



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

HB3420

by Rep. Kathleen Willis

#### SYNOPSIS AS INTRODUCED:

New Act  
30 ILCS 105/5.891 new  
720 ILCS 675/1.5

Creates the Vapor Products Regulatory Act. Provides that on and after January 1, 2020 no person may engage in business as a retailer of vapor products in this State without first having obtained a vapor products retail license from the Department of Revenue. Provides that applications shall be made to the Department and submitted electronically with the name and address of the applicant, the address of the proposed retailer of vapor products in this State, and any other information the Department may lawfully require. Provides that the annual license fee shall be \$150. Provides that specified felons, corporations, and persons are ineligible to receive a retailer's license under the Act. Provides that acting as a retailer without a license is a punishable offense. Requires retailers to keep records for at least 3 years. Prohibits the distribution of vapor products to, and possession by, persons under minimum legal age. Defines "person under minimum legal age". Provides penalties for distribution of vapor products to, and possession by, persons under minimum legal age. Amends the Prevention of Tobacco Use by Minors and Sale and Distribution of Tobacco Products Act. Excludes vapor products from the definition of "alternative nicotine product". Amends the State Finance Act. Creates the Vapor Products Compliance Fund. Effective January 1, 2020.

LRB101 10900 CPF 56047 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning regulation.

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

4 Section 1. Short title. This Act may be cited as the Vapor  
5 Products Regulatory Act.

6 Section 5. Definitions. In this Act:

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

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

22 "Department" means the Department of Revenue.

23 "Electronic nicotine delivery system" means a powered

1 vaporizer, and any component parts of a powered vaporizer  
2 intended to be used in the powered vaporizer, that converts  
3 e-liquid into vapor which is intended for inhalation.

4 "E-liquid" means a substance that contains nicotine and  
5 flavoring, substances, or other additives and is intended for  
6 use in a vapor product.

7 "Person" means any natural individual, firm, partnership,  
8 association, joint stock company, joint adventure, or public or  
9 private corporation, however formed, limited liability  
10 company, or a receiver, executor, administrator, trustee,  
11 conservator, or other representative appointed by order of any  
12 court.

13 "Person under minimum legal age" means:

14 (a) from January 1, 2020 until December 31, 2020, a  
15 person who is not 19 years of age or older;

16 (b) from January 1, 2021 until December 31, 2021, a  
17 person who is not 20 years of age or older; and

18 (c) on and after January 1, 2022, a person who is 21  
19 years of age or older.

20 "Records" means all data maintained by the retailer of  
21 vapor products, including data on paper, microfilm,  
22 microfiche, or any type of machine-sensible data compilation.

23 "Retailer of vapor products" means any person engaged in  
24 the business of selling e-liquids or vapor products to  
25 consumers in this State for use or consumption and not for  
26 resale in any form, for valuable consideration, regardless of

1 amount, quantity, or number of sales. "Retailer of vapor  
2 products" does not include any person or business subject to  
3 the Cigarette Tax Act, the Tobacco Products Tax Act of 1995,  
4 the Prevention of Tobacco Use By Minors and Sale and  
5 Distribution of Tobacco Products Act, the Display of Tobacco  
6 Products Act, or the Compassionate Use of Medical Cannabis  
7 Pilot Program Act.

8 "Sale" means any transfer, exchange, or barter in any  
9 manner or by any means whatsoever for consideration and  
10 includes all sales made by persons.

11 "Vapor product" means an e-liquid or electronic nicotine  
12 delivery system as defined in this Act.

13 Section 10. Retailer's license; fee.

14 (a) On and after January 1, 2020 no person may engage in  
15 business as a retailer of vapor products in this State without  
16 first having obtained a vapor products retail license from the  
17 Department. Applications for a license shall be made to the  
18 Department, by electronic means, in a form prescribed by the  
19 Department. Each applicant for a license under this Section  
20 shall furnish to the Department, in an electronic format  
21 established by the Department, the following information:

22 (1) the name and address of the applicant;

23 (2) the address of the location at which the applicant  
24 proposes to engage in business as a retailer of vapor  
25 products in this State; and

1           (3) any other additional information as the Department  
2           may lawfully require by its rules.

