (A) The amount of State excise and sales tax  
21 revenues generated.

22 (B) The amount of licensing fees received.

23 (C) The number of cases of wine shipped from inside  
24 and outside of this State directly to residents of this  
25 State.

26 (D) The number of alcohol compliance operations

1 conducted.

2 (E) The number of winery shipper's licenses  
3 issued.

4 (F) The number of each of the following: reported  
5 violations; cease and desist notices issued by the  
6 Commission; notices of violations issued by the  
7 Commission and to the Department of Revenue; and  
8 notices and complaints of violations to law  
9 enforcement officials, including, without limitation,  
10 the Illinois Attorney General and the U.S. Department  
11 of Treasury's Alcohol and Tobacco Tax and Trade Bureau.

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

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

1           (17) (A) A person licensed to make wine under the laws  
2 of another state who has a winery shipper's license under  
3 this ~~amendatory~~ Act and annually produces less than 25,000  
4 gallons of wine or a person who has a first-class or  
5 second-class wine manufacturer's license, a first-class or  
6 second-class wine-maker's license, or a limited wine  
7 manufacturer's license under this Act and annually  
8 produces less than 25,000 gallons of wine may make  
9 application to the Commission for a self-distribution  
10 exemption to allow the sale of not more than 5,000 gallons  
11 of the exemption holder's wine to retail licensees per  
12 year.

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

23           (C) The Commission shall approve the application  
24 for a self-distribution exemption if such person: (1)  
25 is in compliance with State revenue and liquor laws;  
26 (2) is not a member of any affiliated group that

1 produces more than 25,000 gallons of wine per annum or  
2 produces any other alcoholic liquor; (3) will not  
3 annually produce for sale more than 25,000 gallons of  
4 wine; and (4) will not annually sell more than 5,000  
5 gallons of its wine to retail licensees.

6 (D) A self-distribution exemption holder shall  
7 annually certify to the Commission its production of  
8 wine in the previous 12 months and its anticipated  
9 production and sales for the next 12 months. The  
10 Commission may fine, suspend, or revoke a  
11 self-distribution exemption after a hearing if it  
12 finds that the exemption holder has made a material  
13 misrepresentation in its application, violated a  
14 revenue or liquor law of Illinois, exceeded production  
15 of 25,000 gallons of wine in any calendar year, or  
16 become part of an affiliated group producing more than  
17 25,000 gallons of wine or any other alcoholic liquor.

18 (E) Except in hearings for violations of this Act  
19 or Public Act 95-634 ~~amendatory Act~~ or a bona fide  
20 investigation by duly sworn law enforcement officials,  
21 the Commission, or its agents, the Commission shall  
22 maintain the production and sales information of a  
23 self-distribution exemption holder as confidential and  
24 shall not release such information to any person.

25 (F) The Commission shall issue regulations  
26 governing self-distribution exemptions consistent with

1           this Section and this Act.

2           (G) Nothing in this subsection (17) shall prohibit  
3           a self-distribution exemption holder from entering  
4           into or simultaneously having a distribution agreement  
5           with a licensed Illinois distributor.

6           (H) It is the intent of this subsection (17) to  
7           promote and continue orderly markets. The General  
8           Assembly finds that in order to preserve Illinois'  
9           regulatory distribution system it is necessary to  
10          create an exception for smaller makers of wine as their  
11          wines are frequently adjusted in varietals, mixes,  
12          vintages, and taste to find and create market niches  
13          sometimes too small for distributor or importing  
14          distributor business strategies. Limited  
15          self-distribution rights will afford and allow smaller  
16          makers of wine access to the marketplace in order to  
17          develop a customer base without impairing the  
18          integrity of the 3-tier system.

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

26          (B) In the application, which shall be sworn under

1 penalty of perjury, the class 1 brewer licensee shall  
2 state (1) the date it was established; (2) its volume  
3 of beer manufactured and sold for each year since its  
4 establishment; (3) its efforts to establish  
5 distributor relationships; (4) that a  
6 self-distribution exemption is necessary to facilitate  
7 the marketing of its beer; and (5) that it will comply  
8 with the alcoholic beverage and revenue laws of the  
9 United States, this State, and any other state where it  
10 is licensed.

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

1 (D) A self-distribution exemption holder shall  
2 annually certify to the State Commission its  
3 manufacture of beer during the previous 12 months and  
4 its anticipated manufacture and sales of beer for the  
5 next 12 months. The State Commission may fine, suspend,  
6 or revoke a self-distribution exemption after a  
7 hearing if it finds that the exemption holder has made  
8 a material misrepresentation in its application,  
9 violated a revenue or alcoholic beverage law of  
10 Illinois, exceeded the manufacture of 930,000 gallons  
11 of beer in any calendar year or became part of an  
12 affiliated group manufacturing more than 930,000  
13 gallons of beer or any other alcoholic beverage.

