



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB2332

Introduced 1/24/2018, by Sen. Julie A. Morrison

SYNOPSIS AS INTRODUCED:

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

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

LRB100 16755 RLC 31895 b

1 AN ACT concerning criminal law.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 (35 ILCS 143/10-25)

19 Sec. 10-25. License actions.

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

1 based.

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

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

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

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

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

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

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

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

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

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

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

13 (235 ILCS 5/3-12)

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

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

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

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

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

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

1 a person under the age of 21 was committed.

2 The fine imposed under this paragraph may not exceed
3 \$500 for each violation. Each day that the activity, which
4 gave rise to the original fine, continues is a separate
5 violation. The maximum fine that may be levied against any
6 licensee, for the period of the license, shall not exceed
7 \$20,000. The maximum penalty that may be imposed on a
8 licensee for selling a bottle of alcoholic liquor with a
9 foreign object in it or serving from a bottle of alcoholic
10 liquor with a foreign object in it shall be the destruction
11 of that bottle of alcoholic liquor for the first 10 bottles
12 so sold or served from by the licensee. For the eleventh
13 bottle of alcoholic liquor and for each third bottle
14 thereafter sold or served from by the licensee with a
15 foreign object in it, the maximum penalty that may be
16 imposed on the licensee is the destruction of the bottle of
17 alcoholic liquor and a fine of up to \$50.

18 Any notice issued by the State Commission to a licensee
19 for a violation of this Act or any notice with respect to
20 settlement or offer in compromise shall include the field
21 report, photographs, and any other supporting
22 documentation necessary to reasonably inform the licensee
23 of the nature and extent of the violation or the conduct
24 alleged to have occurred.

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

1 carry on its functions and duties to the end that the
2 health, safety and welfare of the People of the State of
3 Illinois shall be protected and temperance in the
4 consumption of alcoholic liquors shall be fostered and
5 promoted and to distribute copies of such rules and
6 regulations to all licensees affected thereby.

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

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

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

24 (5.1) Upon receipt of a complaint or upon having
25 knowledge that any person is engaged in business as a
26 manufacturer, importing distributor, distributor, or

1 retailer without a license or valid license, to notify the
2 local liquor authority, file a complaint with the State's
3 Attorney's Office of the county where the incident
4 occurred, or initiate an investigation with the
5 appropriate law enforcement officials.

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

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

25 (6) To hear and determine appeals from orders of a
26 local commission in accordance with the provisions of this

1 Act, as hereinafter set forth. Hearings under this
2 subsection shall be held in Springfield or Chicago, at
3 whichever location is the more convenient for the majority
4 of persons who are parties to the hearing.

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

1 in whole or in part, any uniform system of accounts, or the
2 form and manner of keeping accounts.

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

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

21 (9) To investigate the administration of laws in
22 relation to alcoholic liquors in this and other states and
23 any foreign countries, and to recommend from time to time
24 to the Governor and through him or her to the legislature
25 of this State, such amendments to this Act, if any, as it
26 may think desirable and as will serve to further the

1 general broad purposes contained in Section 1-2 hereof.

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

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

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

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

23 (13) (Blank). ~~On or before January 15, 1994, the~~
24 ~~Commission shall issue a written report to the Governor and~~
25 ~~General Assembly that is to be based on a comprehensive~~
26 ~~study of the impact on and implications for the State of~~

1 ~~Illinois of Section 1926 of the federal ADAMHA~~
2 ~~Reorganization Act of 1992 (Public Law 102-321). This study~~
3 ~~shall address the extent to which Illinois currently~~
4 ~~complies with the provisions of P.L. 102-321 and the rules~~
5 ~~promulgated pursuant thereto.~~

6 ~~As part of its report, the Commission shall provide the~~
7 ~~following essential information:~~

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

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

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

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

23 ~~To obtain the data necessary to comply with the~~
24 ~~provisions of P.L. 102-321 and the requirements of this~~
25 ~~report, the Commission shall conduct random, unannounced~~
26 ~~inspections of a geographically and scientifically~~

1 ~~representative sample of the State's retail tobacco~~
2 ~~distributors.~~

3 ~~The Commission shall consult with the Department of~~
4 ~~Public Health, the Department of Human Services, the~~
5 ~~Illinois State Police and any other executive branch~~
6 ~~agency, and private organizations that may have~~
7 ~~information relevant to this report.~~

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

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

22 (A) The amount of State excise and sales tax
23 revenues generated.

24 (B) The amount of licensing fees received.

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

1 State.

2 (D) The number of alcohol compliance operations
3 conducted.

4 (E) The number of winery shipper's licenses
5 issued.

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

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

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

1 Department of Treasury's Alcohol and Tobacco Tax and Trade
2 Bureau.

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

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

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

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

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

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

24 (F) The Commission shall issue regulations governing
25 self-distribution exemptions consistent with this Section
26 and this Act.