3           (b) The annual license fee payable to the Department for  
4           each retailer's license shall be \$150. Seventy-five dollars of  
5           the fee shall be deposited into the Tax Compliance and  
6           Administration Fund and shall be used by the Department for the  
7           cost of administration and enforcement of this Act.  
8           Seventy-five dollars of the fee shall be deposited into the  
9           Vapor Products Compliance Fund and shall be used by the  
10          Department of Human Services for unannounced investigations of  
11          retailers licensed under this Act.

12          An applicant for a license shall pay the fee to the  
13          Department at the time of submitting its application for  
14          license to the Department. The Department shall require an  
15          applicant for a license under this Section to electronically  
16          file and pay the fee.

17          (c) The following are ineligible to receive a retailer's  
18          license under this Act:

19                 (1) a person who has been convicted of a felony related  
20                 to the illegal transportation, sale, or distribution of any  
21                 age-restricted product or item under any federal or State  
22                 law, if the Department, after investigation and a hearing  
23                 if requested by the applicant, determines that the person  
24                 has not been sufficiently rehabilitated to warrant the  
25                 public trust;

26                 (2) a corporation, if any officer, manager, or director

1 of the corporation, or any stockholder or stockholders  
2 owning in the aggregate more than 5% of the stock of the  
3 corporation, would not be eligible to receive a license  
4 under this Act for any reason; or

5 (3) a person who has been convicted of a violation of  
6 the federal Trademark Act of 1946 related to the sale of  
7 vapor products in the United States.

8 (d) The Department, upon receipt of an application and  
9 license fee, in proper form, from a person who is eligible to  
10 receive a retailer's license under this Act, shall issue to the  
11 applicant a license in form as prescribed by the Department,  
12 which license shall permit the applicant to which it is issued  
13 to engage in business as a retailer of vapor products under  
14 this Act at the place shown on his or her application. All  
15 licenses issued by the Department under this Section shall be  
16 valid for a period not to exceed one year after issuance unless  
17 sooner revoked, canceled, or suspended as provided in this Act.  
18 No license issued under this Section is transferable or  
19 assignable. The license shall be conspicuously displayed in the  
20 place of business conducted by the licensee in this State under  
21 the license. A person who obtains a license as a retailer of  
22 vapor products who ceases to do business as specified in the  
23 license, or who never commenced business, or whose license is  
24 suspended or revoked, shall immediately surrender the license  
25 to the Department. The Department shall not issue a license to  
26 a retailer of vapor products unless the retailer of vapor

1 products is also validly registered under the Retailers'  
2 Occupation Tax Act. A person who obtains a license as a  
3 retailer of vapor products who ceases to do business as  
4 specified in the license, or who never commenced business, or  
5 whose license is suspended or revoked, shall immediately  
6 surrender the license to the Department.

7 (e) Any person aggrieved by any decision of the Department  
8 under this Section may, within 30 days after notice of the  
9 decision, protest and request a hearing. Upon receiving a  
10 request for hearing, the Department shall give written notice  
11 to the person requesting the hearing of the time and place  
12 fixed for the hearing and shall hold a hearing in conformity  
13 with the provisions of this Act and then issue its final  
14 administrative decision in the matter to that person. In  
15 absence of protest and request for a hearing within 30 days,  
16 the Department's decision shall become final without any  
17 further determination being made or notice given.