14 (E) The State Commission shall issue rules and  
15 regulations governing self-distribution exemptions  
16 consistent with this Act.

17 (F) Nothing in this paragraph (18) shall prohibit a  
18 self-distribution exemption holder from entering into  
19 or simultaneously having a distribution agreement with  
20 a licensed Illinois importing distributor or a  
21 distributor. If a self-distribution exemption holder  
22 enters into a distribution agreement and has assigned  
23 distribution rights to an importing distributor or  
24 distributor, then the self-distribution exemption  
25 holder's distribution rights in the assigned  
26 territories shall cease in a reasonable time not to

1 exceed 60 days.

2 (G) It is the intent of this paragraph (18) to  
3 promote and continue orderly markets. The General  
4 Assembly finds that in order to preserve Illinois'  
5 regulatory distribution system, it is necessary to  
6 create an exception for smaller manufacturers in order  
7 to afford and allow such smaller manufacturers of beer  
8 access to the marketplace in order to develop a  
9 customer base without impairing the integrity of the  
10 3-tier system.

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

17 As part of its report, the Commission shall provide the  
18 following information:

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

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

24 (iii) the number of reported violations, the number of  
25 cease and desist notices issued by the Commission, the  
26 number of notices of violations issued to the Department of



1 Revenue, and the number of notices and complaints of  
2 violations to law enforcement officials.

3 (Source: P.A. 98-401, eff. 8-16-13; 98-939, eff. 7-1-15;  
4 98-941, eff. 1-1-15; 99-78, eff. 7-20-15; 99-448, eff. 8-24-15;  
5 revised 9-13-16.)

6 (235 ILCS 5/6-16.1)

7 Sec. 6-16.1. Enforcement actions.

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

1 having jurisdiction sets a shorter period by ordinance.

2 (b) A local liquor control commission or unit of local  
3 government that conducts alcohol and tobacco compliance  
4 operations shall establish a policy and standards for alcohol  
5 and tobacco compliance operations to investigate whether a  
6 licensee is furnishing (1) alcoholic liquor to persons under 21  
7 years of age in violation of this Act or (2) tobacco to persons  
8 in violation of the Prevention of Tobacco Use by Persons under  
9 21 Years of Age ~~Minors~~ and Sale and Distribution of Tobacco  
10 Products Act.

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

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

24 (e) A home rule unit, other than a home rule unit with more  
25 than 2,000,000 inhabitants, may not regulate enforcement  
26 actions in a manner inconsistent with the regulation of

1 enforcement actions under this Section. This subsection (e) is  
2 a limitation under subsection (i) of Section 6 of Article VII  
3 of the Illinois Constitution on the concurrent exercise by home  
4 rule units of powers and functions exercised by the State.

5 (f) A licensee who is the subject of an enforcement action  
6 or "sting operation" under this Section and is found, pursuant  
7 to the enforcement action, to be in compliance with this Act  
8 shall be notified by the enforcement agency action that no  
9 violation was found within 30 days after the finding.

10 (Source: P.A. 96-179, eff. 8-10-09; 96-446, eff. 1-1-10;  
11 96-1000, eff. 7-2-10.)

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

14 (705 ILCS 405/5-615)

15 Sec. 5-615. Continuance under supervision.

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

19 (a) upon an admission or stipulation by the appropriate  
20 respondent or minor respondent of the facts supporting the  
21 petition and before the court makes a finding of  
22 delinquency, and in the absence of objection made in open  
23 court by the minor, his or her parent, guardian, or legal  
24 custodian, the minor's attorney or the State's Attorney; or

1           (b) upon a finding of delinquency and after considering  
2           the circumstances of the offense and the history,  
3           character, and condition of the minor, if the court is of  
4           the opinion that:

5                 (i) the minor is not likely to commit further  
6                 crimes;

7                 (ii) the minor and the public would be best served  
8                 if the minor were not to receive a criminal record; and

9                 (iii) in the best interests of justice an order of  
10                continuance under supervision is more appropriate than  
11                a sentence otherwise permitted under this Act.

12           (2) (Blank).