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

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

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

24 (B) In the application, which shall be sworn under
25 penalty of perjury, the class 1 brewer licensee shall state
26 (1) the date it was established; (2) its volume of beer

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

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

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

1 self-distribution exemption after a hearing if it finds
2 that the exemption holder has made a material
3 misrepresentation in its application, violated a revenue
4 or alcoholic beverage law of Illinois, exceeded the
5 manufacture of 930,000 gallons of beer in any calendar year
6 or became part of an affiliated group manufacturing more
7 than 930,000 gallons of beer or any other alcoholic
8 beverage.

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

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

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

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

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

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

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

14 (ii) the amount of licensing fees received as a result
15 of Public Act 90-739;

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

21 (Source: P.A. 99-78, eff. 7-20-15; 99-448, eff. 8-24-15;
22 100-134, eff. 8-18-17; 100-201, eff. 8-18-17.)

23 (235 ILCS 5/6-16.1)

24 Sec. 6-16.1. Enforcement actions.

25 (a) A licensee or an officer, associate, member,

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

19 (b) A local liquor control commission or unit of local
20 government that conducts alcohol and tobacco compliance
21 operations shall establish a policy and standards for alcohol
22 and tobacco compliance operations to investigate whether a
23 licensee is furnishing (1) alcoholic liquor to persons under 21
24 years of age in violation of this Act or (2) tobacco to persons
25 in violation of the Prevention of Tobacco Use by Persons under
26 21 Years of Age ~~Minors~~ and Sale and Distribution of Tobacco

1 Products Act.

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

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

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

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

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

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

5 (705 ILCS 405/5-615)

6 Sec. 5-615. Continuance under supervision.

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

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

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

20 (i) the minor is not likely to commit further
21 crimes;

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

24 (iii) in the best interests of justice an order of

1 continuance under supervision is more appropriate than
2 a sentence otherwise permitted under this Act.

3 (2) (Blank).

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

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

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

17 (a) not violate any criminal statute of any
18 jurisdiction;

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

21 (c) work or pursue a course of study or vocational
22 training;

23 (d) undergo medical or psychotherapeutic treatment
24 rendered by a therapist licensed under the provisions of
25 the Medical Practice Act of 1987, the Clinical Psychologist
26 Licensing Act, or the Clinical Social Work and Social Work

1 Practice Act, or an entity licensed by the Department of
2 Human Services as a successor to the Department of
3 Alcoholism and Substance Abuse, for the provision of drug
4 addiction and alcoholism treatment;

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

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

8 (g) pay costs;

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

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

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

14 (k) attend school;

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

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

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

25 (n) perform some reasonable public or community
26 service;

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

6 (p) comply with curfew requirements as designated by
7 the court;

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

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

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

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

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

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

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

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

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

13 (8.5) When a hearing in which a minor is alleged to be a
14 delinquent for reasons that include a violation of Section 3.02
15 or Section 3.03 of the Humane Care for Animals Act or paragraph
16 (d) of subsection (1) of Section 21-1 of the Criminal Code of
17 1961 or paragraph (4) of subsection (a) of Section 21-1 or the
18 Criminal Code of 2012 is continued under this Section, the
19 court shall, as a condition of the continuance under
20 supervision, require the minor to undergo medical or
21 psychiatric treatment rendered by a psychiatrist or
22 psychological treatment rendered by a clinical psychologist.
23 The condition may be in addition to any other condition.

24 (9) When a hearing in which a minor is alleged to be a
25 delinquent is continued under this Section, the court, before
26 continuing the case, shall make a finding whether the offense

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

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

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

1 ~~the offender to remit a fee for his or her attendance at a~~
2 ~~smoker's education or youth diversion program.~~

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

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

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

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

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

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

26 (Source: P.A. 100-159, eff. 8-18-17.)

1 (705 ILCS 405/5-710)

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

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

5 (a) Except as provided in Sections 5-805, 5-810, and
6 5-815, a minor who is found guilty under Section 5-620 may
7 be:

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

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

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

22 (iv) on and after the effective date of this
23 amendatory Act of the 98th General Assembly and before
24 January 1, 2017, placed in the guardianship of the
25 Department of Children and Family Services, but only if

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

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

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

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

21 (A) the age of the person;

22 (B) any previous delinquent or criminal
23 history of the person;

24 (C) any previous abuse or neglect history of
25 the person;

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

1 and

2 (E) any educational history of the person;

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

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

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

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

21 (x) placed in electronic monitoring or home
22 detention under Part 7A of this Article.

23 (b) A minor found to be guilty may be committed to the
24 Department of Juvenile Justice under Section 5-750 if the
25 minor is at least 13 years and under 20 years of age,
26 provided that the commitment to the Department of Juvenile

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

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

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

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

25 (4) In addition to any other sentence, the court may order
26 any minor found to be delinquent to make restitution, in

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

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

20 (6) Whenever the sentencing order requires the minor to
21 attend school or participate in a program of training, the
22 truant officer or designated school official shall regularly
23 report to the court if the minor is a chronic or habitual
24 truant under Section 26-2a of the School Code. Notwithstanding
25 any other provision of this Act, in instances in which
26 educational services are to be provided to a minor in a

1 residential facility where the minor has been placed by the
2 court, costs incurred in the provision of those educational
3 services must be allocated based on the requirements of the
4 School Code.