18 Section 20. Acting as a retailer of vapor products without  
19 a license; penalty. A person who knowingly acts as a retailer  
20 of vapor products in this State without first having obtained a  
21 license to do so in compliance with this Act is guilty of a  
22 Class A misdemeanor for the first offense and a Class 4 felony  
23 for a second or subsequent offense. Each day the person  
24 operates as a retailer of vapor products without a license  
25 constitutes a separate offense. The Department may, by

1 application to any circuit court, obtain an injunction  
2 restraining any person who engages in business as a retailer of  
3 vapor products without a license (either because his or her  
4 license has been revoked, canceled, or suspended or because of  
5 a failure to obtain a license in the first instance) from  
6 engaging in that business until that person, as if that person  
7 were a new applicant for a license, complies with all of the  
8 conditions, restrictions, and requirements of this Act and  
9 qualifies for and obtains a license.

10 Section 25. Revocation, cancellation, or suspension of a  
11 retail license.

12 (a) The Department may, after notice and hearing, revoke,  
13 cancel, or suspend the license of any retailer of vapor  
14 products for the violation of any provision of this Act, or for  
15 noncompliance with any provision of this Act, or for any  
16 noncompliance with any lawful rule adopted by the Department  
17 under this Act, or because the licensee is determined to be  
18 ineligible for a license for any one or more of the reasons  
19 provided in this Act.

20 (b) A person aggrieved by any decision of the Department  
21 under this Section may, within 30 days after notice of the  
22 decision, protest and request a hearing. Upon receiving a  
23 request for a hearing, the Department shall give notice to the  
24 person requesting the hearing of the time and place fixed for  
25 the hearing and shall hold a hearing in conformity with the



1 provisions of this Act and then issue its final administrative  
2 decision in the matter to that person. In the absence of a  
3 protest and request for a hearing within 30 days, the  
4 Department's decision shall become final without any further  
5 determination being made or notice given. The final decisions  
6 of the Department shall be subject to judicial review according  
7 to the provisions of the Administrative Review Law.

8 (c) If the retailer of vapor products has a training  
9 program that facilitates compliance with minimum-age vapor  
10 products laws, the Department shall suspend for 3 days the  
11 license of that retailer of vapor products for a fourth or  
12 subsequent violation of subsection (a) or (b) of Section 50.  
13 For the purposes of this Section, any violation of Section 50  
14 occurring at the licensed location for the retailer of vapor  
15 products during a 24-month period shall be counted as a  
16 violation against the retailer of vapor products.

17 If the retailer of vapor products does not have a training  
18 program that facilitates compliance with minimum-age vapor  
19 products laws, the Department shall suspend for 3 days the  
20 license of that retailer of vapor products for a second  
21 violation of subsection (a) or (b) of Section 50.

22 If the retailer of vapor products does not have a training  
23 program that facilitates compliance with minimum-age vapor  
24 products laws, the Department shall suspend for 7 days the  
25 license of that retailer of vapor products for a third  
26 violation of subsection (a) or (b) of Section 50.

1           If the retailer of vapor products does not have a training  
2 program that facilitates compliance with minimum-age vapor  
3 products laws, the Department shall suspend for 30 days the  
4 license of a retailer of vapor products for a fourth or  
5 subsequent violation of subsection (a) or (b) of Section 50.

6           Section 30. Vapor product labeling and safety. Any e-liquid  
7 container sold by a retailer in this State shall:

8           (1) use childproof caps that have the child-resistant  
9 effectiveness set forth in the federal prevention  
10 packaging standards under 16 C.F.R. 1700.15(b) (1); and

11           (2) contain a label that meets the requirements set  
12 forth in 21 C.F.R. 1143.3.

13           Section 35. Peace officer investigation.

14           (a) Whenever any peace officer of the State shall have  
15 reason to believe that any violation of this Act has occurred  
16 and that the person so violating the Act has in his, hers, or  
17 its possession any vapor product, or any vending device  
18 containing the vapor products, he or she may file or cause to  
19 be filed his or her complaint in writing, verified by  
20 affidavit, with any court within whose jurisdiction the  
21 premises to be searched are situated, stating the facts upon  
22 which the belief is founded, the premises to be searched, and  
23 the property to be seized, and procure a search warrant and  
24 execute the warrant.