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

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

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

26                 (a) not violate any criminal statute of any

1 jurisdiction;

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

4 (c) work or pursue a course of study or vocational  
5 training;

6 (d) undergo medical or psychotherapeutic treatment  
7 rendered by a therapist licensed under the provisions of  
8 the Medical Practice Act of 1987, the Clinical Psychologist  
9 Licensing Act, or the Clinical Social Work and Social Work  
10 Practice Act, or an entity licensed by the Department of  
11 Human Services as a successor to the Department of  
12 Alcoholism and Substance Abuse, for the provision of drug  
13 addiction and alcoholism treatment;

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

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

17 (g) pay costs;

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

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

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

23 (k) attend school;

24 (k-5) with the consent of the superintendent of the  
25 facility, attend an educational program at a facility other  
26 than the school in which the offense was committed if he or

1 she committed a crime of violence as defined in Section 2  
2 of the Crime Victims Compensation Act in a school, on the  
3 real property comprising a school, or within 1,000 feet of  
4 the real property comprising a school;

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

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

8 (n) perform some reasonable public or community  
9 service;

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

15 (p) comply with curfew requirements as designated by  
16 the court;

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

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

26 (r-5) undergo a medical or other procedure to have a

1 tattoo symbolizing allegiance to a street gang removed from  
2 his or her body;

3 (s) refrain from having in his or her body the presence  
4 of any illicit drug prohibited by the Cannabis Control Act,  
5 the Illinois Controlled Substances Act, or the  
6 Methamphetamine Control and Community Protection Act,  
7 unless prescribed by a physician, and submit samples of his  
8 or her blood or urine or both for tests to determine the  
9 presence of any illicit drug; or

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

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

19 (7) If a petition is filed charging a violation of a  
20 condition of the continuance under supervision, the court shall  
21 conduct a hearing. If the court finds that a condition of  
22 supervision has not been fulfilled, the court may proceed to  
23 findings, adjudication, and disposition or adjudication and  
24 disposition. The filing of a petition for violation of a  
25 condition of the continuance under supervision shall toll the  
26 period of continuance under supervision until the final

1 determination of the charge, and the term of the continuance  
2 under supervision shall not run until the hearing and  
3 disposition of the petition for violation; provided where the  
4 petition alleges conduct that does not constitute a criminal  
5 offense, the hearing must be held within 30 days of the filing  
6 of the petition unless a delay shall continue the tolling of  
7 the period of continuance under supervision for the period of  
8 the delay.

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

22 (8.5) When a hearing in which a minor is alleged to be a  
23 delinquent for reasons that include a violation of Section 3.02  
24 or Section 3.03 of the Humane Care for Animals Act or paragraph  
25 (d) of subsection (1) of Section 21-1 of the Criminal Code of  
26 1961 or paragraph (4) of subsection (a) of Section 21-1 or the



1 Criminal Code of 2012 is continued under this Section, the  
2 court shall, as a condition of the continuance under  
3 supervision, require the minor to undergo medical or  
4 psychiatric treatment rendered by a psychiatrist or  
5 psychological treatment rendered by a clinical psychologist.  
6 The condition may be in addition to any other condition.

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

1 need not be limited to, the cleanup and repair of any damage  
2 caused by an alleged violation of Section 21-1.3 of the  
3 Criminal Code of 1961 or the Criminal Code of 2012 and similar  
4 damage to property located in the municipality or county in  
5 which the alleged violation occurred. When possible and  
6 reasonable, the community service shall be performed in the  
7 minor's neighborhood. For the purposes of this Section,  
8 "organized gang" has the meaning ascribed to it in Section 10  
9 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

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

21 (11) (Blank). ~~If a minor is placed on supervision for a~~  
22 ~~violation of subsection (a-7) of Section 1 of the Prevention of~~  
23 ~~Tobacco Use by Minors Act, the court may, in its discretion,~~  
24 ~~and upon recommendation by the State's Attorney, order that~~  
25 ~~minor and his or her parents or legal guardian to attend a~~  
26 ~~smoker's education or youth diversion program as defined in~~

1 ~~that Act if that program is available in the jurisdiction where~~  
2 ~~the offender resides. Attendance at a smoker's education or~~  
3 ~~youth diversion program shall be time credited against any~~  
4 ~~community service time imposed for any first violation of~~  
5 ~~subsection (a 7) of Section 1 of that Act. In addition to any~~  
6 ~~other penalty that the court may impose for a violation of~~  
7 ~~subsection (a 7) of Section 1 of that Act, the court, upon~~  
8 ~~request by the State's Attorney, may in its discretion require~~  
9 ~~the offender to remit a fee for his or her attendance at a~~  
10 ~~smoker's education or youth diversion program.~~