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

12 (7.5) In no event shall a guilty minor be committed to the
13 Department of Juvenile Justice or placed in detention when the
14 act for which the minor was adjudicated delinquent would not be
15 illegal if committed by an adult.

16 (7.6) In no event shall a guilty minor be committed to the
17 Department of Juvenile Justice for an offense which is a Class
18 4 felony under Section 19-4 (criminal trespass to a residence),
19 21-1 (criminal damage to property), 21-1.01 (criminal damage to
20 government supported property), 21-1.3 (criminal defacement of
21 property), 26-1 (disorderly conduct), or 31-4 (obstructing
22 justice) of the Criminal Code of 2012.

23 (7.75) In no event shall a guilty minor be committed to the
24 Department of Juvenile Justice for an offense that is a Class 3
25 or Class 4 felony violation of the Illinois Controlled
26 Substances Act unless the commitment occurs upon a third or

1 subsequent judicial finding of a violation of probation for
2 substantial noncompliance with court-ordered treatment or
3 programming.

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

15 (8.5) A minor found to be guilty for reasons that include a
16 violation of Section 3.02 or Section 3.03 of the Humane Care
17 for Animals Act or paragraph (d) of subsection (1) of Section
18 21-1 of the Criminal Code of 1961 or paragraph (4) of
19 subsection (a) of Section 21-1 of the Criminal Code of 2012
20 shall be ordered to undergo medical or psychiatric treatment
21 rendered by a psychiatrist or psychological treatment rendered
22 by a clinical psychologist. The order may be in addition to any
23 other order authorized by this Section.

24 (9) In addition to any other sentencing order, the court
25 shall order any minor found to be guilty for an act which would
26 constitute, predatory criminal sexual assault of a child,

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

1 testing and counseling at the Department of Public Health
2 facilities to all parties to whom the results of the testing
3 are revealed. The court shall order that the cost of any test
4 shall be paid by the county and may be taxed as costs against
5 the minor.

6 (10) When a court finds a minor to be guilty the court
7 shall, before entering a sentencing order under this Section,
8 make a finding whether the offense committed either: (a) was
9 related to or in furtherance of the criminal activities of an
10 organized gang or was motivated by the minor's membership in or
11 allegiance to an organized gang, or (b) involved a violation of
12 subsection (a) of Section 12-7.1 of the Criminal Code of 1961
13 or the Criminal Code of 2012, a violation of any Section of
14 Article 24 of the Criminal Code of 1961 or the Criminal Code of
15 2012, or a violation of any statute that involved the wrongful
16 use of a firearm. If the court determines the question in the
17 affirmative, and the court does not commit the minor to the
18 Department of Juvenile Justice, the court shall order the minor
19 to perform community service for not less than 30 hours nor
20 more than 120 hours, provided that community service is
21 available in the jurisdiction and is funded and approved by the
22 county board of the county where the offense was committed. The
23 community service shall include, but need not be limited to,
24 the cleanup and repair of any damage caused by a violation of
25 Section 21-1.3 of the Criminal Code of 1961 or the Criminal
26 Code of 2012 and similar damage to property located in the

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

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

1 permit, also known as a JDP. The JDP shall be subject to the
2 same terms as a JDP issued under Section 6-206.1 of the
3 Illinois Vehicle Code, except that the court may direct that
4 the JDP be effective immediately.

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

21 ~~For purposes of this Section, "smoker's education program"~~
22 ~~or "youth diversion program" includes, but is not limited to, a~~
23 ~~seminar designed to educate a person on the physical and~~
24 ~~psychological effects of smoking tobacco products and the~~
25 ~~health consequences of smoking tobacco products that can be~~
26 ~~conducted with a locality's youth diversion program.~~

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

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

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

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

15 ~~(d) Any second or subsequent violation not within the~~
16 ~~12 month time period after the first violation is~~
17 ~~punishable as provided for a first violation.~~

18 (Source: P.A. 99-268, eff. 1-1-16; 99-628, eff. 1-1-17; 99-879,
19 eff. 1-1-17; 100-201, eff. 8-18-17; 100-431, eff. 8-25-17.)

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

24 (720 ILCS 675/Act title)

1 An Act to prohibit persons under 21 years of age ~~minors~~
2 from buying or ~~r~~ selling, ~~or possessing~~ tobacco in any of its
3 forms, to prohibit selling, giving or furnishing tobacco, in
4 any of its forms, to persons under 21 years of age ~~minors~~, and
5 to prohibit the distribution of tobacco samples and providing
6 penalties therefor.

7 (720 ILCS 675/0.01) (from Ch. 23, par. 2356.9)

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

11 (Source: P.A. 96-179, eff. 8-10-09; 96-446, eff. 1-1-10;
12 96-1000, eff. 7-2-10.)