1           (b) Upon the execution of the search warrant, the peace  
2 officer executing the search warrant shall make due return of  
3 the warrant to the court issuing the warrant, together with an  
4 inventory of the property taken under the warrant. The court  
5 shall then issue process against the owner of the property if  
6 he or she is known. If he or she is not known, the process shall  
7 be issued against the person in whose possession the property  
8 so taken is found, if that person is known. In case of  
9 inability to serve the process upon the owner or the person in  
10 possession of the property at the time of its seizure, notice  
11 of the proceedings before the court shall be given as required  
12 by the statutes of the State governing cases of attachment.  
13 Upon the return of the process duly served or upon the posting  
14 or publishing of notice made, the court or jury, if a jury  
15 shall be demanded, shall proceed to determine whether or not  
16 the property so seized was held or possessed in violation of  
17 this Act, or whether, if a vending device has been so seized,  
18 it contained at the time of its seizure any vapor products held  
19 or possessed in violation of this Act.

20           Section 40. Destruction or use of forfeited property. When  
21 any vapor product or any vending device has been declared  
22 forfeited to the State and all proceedings for judicial review  
23 have terminated, the Department shall either destroy the  
24 property or maintain and allow the use of the property in an  
25 undercover capacity.

1 Section 45. Retailers; records.

2 (a) A retailer of vapor products who is required to procure  
3 a license under this Act shall keep within this State complete  
4 and accurate records of vapor products purchased, sold, or  
5 otherwise disposed of and shall preserve and keep all invoices,  
6 bills of lading, sales records, and copies of bills of sale,  
7 returns, and other pertinent papers and documents relating to  
8 the purchase, sale, or disposition of vapor products. The  
9 records need not be maintained on the licensed premises, but  
10 must be maintained in this State; however, if access is  
11 available electronically, the records may be maintained  
12 out-of-State. All original invoices or copies of invoices  
13 covering purchases of vapor products must be retained on the  
14 licensed premises for a period of 90 days after the purchase,  
15 unless the Department has granted a waiver in response to a  
16 written request in cases where records are kept at a central  
17 business location within this State or in cases where records  
18 that are available electronically are maintained out-of-State.  
19 The Department shall adopt rules regarding the eligibility for  
20 a waiver, revocation of a waiver, and requirements and  
21 standards for maintenance and accessibility of records located  
22 at a central location out-of-State under a waiver provided  
23 under this Section.

24 (b) Records shall be preserved for a period of at least 3  
25 years after the later of the date of the records or the date of

1 the entries appearing in the records, unless the Department, in  
2 writing, authorizes their destruction or disposal at an earlier  
3 date. At all times during the usual business hours of the day,  
4 any duly authorized agent or employee of the Department may  
5 enter any place of business of the retailer of vapor products  
6 without a search warrant and may inspect the records required  
7 to be maintained under this Section. If the agent or employee  
8 is denied free access or is hindered or interfered with in  
9 making the examination as provided in this Section, the license  
10 of the retailer of vapor products shall be subject to  
11 suspension or revocation by the Department.

12 Section 50. Distribution of vapor products to, and  
13 possession by, persons under minimum legal age prohibited.

14 (a) A person, either directly or indirectly by an agent or  
15 employee, or by a vending machine owned by the person or  
16 located in the person's establishment, may not sell, offer for  
17 sale, give, or furnish any vapor product to a person under  
18 minimum legal age.

19 (b) Before selling, offering for sale, giving, or  
20 furnishing a vapor product to another person, the person  
21 selling, offering for sale, giving, or furnishing the vapor  
22 product shall, by doing the following, verify that the person  
23 is not a person under minimum legal age:

24 (1) if the person appears to be under 27 years of age,  
25 examining a government-issued photographic identification

1 that establishes that the person is not a person under  
2 minimum legal age; or

3 (2) for sales made through the Internet or other remote  
4 sales methods, performing an age verification through an  
5 independent, third-party age verification service that  
6 compares information available from public records to the  
7 personal information entered by the person during the  
8 ordering process that establishes that the person is not a  
9 person under minimum legal age.