11 ~~For purposes of this Section, "smoker's education program"~~  
12 ~~or "youth diversion program" includes, but is not limited to, a~~  
13 ~~seminar designed to educate a person on the physical and~~  
14 ~~psychological effects of smoking tobacco products and the~~  
15 ~~health consequences of smoking tobacco products that can be~~  
16 ~~conducted with a locality's youth diversion program.~~

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

19 ~~(a) If a minor violates subsection (a 7) of Section 1~~  
20 ~~of the Prevention of Tobacco Use by Minors Act, the court~~  
21 ~~may impose a sentence of 15 hours of community service or a~~  
22 ~~fine of \$25 for a first violation.~~

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

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

5           ~~(d) Any second or subsequent violation not within the~~  
6           ~~12 month time period after the first violation is~~  
7           ~~punishable as provided for a first violation.~~

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

9           (705 ILCS 405/5-710)

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

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

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

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

23                         (ii) placed in accordance with Section 5-740, with  
24                         or without also being put on probation or conditional  
25                         discharge;

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

4           (iv) on and after the effective date of this  
5 amendatory Act of the 98th General Assembly and before  
6 January 1, 2017, placed in the guardianship of the  
7 Department of Children and Family Services, but only if  
8 the delinquent minor is under 16 years of age or,  
9 pursuant to Article II of this Act, a minor for whom an  
10 independent basis of abuse, neglect, or dependency  
11 exists. On and after January 1, 2017, placed in the  
12 guardianship of the Department of Children and Family  
13 Services, but only if the delinquent minor is under 15  
14 years of age or, pursuant to Article II of this Act, a  
15 minor for whom an independent basis of abuse, neglect,  
16 or dependency exists. An independent basis exists when  
17 the allegations or adjudication of abuse, neglect, or  
18 dependency do not arise from the same facts, incident,  
19 or circumstances which give rise to a charge or  
20 adjudication of delinquency;

21           (v) placed in detention for a period not to exceed  
22 30 days, either as the exclusive order of disposition  
23 or, where appropriate, in conjunction with any other  
24 order of disposition issued under this paragraph,  
25 provided that any such detention shall be in a juvenile  
26 detention home and the minor so detained shall be 10

1 years of age or older. However, the 30-day limitation  
2 may be extended by further order of the court for a  
3 minor under age 15 committed to the Department of  
4 Children and Family Services if the court finds that  
5 the minor is a danger to himself or others. The minor  
6 shall be given credit on the sentencing order of  
7 detention for time spent in detention under Sections  
8 5-501, 5-601, 5-710, or 5-720 of this Article as a  
9 result of the offense for which the sentencing order  
10 was imposed. The court may grant credit on a sentencing  
11 order of detention entered under a violation of  
12 probation or violation of conditional discharge under  
13 Section 5-720 of this Article for time spent in  
14 detention before the filing of the petition alleging  
15 the violation. A minor shall not be deprived of credit  
16 for time spent in detention before the filing of a  
17 violation of probation or conditional discharge  
18 alleging the same or related act or acts. The  
19 limitation that the minor shall only be placed in a  
20 juvenile detention home does not apply as follows:

21 Persons 18 years of age and older who have a  
22 petition of delinquency filed against them may be  
23 confined in an adult detention facility. In making a  
24 determination whether to confine a person 18 years of  
25 age or older who has a petition of delinquency filed  
26 against the person, these factors, among other

1 matters, shall be considered:

2 (A) the age of the person;

3 (B) any previous delinquent or criminal  
4 history of the person;

5 (C) any previous abuse or neglect history of  
6 the person;

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

8 and

9 (E) any educational history of the person;

10 (vi) ordered partially or completely emancipated  
11 in accordance with the provisions of the Emancipation  
12 of Minors Act;

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

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

25 (ix) ordered to undergo a medical or other  
26 procedure to have a tattoo symbolizing allegiance to a

1 street gang removed from his or her body; or

2 (x) placed in electronic home detention under Part  
3 7A of this Article.

4 (b) A minor found to be guilty may be committed to the  
5 Department of Juvenile Justice under Section 5-750 if the  
6 minor is at least 13 years and under 20 years of age,  
7 provided that the commitment to the Department of Juvenile  
8 Justice shall be made only if the minor was found guilty of  
9 a felony offense or first degree murder. The court shall  
10 include in the sentencing order any pre-custody credits the  
11 minor is entitled to under Section 5-4.5-100 of the Unified  
12 Code of Corrections. The time during which a minor is in  
13 custody before being released upon the request of a parent,  
14 guardian or legal custodian shall also be considered as  
15 time spent in custody.