13 (720 ILCS 675/1) (from Ch. 23, par. 2357)

14 Sec. 1. Prohibition on sale ~~to and possession~~ of tobacco
15 products, electronic cigarettes, and alternative nicotine
16 products to persons under 21 years of age ~~by minors~~;
17 prohibition on the distribution of tobacco product samples,
18 electronic cigarette samples, and alternative nicotine product
19 samples to any person; use of identification cards; vending
20 machines; lunch wagons; out-of-package sales.

21 (a) No person ~~minor~~ under 21 ~~18~~ years of age shall buy any
22 tobacco product, electronic cigarette, or alternative nicotine
23 product. No person shall sell, buy for, distribute samples of
24 or furnish any tobacco product, electronic cigarette, or any

1 alternative nicotine product to any person ~~minor~~ under 21 ~~18~~
2 years of age.

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

10 (a-5.1) Before selling, offering for sale, giving, or
11 furnishing a tobacco product, electronic cigarette, or
12 alternative nicotine product to another person, the person
13 selling, offering for sale, giving, or furnishing the tobacco
14 product, electronic cigarette, or alternative nicotine product
15 shall verify that the person is at least 21 years of age by:

16 (1) examining from any person that appears to be under
17 30 years of age a government-issued photographic
18 identification that establishes the person to be 21 years
19 of age or older; or

20 (2) for sales of tobacco products, electronic
21 cigarettes, or alternative nicotine products made through
22 the Internet or other remote sales methods, performing an
23 age verification through an independent, third party age
24 verification service that compares information available
25 from public records to the personal information entered by
26 the person during the ordering process that establishes the

1 person is 21 years of age or older.

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

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

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

13 (1) within a retail establishment selling tobacco
14 products, electronic cigarettes, or alternative nicotine
15 products unless the retailer has verified the purchaser's
16 age with a government issued identification;

17 (2) from a lunch wagon; or

18 (3) on a public way as a promotion or advertisement of
19 a tobacco manufacturer, ~~or~~ tobacco product, electronic
20 cigarette, or alternative nicotine product.

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

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

25 "Adult-only facility" means a facility or restricted
26 area (whether open-air or enclosed) where the operator

1 ensures or has a reasonable basis to believe (such as by
2 checking identification as required under State law, or by
3 checking the identification of any person appearing to be
4 under the age of 30 ~~27~~) that no person under legal age is
5 present. A facility or restricted area need not be
6 permanently restricted to persons under 21 years of legal
7 age to constitute an adult-only facility, provided that the
8 operator ensures or has a reasonable basis to believe that
9 no person under 21 years of legal age is present during the
10 event or time period in question.

11 "Alternative nicotine product" means a product or
12 device not consisting of or containing tobacco that
13 provides for the ingestion into the body of nicotine,
14 whether by chewing, smoking, absorbing, dissolving,
15 inhaling, snorting, sniffing, or by any other means.

16 "Alternative nicotine product" does not include:
17 cigarettes as defined in Section 1 of the Cigarette Tax Act
18 and tobacco products as defined in Section 10-5 of the
19 Tobacco Products Tax Act of 1995; tobacco product and
20 electronic cigarette as defined in this Section; or any
21 product approved by the United States Food and Drug
22 Administration for sale as a tobacco cessation product, as
23 a tobacco dependence product, or for other medical
24 purposes, and is being marketed and sold solely for that
25 approved purpose.

26 "Electronic cigarette" means:

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

4 (2) any cartridge or container of a solution or
5 substance intended to be used with or in the device or to
6 refill the device; or

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

9 "Electronic cigarette" includes, but is not limited to, any
10 electronic nicotine delivery system, electronic cigar,
11 electronic cigarillo, electronic pipe, electronic hookah,
12 vape pen, or similar product or device, and any components
13 or parts that can be used to build the product or device.

14 "Electronic cigarette" does not include: cigarettes as
15 defined in Section 1 of the Cigarette Tax Act and tobacco
16 products as defined in Section 10-5 of the Tobacco Products
17 Tax Act of 1995; tobacco product and alternative nicotine
18 product as defined in this Section; any product approved by
19 the United States Food and Drug Administration for sale as
20 a tobacco cessation product, as a tobacco dependence
21 product, or for other medical purposes, and is being
22 marketed and sold solely for that approved purpose; any
23 asthma inhaler prescribed by a physician for that condition
24 and is being marketed and sold solely for that approved
25 purpose; or any therapeutic product approved for use under
26 the Compassionate Use of Medical Cannabis Pilot Program

1 Act.

2 "Lunch wagon" means a mobile vehicle designed and
3 constructed to transport food and from which food is sold
4 to the general public.

5 "Nicotine" means any form of the chemical nicotine,
6 including any salt or complex, regardless of whether the
7 chemical is naturally or synthetically derived.