10 (c) A person under minimum legal age shall not possess a  
11 vapor product.

12 (d) The Department of Human Services shall administer a  
13 program to conduct unannounced investigations of Illinois  
14 retailers licensed under this Act to determine compliance with  
15 State and federal laws relating to the illegal sale of vapor  
16 products to persons under minimum legal age. The results of the  
17 unannounced investigations shall be reported to the Department  
18 of Human Services and the Department of Revenue.

19 Section 55. Penalties for distribution of vapor products  
20 to, and possession by, persons under minimum legal age.

21 (a) Any person who violates subsection (a) or (b) of  
22 Section 50 is guilty of a petty offense. For the first offense  
23 in a 24-month period, the person shall be fined \$200 if his or  
24 her employer has a training program that facilitates compliance  
25 with minimum-age vapor product laws. For the second offense in

1 a 24-month period, the person shall be fined \$400 if his or her  
2 employer has a training program that facilitates compliance  
3 with minimum-age vapor products laws. For the third offense in  
4 a 24-month period, the person shall be fined \$600 if his or her  
5 employer has a training program that facilitates compliance  
6 with minimum-age vapor product laws. For the fourth or  
7 subsequent offense in a 24-month period, the person shall be  
8 fined \$800 if his or her employer has a training program that  
9 facilitates compliance with minimum-age vapor products laws.  
10 For the purposes of this subsection, the 24-month period shall  
11 begin with the person's first violation of the Act. The  
12 penalties in this subsection are in addition to any other  
13 penalties provided by law.

14 (b) Any retailer of vapor products who violates subsection  
15 (a) or (b) of Section 50 is guilty of a petty offense. For the  
16 first offense in a 24-month period, the retailer of vapor  
17 products shall be fined \$200 if it does not have a training  
18 program that facilitates compliance with minimum-age vapor  
19 product laws. For the second offense in a 24-month period, the  
20 retailer of vapor products shall be fined \$400 if it does not  
21 have a training program that facilitates compliance with  
22 minimum-age vapor products laws. For the third offense in a  
23 24-month period, the retailer of vapor products shall be fined  
24 \$600 if it does not have a training program that facilitates  
25 compliance with minimum-age vapor product laws. For the fourth  
26 or subsequent offense in a 24-month period, the retailer of

1 vapor products shall be fined \$800 if it does not have a  
2 training program that facilitates compliance with minimum-wage  
3 vapor products laws. For the purposes of this subsection, the  
4 24-month period shall begin with the person's first violation  
5 of the Act. The penalties in this subsection are in addition to  
6 any other penalties provided by law.

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

20 (d) If a person under minimum legal age violates subsection  
21 (c) of Section 50, he or she is guilty of a petty offense and  
22 the court may impose a sentence of 25 hours of community  
23 service and a fine of \$50 for a first violation.

24 A second violation of subsection (c) of Section 50 by a  
25 person under minimum legal age that occurs within 12 months  
26 after the first violation is punishable by a fine of \$75 and 50



1 hours of community service.

2 A third or subsequent violation by a person under minimum  
3 legal age of subsection (c) of Section 50 that occurs within 12  
4 months after the first violation is punishable by a \$200 fine  
5 and 50 hours of community service.