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

24 (2) Any sentencing order other than commitment to the  
25 Department of Juvenile Justice may provide for protective  
26 supervision under Section 5-725 and may include an order of



1 protection under Section 5-730.

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

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

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

1           (6) Whenever the sentencing order requires the minor to  
2 attend school or participate in a program of training, the  
3 truant officer or designated school official shall regularly  
4 report to the court if the minor is a chronic or habitual  
5 truant under Section 26-2a of the School Code. Notwithstanding  
6 any other provision of this Act, in instances in which  
7 educational services are to be provided to a minor in a  
8 residential facility where the minor has been placed by the  
9 court, costs incurred in the provision of those educational  
10 services must be allocated based on the requirements of the  
11 School Code.

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

19           (7.5) In no event shall a guilty minor be committed to the  
20 Department of Juvenile Justice or placed in detention when the  
21 act for which the minor was adjudicated delinquent would not be  
22 illegal if committed by an adult.

23           (7.6) In no event shall a guilty minor be committed to the  
24 Department of Juvenile Justice for an offense which is a Class  
25 4 felony under Section 19-4 (criminal trespass to a residence),  
26 21-1 (criminal damage to property), 21-1.01 (criminal damage to

1 government supported property), 21-1.3 (criminal defacement of  
2 property), 26-1 (disorderly conduct), or 31-4 (obstructing  
3 justice) of the Criminal Code of 2012.

4 (7.75) In no event shall a guilty minor be committed to the  
5 Department of Juvenile Justice for an offense that is a Class 3  
6 or Class 4 felony violation of the Illinois Controlled  
7 Substances Act unless the commitment occurs upon a third or  
8 subsequent judicial finding of a violation of probation for  
9 substantial noncompliance with court-ordered ~~court-ordered~~  
10 treatment or programming.

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

22 (8.5) A minor found to be guilty for reasons that include a  
23 violation of Section 3.02 or Section 3.03 of the Humane Care  
24 for Animals Act or paragraph (d) of subsection (1) of Section  
25 21-1 of the Criminal Code of 1961 or paragraph (4) of  
26 subsection (a) of Section 21-1 of the Criminal Code of 2012

1 shall be ordered to undergo medical or psychiatric treatment  
2 rendered by a psychiatrist or psychological treatment rendered  
3 by a clinical psychologist. The order may be in addition to any  
4 other order authorized by this Section.

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

1 with the human immunodeficiency virus (HIV). The court shall  
2 also notify the victim if requested by the victim, and if the  
3 victim is under the age of 15 and if requested by the victim's  
4 parents or legal guardian, the court shall notify the victim's  
5 parents or the legal guardian, of the results of the test for  
6 infection with the human immunodeficiency virus (HIV). The  
7 court shall provide information on the availability of HIV  
8 testing and counseling at the Department of Public Health  
9 facilities to all parties to whom the results of the testing  
10 are revealed. The court shall order that the cost of any test  
11 shall be paid by the county and may be taxed as costs against  
12 the minor.

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

1 more than 120 hours, provided that community service is  
2 available in the jurisdiction and is funded and approved by the  
3 county board of the county where the offense was committed. The  
4 community service shall include, but need not be limited to,  
5 the cleanup and repair of any damage caused by a violation of  
6 Section 21-1.3 of the Criminal Code of 1961 or the Criminal  
7 Code of 2012 and similar damage to property located in the  
8 municipality or county in which the violation occurred. When  
9 possible and reasonable, the community service shall be  
10 performed in the minor's neighborhood. This order shall be in  
11 addition to any other order authorized by this Section except  
12 for an order to place the minor in the custody of the  
13 Department of Juvenile Justice. For the purposes of this  
14 Section, "organized gang" has the meaning ascribed to it in  
15 Section 10 of the Illinois Streetgang Terrorism Omnibus  
16 Prevention Act.

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

1 18th birthday. If the minor holds a driver's license or permit  
2 at the time of the determination, the court shall provide that  
3 the minor's driver's license or permit shall be revoked until  
4 his or her 21st birthday, or until a later date or occurrence  
5 determined by the court. If the minor holds a driver's license  
6 at the time of the determination, the court may direct the  
7 Secretary of State to issue the minor a judicial driving  
8 permit, also known as a JDP. The JDP shall be subject to the  
9 same terms as a JDP issued under Section 6-206.1 of the  
10 Illinois Vehicle Code, except that the court may direct that  
11 the JDP be effective immediately.