8 ~~"Smokeless tobacco" means any tobacco products that~~
9 ~~are suitable for dipping or chewing.~~

10 "Tobacco product" means any product containing or made
11 from tobacco that is intended for human consumption,
12 whether smoked, heated, chewed, absorbed, dissolved,
13 inhaled, snorted, sniffed, or ingested by any other means,
14 including, but not limited to, cigarettes, cigars, little
15 cigars, chewing tobacco, pipe tobacco, snuff, snus, and any
16 other smokeless tobacco product which contains tobacco
17 that is finely cut, ground, powdered, or leaf and intended
18 to be placed in the oral cavity. "Tobacco product" includes
19 any component, part, or accessory of a tobacco product,
20 whether or not sold separately. "Tobacco product" does not
21 include: an electronic cigarette and alternative nicotine
22 product as defined in this Section; or any product that has
23 been approved by the United States Food and Drug
24 Administration for sale as a tobacco cessation product, as
25 a tobacco dependence product, or for other medical
26 purposes, and is being marketed and sold solely for that

1 ~~approved purpose means any cigar, cigarette, smokeless~~
2 ~~tobacco, or tobacco in any of its forms.~~

3 (b) Tobacco products, electronic cigarettes, and
4 alternative nicotine products ~~listed in this Section~~ may be
5 sold through a vending machine only if such tobacco products,
6 electronic cigarettes, and alternative nicotine products are
7 not placed together with any non-tobacco product, other than
8 matches, in the vending machine and the vending machine is in
9 any of the following locations:

10 (1) (Blank).

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

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

16 (4) (Blank).

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

21 (c) (Blank).

22 (d) The sale or distribution by any person of a tobacco
23 product as defined in this Section, including but not limited
24 to a single or loose cigarette, that is not contained within a
25 sealed container, pack, or package as provided by the
26 manufacturer, which container, pack, or package bears the

1 health warning required by federal law, is prohibited.

2 (e) It is not a violation of this Act for a person under 21
3 ~~18~~ years of age to purchase ~~or possess~~ a tobacco product,
4 electronic cigarette, or alternative nicotine product ~~cigar,~~
5 ~~cigarette, smokeless tobacco or tobacco in any of its forms~~ if
6 the person under the age of 21 ~~18~~ purchases or is given the
7 ~~cigar, cigarette, smokeless tobacco or tobacco~~ product,
8 electronic cigarette, or alternative nicotine product in any of
9 its forms from a retail seller of tobacco products, electronic
10 cigarettes, or alternative nicotine products or an employee of
11 the retail seller pursuant to a plan or action to investigate,
12 patrol, or otherwise conduct a "sting operation" or enforcement
13 action against a retail seller of tobacco products, electronic
14 cigarettes, or alternative nicotine products or a person
15 employed by the retail seller of tobacco products, electronic
16 cigarettes, or alternative nicotine products or on any premises
17 authorized to sell tobacco products, electronic cigarettes, or
18 alternative nicotine products to determine if tobacco
19 products, electronic cigarettes, or alternative nicotine
20 products are being sold or given to persons under 21 ~~18~~ years
21 of age if the "sting operation" or enforcement action is
22 approved by, conducted by, or conducted on behalf of the
23 Department of State Police, the county sheriff, a municipal
24 police department, the Department of Revenue, the Department of
25 Public Health, or a local health department. The results of any
26 sting operation or enforcement action, including the name of

1 the clerk, shall be provided to the retail seller within 7
2 business days.

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

4 (720 ILCS 675/2) (from Ch. 23, par. 2358)

5 Sec. 2. Penalties.

6 (a) Any person who violates subsection (a) ~~or~~ (a-5) ~~or~~
7 (a-5.1), (a-8), (b), or (d) of Section 1 ~~or subsection (b) or~~
8 ~~(c) of Section 1.5~~ of this Act is guilty of a petty offense.
9 For the first offense in a 24-month period, the person shall be
10 fined \$200 if his or her employer has a training program that
11 facilitates compliance with minimum-age tobacco laws. For the
12 second offense in a 24-month period, the person shall be fined
13 \$400 if his or her employer has a training program that
14 facilitates compliance with minimum-age tobacco laws. For the
15 third offense in a 24-month period, the person shall be fined
16 \$600 if his or her employer has a training program that
17 facilitates compliance with minimum-age tobacco laws. For the
18 fourth or subsequent offense in a 24-month period, the person
19 shall be fined \$800 if his or her employer has a training
20 program that facilitates compliance with minimum-age tobacco
21 laws. For the purposes of this subsection, the 24-month period
22 shall begin with the person's first violation of the Act. The
23 penalties in this subsection are in addition to any other
24 penalties prescribed under the Cigarette Tax Act and the
25 Tobacco Products Tax Act of 1995.