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

9 (e) If a person under minimum legal age is convicted of or  
10 placed on supervision for a violation of subsection (c) of  
11 Section 50, the court may, in its discretion, and upon  
12 recommendation by the State's Attorney, order that person under  
13 minimum legal age and his or her parents or legal guardian to  
14 attend a youth diversion program if that program is available  
15 in the jurisdiction where the offender resides. Attendance at a  
16 youth diversion program shall be time-credited against any  
17 community service time imposed for any first violation of  
18 subsection (c) of Section 50. In addition to any other penalty  
19 that the court may impose for a violation of subsection (c) of  
20 Section 50, the court, upon request by the State's Attorney,  
21 may in its discretion require the offender to remit a fee for  
22 his or her attendance at a youth diversion program.

23 For the purposes of this Section, a "youth diversion  
24 program" includes, but is not limited to, a seminar designed to  
25 educate a person on the physical and psychological effects of  
26 using nicotine products and the health consequences of using

1 nicotine products that can be conducted with a locality's youth  
2 diversion program.

3 (g) All moneys collected as fines for violations of Section  
4 (a), (b), or (c) of Section 50 of this Act shall be distributed  
5 in the following manner:

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

9 (2) one-half shall be remitted to the State to be used  
10 for enforcement of this Act.

11 Any violation of subsection (a) or (b) of Section 50 shall  
12 be reported to the Department within 7 business days.

13 Section 60. Display of vapor products.

14 (a) All vapor products must be sold from behind the counter  
15 or displayed in an age restricted area or sealed display case.

16 (b) The restrictions in this Section do not apply to an  
17 adult-only facility.

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

1 to the Cigarette Tax Act, the Tobacco Products Tax Act of 1995,  
2 the Prevention of Tobacco Use By Minors and Sale and  
3 Distribution of Tobacco Products Act, or the Display of Tobacco  
4 Products Act.

5 (d) A violation of this Section is a petty offense for  
6 which a court shall impose a fine of not less than \$100 nor  
7 more than \$1,000.

8 Section 900. The State Finance Act is amended by adding  
9 Section 5.891 as follows:

10 (30 ILCS 105/5.891 new)

11 Sec. 5.891. The Vapor Products Compliance Fund.

12 Section 905. The Prevention of Tobacco Use by Minors and  
13 Sale and Distribution of Tobacco Products Act is amended by  
14 changing Section 1.5 as follows:

15 (720 ILCS 675/1.5)

16 Sec. 1.5. Distribution of alternative nicotine products to  
17 persons under 18 years of age prohibited.

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

1 means. "Alternative nicotine product" excludes cigarettes,  
2 smokeless tobacco, or other tobacco products as these terms are  
3 defined in Section 1 of this Act, vapor products as defined  
4 under Section 5 of the Vapor Products Regulatory Act, and any  
5 product approved by the United States Food and Drug  
6 Administration as a non-tobacco product for sale as a tobacco  
7 cessation product, as a tobacco dependence product, or for  
8 other medical purposes, and is being marketed and sold solely  
9 for that approved purpose.

10 (b) A person, either directly or indirectly by an agent or  
11 employee, or by a vending machine owned by the person or  
12 located in the person's establishment, may not sell, offer for  
13 sale, give, or furnish any alternative nicotine product, or any  
14 cartridge or component of an alternative nicotine product, to a  
15 person under 18 years of age.

16 (c) Before selling, offering for sale, giving, or  
17 furnishing an alternative nicotine product, or any cartridge or  
18 component of an alternative nicotine product, to another  
19 person, the person selling, offering for sale, giving, or  
20 furnishing the alternative nicotine product shall verify that  
21 the person is at least 18 years of age by:

22 (1) examining from any person that appears to be under  
23 27 years of age a government-issued photographic  
24 identification that establishes the person is at least 18  
25 years of age or

26 (2) for sales made through the Internet or other remote

1 sales methods, performing an age verification through an  
2 independent, third-party age verification service that  
3 compares information available from public records to the  
4 personal information entered by the person during the  
5 ordering process that establishes the person is 18 years of  
6 age or older.

7 (d) A person under 18 years of age shall not possess an  
8 alternative nicotine product.

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

10 Section 999. Effective date. This Act takes effect January  
11 1, 2020.