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

1 ~~smoker's education or youth diversion program.~~

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

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

10 ~~(a) If a minor violates subsection (a 7) of Section 1~~  
11 ~~of the Prevention of Tobacco Use by Minors Act, the court~~  
12 ~~may impose a sentence of 15 hours of community service or a~~  
13 ~~fine of \$25 for a first violation.~~

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

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

22 ~~(d) Any second or subsequent violation not within the~~  
23 ~~12-month time period after the first violation is~~  
24 ~~punishable as provided for a first violation.~~

25 (Source: P.A. 98-536, eff. 8-23-13; 98-803, eff. 1-1-15;  
26 99-268, eff. 1-1-16; 99-628, eff. 1-1-17; 99-879, eff. 1-1-17;



1 revised 9-2-16.)

2 Section 25. The Prevention of Tobacco Use by Minors and  
3 Sale and Distribution of Tobacco Products Act is amended by  
4 changing the title of the Act and Sections 0.01, 1, and 2 as  
5 follows:

6 (720 ILCS 675/Act title)

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

13 (720 ILCS 675/0.01) (from Ch. 23, par. 2356.9)

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

17 (Source: P.A. 96-179, eff. 8-10-09; 96-446, eff. 1-1-10;  
18 96-1000, eff. 7-2-10.)

19 (720 ILCS 675/1) (from Ch. 23, par. 2357)

20 Sec. 1. Prohibition on sale ~~to and possession~~ of tobacco  
21 products, electronic cigarettes, and alternative nicotine  
22 products to persons under 21 years of age ~~by minors;~~

1 prohibition on the distribution of tobacco product samples,  
2 electronic cigarette samples, and alternative nicotine product  
3 samples to any person; use of identification cards; vending  
4 machines; lunch wagons; out-of-package sales.

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

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

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

24 (1) examining from any person that appears to be under  
25 30 years of age a government-issued photographic  
26 identification that establishes the person to be 21 years

1 of age or older; or

2 (2) for sales of tobacco products, electronic  
3 cigarettes, or alternative nicotine products made through  
4 the Internet or other remote sales methods, performing an  
5 age verification through an independent, third party age  
6 verification service that compares information available  
7 from public records to the personal information entered by  
8 the person during the ordering process that establishes the  
9 person is 21 years of age or older.

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

15 (a-7) (Blank). ~~No minor under 18 years of age shall~~  
16 ~~possess any cigar, cigarette, smokeless tobacco, or tobacco in~~  
17 ~~any of its forms.~~

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

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

25 (2) from a lunch wagon; or

26 (3) on a public way as a promotion or advertisement of

1 a tobacco manufacturer, ~~or~~ tobacco product, electronic  
2 cigarette, or alternative nicotine product.

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

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

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

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

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

1 Tobacco Products Tax Act of 1995; tobacco product and  
2 electronic cigarette as defined in this Section; or any  
3 product approved by the United States Food and Drug  
4 Administration for sale as a tobacco cessation product, as  
5 a tobacco dependence product, or for other medical  
6 purposes, and is being marketed and sold solely for that  
7 approved purpose.

8 "Electronic cigarette" means:

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

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

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

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

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

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

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

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

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

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

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

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

18           (1) (Blank).

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

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

24           (4) (Blank).

25           (5) (Blank). ~~Places where the vending machine can only~~  
26      ~~be operated by the owner or an employee over age 18 either~~

1 ~~directly or through a remote control device if the device~~  
2 ~~is inaccessible to all customers.~~

3 (c) (Blank).

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

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



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

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

12 (720 ILCS 675/2) (from Ch. 23, par. 2358)

13 Sec. 2. Penalties.

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

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

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

1 prescribed under the Cigarette Tax Act and the Tobacco Products  
2 Tax Act of 1995.

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

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

23 (c) (Blank). ~~A second violation by a minor of subsection~~  
24 ~~(a 7) of Section 1 or subsection (d) of Section 1.5 that occurs~~  
25 ~~within 12 months after the first violation is punishable by a~~  
26 ~~fine of \$75 and 50 hours of community service.~~

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

5           (e) (Blank). ~~Any second or subsequent violation not within~~  
6 ~~the 12 month time period after the first violation is~~  
7 ~~punishable as provided for a first violation.~~