1 (a-5) Any retailer who violates subsection (a), ~~or~~ (a-5), (a-5.1), (a-8), (b), or (d) of Section 1 or subsection (b) or
2 (c) of Section 1.5 of this Act is guilty of a petty offense.
3 For the first offense in a 24-month period, the retailer shall
4 be fined \$200 if it does not have a training program that
5 facilitates compliance with minimum-age tobacco laws. For the
6 second offense in a 24-month period, the retailer shall be
7 fined \$400 if it does not have a training program that
8 facilitates compliance with minimum-age tobacco laws. For the
9 third offense within a 24-month period, the retailer shall be
10 fined \$600 if it does not have a training program that
11 facilitates compliance with minimum-age tobacco laws. For the
12 fourth or subsequent offense in a 24-month period, the retailer
13 shall be fined \$800 if it does not have a training program that
14 facilitates compliance with minimum-age tobacco laws. For the
15 purposes of this subsection, the 24-month period shall begin
16 with the person's first violation of the Act. The penalties in
17 this subsection are in addition to any other penalties
18 prescribed under the Cigarette Tax Act and the Tobacco Products
19 Tax Act of 1995.
20

21 (a-6) For the purpose of this Act, a training program that
22 facilitates compliance with minimum-age tobacco laws must
23 include at least the following elements: (i) it must explain
24 that only individuals displaying valid identification
25 demonstrating that they are 21 ~~18~~ years of age or older shall
26 be eligible to purchase ~~cigarettes or~~ tobacco products.

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

9 (Blank). ~~(b) If a minor violates subsection (a 7) of~~
10 ~~Section 1 or subsection (d) of Section 1.5, he or she is guilty~~
11 ~~of a petty offense and the court may impose a sentence of 25~~
12 ~~hours of community service and a fine of \$50 for a first~~
13 ~~violation. If a minor violates subsection (a 6) of Section 1,~~
14 ~~he or she is guilty of a Class A misdemeanor.~~

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

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

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

26 (Blank). ~~(f) If a minor is convicted of or placed on~~

1 ~~supervision for a violation of subsection (a-6) or (a-7) of~~
2 ~~Section 1 or subsection (d) of Section 1.5, the court may, in~~
3 ~~its discretion, and upon recommendation by the State's~~
4 ~~Attorney, order that minor and his or her parents or legal~~
5 ~~guardian to attend a smoker's education or youth diversion~~
6 ~~program if that program is available in the jurisdiction where~~
7 ~~the offender resides. Attendance at a smoker's education or~~
8 ~~youth diversion program shall be time credited against any~~
9 ~~community service time imposed for any first violation of~~
10 ~~subsection (a-7) of Section 1. In addition to any other penalty~~
11 ~~that the court may impose for a violation of subsection (a-7)~~
12 ~~of Section 1 or subsection (d) of Section 1.5, the court, upon~~
13 ~~request by the State's Attorney, may in its discretion require~~
14 ~~the offender to remit a fee for his or her attendance at a~~
15 ~~smoker's education or youth diversion program.~~

16 ~~(Blank). (g) For purposes of this Section, "smoker's~~
17 ~~education program" or "youth diversion program" includes, but~~
18 ~~is not limited to, a seminar designed to educate a person on~~
19 ~~the physical and psychological effects of smoking tobacco~~
20 ~~products and alternative nicotine products and the health~~
21 ~~consequences of smoking tobacco products and alternative~~
22 ~~nicotine products that can be conducted with a locality's youth~~
23 ~~diversion program.~~

24 (h) All moneys collected as fines for violations of
25 subsection (a), (a-5), (a-5.1), (a-6), (a-8), (b), or (d) or
26 (a-7) of Section 1 and subsection (b), (c), or (d) of Section

1 1.5 shall be distributed in the following manner:

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

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

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

10 (Source: P.A. 99-192, eff. 1-1-16; 99-496, eff. 6-1-16;
11 100-201, eff. 8-18-17.)

12 (720 ILCS 675/1.5 rep.)

13 Section 30. The Prevention of Tobacco Use by Minors and
14 Sale and Distribution of Tobacco Products Act is amended by
15 repealing Section 1.5.

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

18 (720 ILCS 677/5)

19 Sec. 5. Definitions. In this Act:

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

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

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

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

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

12 (720 ILCS 677/10)

13 Sec. 10. Tobacco product displays. All single packs of
14 cigarettes, and electronic cigarettes, and alternative
15 nicotine products must be sold from behind the counter or in an
16 age restricted area or in a sealed display case. Any other
17 tobacco products must be sold in line of sight.

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

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

2 (720 ILCS 677/15)

3 Sec. 15. Vending machines. This Act does not prohibit the
4 sale of tobacco products, electronic cigarettes, or
5 alternative nicotine products from vending machines if the
6 location of the vending machines are in compliance with the
7 provisions of Section 1 of the Prevention of Tobacco Use by
8 Persons under 21 Years of Age ~~Minors~~ and Sale and Distribution
9 of Tobacco Products Act.

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

14 (720 ILCS 678/1)

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

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

19 (720 ILCS 678/5)

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

21 (a) It is unlawful for any person engaged in the business
22 of selling cigarettes to ship or cause to be shipped any

1 cigarettes unless the person shipping the cigarettes:

2 (1) is licensed as a distributor under either the
3 Cigarette Tax Act, or the Cigarette Use Tax Act; or
4 delivers the cigarettes to a distributor licensed under
5 either the Cigarette Tax Act or the Cigarette Use Tax Act;
6 or

7 (2) ships them to an export warehouse proprietor
8 pursuant to Chapter 52 of the Internal Revenue Code, or an
9 operator of a customs bonded warehouse pursuant to Section
10 1311 or 1555 of Title 19 of the United States Code.

11 For purposes of this subsection (a), a person is a licensed
12 distributor if the person's name appears on a list of licensed
13 distributors published by the Illinois Department of Revenue.
14 The term cigarette has the same meaning as defined in Section 1
15 of the Cigarette Tax Act and Section 1 of the Cigarette Use Tax
16 Act. Nothing in this Act prohibits a person licensed as a
17 distributor under the Cigarette Tax Act or the Cigarette Use
18 Tax Act from shipping or causing to be shipped any cigarettes
19 to a registered retailer under the Retailers' Occupation Tax
20 Act provided the cigarette tax or cigarette use tax has been
21 paid.

22 (b) A common or contract carrier may transport cigarettes
23 to any individual person in this State only if the carrier
24 reasonably believes such cigarettes have been received from a
25 person described in paragraph (a)(1). Common or contract
26 carriers may make deliveries of cigarettes to licensed

1 distributors described in paragraph (a)(1) of this Section.
2 Nothing in this subsection (b) shall be construed to prohibit a
3 person other than a common or contract carrier from
4 transporting not more than 1,000 cigarettes at any one time to
5 any person in this State.

6 (c) A common or contract carrier may not complete the
7 delivery of any cigarettes to persons other than those
8 described in paragraph (a)(1) of this Section without first
9 obtaining from the purchaser an official written
10 identification from any state or federal agency that displays
11 the person's date of birth or a birth certificate that includes
12 a reliable confirmation that the purchaser is at least 21 ~~18~~
13 years of age; that the cigarettes purchased are not intended
14 for consumption by an individual who is younger than 21 ~~18~~
15 years of age; and a written statement signed by the purchaser
16 that certifies the purchaser's address and that the purchaser
17 is at least 21 ~~18~~ years of age. The statement shall also
18 confirm: (1) that the purchaser understands that signing
19 another person's name to the certification is illegal; (2) that
20 the sale of cigarettes to individuals under 21 ~~18~~ years of age
21 is illegal; and (3) that the purchase of cigarettes by
22 individuals under 21 ~~18~~ years of age is illegal under the laws
23 of Illinois.

24 (d) When a person engaged in the business of selling
25 cigarettes ships or causes to be shipped any cigarettes to any
26 person in this State, other than in the cigarette

1 manufacturer's or tobacco products manufacturer's original
2 container or wrapping, the container or wrapping must be
3 plainly and visibly marked with the word "cigarettes".

4 (e) When a peace officer of this State or any duly
5 authorized officer or employee of the Illinois Department of
6 Public Health or Department of Revenue discovers any cigarettes
7 which have been or which are being shipped or transported in
8 violation of this Section, he or she shall seize and take
9 possession of the cigarettes, and the cigarettes shall be
10 subject to a forfeiture action pursuant to the procedures
11 provided under the Cigarette Tax Act or Cigarette Use Tax Act.

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

13 (720 ILCS 678/6)

14 Sec. 6. Prevention of delivery sales to persons under 21
15 years of age ~~minors~~.

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

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

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

23 (720 ILCS 678/7)

24 Sec. 7. Age verification and shipping requirements to

1 prevent delivery sales to to persons under 21 of age ~~minors~~.

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

5 (1) prior to the first delivery sale to the prospective
6 consumer, obtains from the prospective consumer a written
7 certification which includes a statement signed by the
8 prospective consumer that certifies:

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

10 and

11 (B) that the prospective consumer is at least the
12 legal minimum age;

13 (2) informs, in writing, such prospective consumer
14 that:

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

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

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

21 (D) the name and identity of the prospective
22 consumer may be reported to the state of the consumer's
23 current address under the Act of October 19, 1949 (15
24 U.S.C. § 375, et seq.), commonly known as the Jenkins
25 Act;

26 (3) makes a good faith effort to verify the date of

1 birth of the prospective consumer provided pursuant to this
2 Section by:

3 (A) comparing the date of birth against a
4 commercially available database; or

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

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

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

14 (6) ensures that the shipping package is delivered to
15 the same address as is shown on the government-issued
16 identification or contained in the commercially available
17 database.

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

19 (1) a statement that cigarette sales to consumers below
20 21 ~~18~~ years of age are illegal;

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

24 (3) a statement that cigarette sales are subject to tax
25 under Section 2 of the Cigarette Tax Act (35 ILCS 130/2),
26 Section 2 of the Cigarette Use Tax Act, and Section 3 of

1 the Use Tax Act and an explanation of how the correct tax
2 has been, or is to be, paid with respect to such delivery
3 sale.

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

5 (1) the statement is clear and conspicuous;

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

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

9 (4) the statement is printed with a degree of color
10 contrast between the background and the printed statement
11 that is no less than the color contrast between the
12 background and the largest text used in the communication;
13 and

14 (5) for any printed material delivered by electronic
15 means, the statement appears at both the top and the bottom
16 of the electronic mail message or both the top and the
17 bottom of the Internet website homepage.