8           (f) (Blank). ~~If a minor is convicted of or placed on~~  
9 ~~supervision for a violation of subsection (a-6) or (a-7) of~~  
10 ~~Section 1 or subsection (d) of Section 1.5, the court may, in~~  
11 ~~its discretion, and upon recommendation by the State's~~  
12 ~~Attorney, order that minor and his or her parents or legal~~  
13 ~~guardian to attend a smoker's education or youth diversion~~  
14 ~~program 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. In addition to any other penalty~~  
19 ~~that the court may impose for a violation of subsection (a-7)~~  
20 ~~of Section 1 or subsection (d) of Section 1.5, 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           (g) (Blank). ~~For purposes of this Section, "smoker's~~  
25 ~~education program" or "youth diversion program" includes, but~~  
26 ~~is not limited to, a seminar designed to educate a person on~~

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

6 (h) All moneys collected as fines for violations of  
7 subsection (a), (a-5), (a-5.1), (a-6), (a-8), (b), or (d) ~~or~~  
8 ~~(a-7)~~ of Section 1 and subsection ~~(b), (c), or (d)~~ of Section  
9 ~~1.5~~ shall be distributed in the following manner:

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

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

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

18 (Source: P.A. 98-350, eff. 1-1-14; 98-1055, eff. 1-1-16;  
19 99-192, eff. 1-1-16; 99-496, eff. 6-1-16; revised 9-14-16.)

20 (720 ILCS 675/1.5 rep.)

21 Section 30. The Prevention of Tobacco Use by Minors and  
22 Sale and Distribution of Tobacco Products Act is amended by  
23 repealing Section 1.5.

24 Section 35. The Display of Tobacco Products Act is amended

1 by changing Sections 5, 10, and 15 as follows:

2 (720 ILCS 677/5)

3 Sec. 5. Definitions. In this Act:

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

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

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

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

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

19 (720 ILCS 677/10)

20 Sec. 10. Tobacco product displays. All single packs of  
21 cigarettes, and electronic cigarettes, and alternative  
22 nicotine products must be sold from behind the counter or in an  
23 age restricted area or in a sealed display case. Any other  
24 tobacco products must be sold in line of sight.

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

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

10           (720 ILCS 677/15)

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

18           (Source: P.A. 96-179, eff. 8-10-09; 96-446, eff. 1-1-10;  
19 96-1000, eff. 7-2-10.)

20           Section 40. The Prevention of Cigarette Sales to Minors Act  
21 is amended by changing Sections 1, 5, 6, 7, and 8 as follows:

22           (720 ILCS 678/1)

23           Sec. 1. Short title. This Act may be cited as the

1 Prevention of Cigarette Sales to Persons Under 21 Years of Age  
2 ~~Minors~~ Act.

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

4 (720 ILCS 678/5)

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

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

9 (1) is licensed as a distributor under either the  
10 Cigarette Tax Act, or the Cigarette Use Tax Act; or  
11 delivers the cigarettes to a distributor licensed under  
12 either the Cigarette Tax Act or the Cigarette Use Tax Act;  
13 or

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

18 For purposes of this subsection (a), a person is a licensed  
19 distributor if the person's name appears on a list of licensed  
20 distributors published by the Illinois Department of Revenue.  
21 The term cigarette has the same meaning as defined in Section 1  
22 of the Cigarette Tax Act and Section 1 of the Cigarette Use Tax  
23 Act. Nothing in this Act prohibits a person licensed as a  
24 distributor under the Cigarette Tax Act or the Cigarette Use  
25 Tax Act from shipping or causing to be shipped any cigarettes



1 to a registered retailer under the Retailers' Occupation Tax  
2 Act provided the cigarette tax or cigarette use tax has been  
3 paid.

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

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

1 another person's name to the certification is illegal; (2) that  
2 the sale of cigarettes to individuals under 21 ~~18~~ years of age  
3 is illegal; and (3) that the purchase of cigarettes by  
4 individuals under 21 ~~18~~ years of age is illegal under the laws  
5 of Illinois.

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

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

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

21 (720 ILCS 678/6)

22 Sec. 6. Prevention of delivery sales to persons under 21  
23 years of age ~~minors~~.

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

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

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

6 (720 ILCS 678/7)

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

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

12 (1) prior to the first delivery sale to the prospective  
13 consumer, obtains from the prospective consumer a written  
14 certification which includes a statement signed by the  
15 prospective consumer that certifies:

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

17 and

18 (B) that the prospective consumer is at least the  
19 legal minimum age;

20 (2) informs, in writing, such prospective consumer  
21 that:

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

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

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

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

8 (3) makes a good faith effort to verify the date of  
9 birth of the prospective consumer provided pursuant to this  
10 Section by:

11 (A) comparing the date of birth against a  
12 commercially available database; or

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

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

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

22 (6) ensures that the shipping package is delivered to  
23 the same address as is shown on the government-issued  
24 identification or contained in the commercially available  
25 database.