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

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

25 (2) use a method of mailing, shipping, or delivery that
26 requires a signature before the shipping package is

1 released to the consumer; and

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

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

5 (720 ILCS 678/8)

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

8 (a) Not later than the 15th day of each month, each person
9 making a delivery sale during the previous calendar month shall
10 file a report with the Department containing the following
11 information:

12 (1) the seller's name, trade name, and the address of
13 such person's principal place of business and any other
14 place of business;

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

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

19 (4) the quantity of cigarettes that were sold in such
20 delivery sale;

21 (5) an indication of whether or not the cigarettes sold
22 in the delivery sale bore a tax stamp evidencing payment of
23 the tax under Section 2 of the Cigarette Tax Act (35 ILCS
24 130/2); and

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

1 (b) Each person engaged in business within this State who
2 makes an out-of-state sale shall, for each individual sale,
3 submit to the appropriate tax official of the state in which
4 the consumer is located the information required in subsection
5 (a).

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

9 (d) The Department is authorized to disclose to the
10 Attorney General any information received under this title and
11 requested by the Attorney General. The Department and the
12 Attorney General shall share with each other the information
13 received under this title and may share the information with
14 other federal, State, or local agencies for purposes of
15 enforcement of this title or the laws of the federal government
16 or of other states.

17 (e) This Section shall not be construed to impose liability
18 upon any delivery service, or officers or employees thereof,
19 when acting within the scope of business of the delivery
20 service.

21 (f) The Department may establish procedures requiring
22 electronic transmission of the information required by this
23 Section directly to the Department on forms prescribed and
24 furnished by the Department.

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

1 (720 ILCS 680/Act rep.)

2 Section 45. The Smokeless Tobacco Limitation Act is
3 repealed.

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

6 (720 ILCS 685/2) (from Ch. 23, par. 2358-2)

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

11 It has further been determined by the Surgeon General of
12 the United States that the use of tobacco is hazardous to human
13 health.

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

17 It is in the best interests of the citizens of the State of
18 Illinois to seek to prohibit the spread of illegal drugs,
19 tobacco or smoking materials to persons under 21 years of age
20 ~~minors~~. The prohibition of the sale of tobacco and snuff
21 accessories and smoking herbs to persons under 21 years of age
22 ~~minors~~ would help to curb the usage of illegal drugs and
23 tobacco products, among our youth.

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

1 (720 ILCS 685/4) (from Ch. 23, par. 2358-4)

2 Sec. 4. Offenses.

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

8 (a-5) Sale of bidi cigarettes. No person shall knowingly
9 sell, barter, exchange, deliver, or give away a bidi cigarette
10 to another person, nor shall a person cause or permit or
11 procure a bidi cigarette to be sold, bartered, exchanged,
12 delivered, or given away to another person.

13 (b) Sale of cigarette paper. No person shall knowingly
14 offer, sell, barter, exchange, deliver or give away cigarette
15 paper or cause, permit, or procure cigarette paper to be sold,
16 offered, bartered, exchanged, delivered, or given away except
17 from premises or an establishment where other tobacco products
18 are sold. For purposes of this Section, "tobacco products"
19 means cigarettes, cigars, smokeless tobacco, or tobacco in any
20 of its forms.

21 (b-5) Sale of flavored wrapping paper and wrapping leaf. A
22 person shall not knowingly sell, give away, barter, exchange,
23 or otherwise furnish to any person any wrapping paper or
24 wrapping leaf, however characterized, including, without
25 limitation, cigarette papers, blunt wraps, cigar wraps, or

1 tubes of paper or leaf, or any similar device, for the purpose
2 of making a roll of tobacco or herbs for smoking, that is or is
3 held out to be, impregnated, scented, or imbibed with, or aged
4 or dipped in, a characterizing flavor, other than tobacco or
5 menthol, including, without limitation, alcoholic or liquor
6 flavor, or both, chocolate, fruit flavoring, vanilla, peanut
7 butter, jelly, or any combination of those flavors or similar
8 child attractive scent or flavor.

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

18 (d) Use of identification cards. No person in the
19 furtherance or facilitation of obtaining smoking accessories
20 and smoking herbs shall display or use a false or forged
21 identification card or transfer, alter, or deface an
22 identification card.

23 (e) Warning to persons under 21 years of age ~~minors~~. Any
24 person, firm, partnership, company or corporation operating a
25 place of business where tobacco accessories and smoking herbs
26 are sold or offered for sale shall post in a conspicuous place

1 upon the premises a sign upon which there shall be imprinted
2 the following statement, "SALE OF TOBACCO ACCESSORIES AND
3 SMOKING HERBS TO PERSONS UNDER 21 ~~EIGHTEEN~~ YEARS OF AGE OR THE
4 MISREPRESENTATION OF AGE TO PROCURE SUCH A SALE IS PROHIBITED
5 BY LAW". The sign shall be printed on a white card in red
6 letters at least one-half inch in height.

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