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

1 (1) a statement that cigarette sales to consumers below  
2 21 ~~18~~ years of age are illegal;

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

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

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

13 (1) the statement is clear and conspicuous;

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

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

17 (4) the statement is printed with a degree of color  
18 contrast between the background and the printed statement  
19 that is no less than the color contrast between the  
20 background and the largest text used in the communication;  
21 and

22 (5) for any printed material delivered by electronic  
23 means, the statement appears at both the top and the bottom  
24 of the electronic mail message or both the top and the  
25 bottom of the Internet website homepage.

26 (d) Each person, other than a delivery service, who mails,

1 ships, or otherwise causes to be delivered a shipping package  
2 in connection with a delivery sale shall:

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

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

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

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

13 (720 ILCS 678/8)

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

16 (a) Not later than the 15th day of each month, each person  
17 making a delivery sale during the previous calendar month shall  
18 file a report with the Department containing the following  
19 information:

20 (1) the seller's name, trade name, and the address of  
21 such person's principal place of business and any other  
22 place of business;

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

25 (3) the brand style or brand styles of the cigarettes

1 that were sold in such delivery sale;

2 (4) the quantity of cigarettes that were sold in such  
3 delivery sale;

4 (5) an indication of whether or not the cigarettes sold  
5 in the delivery sale bore a tax stamp evidencing payment of  
6 the tax under Section 2 of the Cigarette Tax Act (35 ILCS  
7 130/2); and

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

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

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

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

25 (e) This Section shall not be construed to impose liability  
26 upon any delivery service, or officers or employees thereof,

1 when acting within the scope of business of the delivery  
2 service.

3 (f) The Department may establish procedures requiring  
4 electronic transmission of the information required by this  
5 Section directly to the Department on forms prescribed and  
6 furnished by the Department.

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

8 (720 ILCS 680/Act rep.)

9 Section 45. The Smokeless Tobacco Limitation Act is  
10 repealed.

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

13 (720 ILCS 685/2) (from Ch. 23, par. 2358-2)

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

18 It has further been determined by the Surgeon General of  
19 the United States that the use of tobacco is hazardous to human  
20 health.

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



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

8           (Source: P.A. 82-487.)

9           (720 ILCS 685/4) (from Ch. 23, par. 2358-4)

10          Sec. 4. Offenses.

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

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

21          (b) Sale of cigarette paper. No person shall knowingly  
22 offer, sell, barter, exchange, deliver or give away cigarette  
23 paper or cause, permit, or procure cigarette paper to be sold,  
24 offered, bartered, exchanged, delivered, or given away except  
25 from premises or an establishment where other tobacco products

1 are sold. For purposes of this Section, "tobacco products"  
2 means cigarettes, cigars, smokeless tobacco, or tobacco in any  
3 of its forms.

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

17 (c) Sale of cigarette paper from vending machines. No  
18 person shall knowingly offer, sell, barter, exchange, deliver  
19 or give away cigarette paper or cause, permit, or procure  
20 cigarette paper to be sold, offered, bartered, exchanged,  
21 delivered, or given away by use of a vending or coin-operated  
22 machine or device. For purposes of this Section, "cigarette  
23 paper" shall not include any paper that is incorporated into a  
24 product to which a tax stamp must be affixed under the  
25 Cigarette Tax Act or the Cigarette Use Tax Act.

26 (d) Use of identification cards. No person in the

1 furtherance or facilitation of obtaining smoking accessories  
2 and smoking herbs shall display or use a false or forged  
3 identification card or transfer, alter, or deface an  
4 identification card.

5 (e) Warning to persons under 21 years of age ~~minors~~. Any  
6 person, firm, partnership, company or corporation operating a  
7 place of business where tobacco accessories and smoking herbs  
8 are sold or offered for sale shall post in a conspicuous place  
9 upon the premises a sign upon which there shall be imprinted  
10 the following statement, "SALE OF TOBACCO ACCESSORIES AND  
11 SMOKING HERBS TO PERSONS UNDER 21 ~~EIGHTEEN~~ YEARS OF AGE OR THE  
12 MISREPRESENTATION OF AGE TO PROCURE SUCH A SALE IS PROHIBITED  
13 BY LAW". The sign shall be printed on a white card in red  
14 letters at least one-half inch in height.  
15 (Source: P.A. 97-917, eff. 8-9-12.)".