



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB0021

Introduced 1/9/2019, 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 5/6-16.1	
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. Effective July 1, 2019.

LRB101 06238 SLF 51264 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, fails to keep
23 books and records as required under this Act, fails to make
24 books and records available for inspection upon demand by a

1 duly authorized employee of the Department, or violates a rule
2 or regulation of the Department for the administration and
3 enforcement of this Act. The notice shall specify the alleged
4 violation or violations upon which the revocation,
5 cancellation, or suspension proceeding is based.

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

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

22 If the retailer does not have a training program that
23 facilitates compliance with minimum-age tobacco laws, the
24 Department shall suspend for 3 days the license of that
25 retailer for a second violation of the Prevention of Tobacco
26 Use by Persons under 21 Years of Age ~~Minors~~ and Sale and

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

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

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

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

1 and completed tobacco training. The form shall be kept in the
2 employee's file and may be used to provide proof of training.

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

14 (Source: P.A. 99-192, eff. 1-1-16; 100-940, eff. 8-17-18.)

15 Section 15. The Liquor Control Act of 1934 is amended by
16 changing Section 6-16.1 as follows:

17 (235 ILCS 5/6-16.1)

18 Sec. 6-16.1. Enforcement actions.

19 (a) A licensee or an officer, associate, member,
20 representative, agent, or employee of a licensee may sell,
21 give, or deliver alcoholic liquor to a person under the age of
22 21 years or authorize the sale, gift, or delivery of alcoholic
23 liquor to a person under the age of 21 years pursuant to a plan
24 or action to investigate, patrol, or otherwise conduct a "sting

1 operation" or enforcement action against a person employed by
2 the licensee or on any licensed premises if the licensee or
3 officer, associate, member, representative, agent, or employee
4 of the licensee provides written notice, at least 14 days
5 before the "sting operation" or enforcement action, unless
6 governing body of the municipality or county having
7 jurisdiction sets a shorter period by ordinance, to the law
8 enforcement agency having jurisdiction, the local liquor
9 control commissioner, or both. Notice provided under this
10 Section shall be valid for a "sting operation" or enforcement
11 action conducted within 60 days of the provision of that
12 notice, unless the governing body of the municipality or county
13 having jurisdiction sets a shorter period by ordinance.

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

23 (c) The Illinois Law Enforcement Training Standards Board
24 shall develop a model policy and guidelines for the operation
25 of alcohol and tobacco compliance checks by local law
26 enforcement officers. The Illinois Law Enforcement Training

1 Standards Board shall also require the supervising officers of
2 such compliance checks to have met a minimum training standard
3 as determined by the Board. The Board shall have the right to
4 waive any training based on current written policies and
5 procedures for alcohol and tobacco compliance check operations
6 and in-service training already administered by the local law
7 enforcement agency, department, or office.

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

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

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

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

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

1 (705 ILCS 405/5-615)

2 Sec. 5-615. Continuance under supervision.

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

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

12 (b) upon a finding of delinquency and after considering
13 the circumstances of the offense and the history,
14 character, and condition of the minor, if the court is of
15 the opinion that:

16 (i) the minor is not likely to commit further
17 crimes;

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

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

23 (2) (Blank).

24 (3) Nothing in this Section limits the power of the court
25 to order a continuance of the hearing for the production of

1 additional evidence or for any other proper reason.

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

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

12 (a) not violate any criminal statute of any
13 jurisdiction;

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

16 (c) work or pursue a course of study or vocational
17 training;

18 (d) undergo medical or psychotherapeutic treatment
19 rendered by a therapist licensed under the provisions of
20 the Medical Practice Act of 1987, the Clinical Psychologist
21 Licensing Act, or the Clinical Social Work and Social Work
22 Practice Act, or an entity licensed by the Department of
23 Human Services as a successor to the Department of
24 Alcoholism and Substance Abuse, for the provision of
25 substance use disorder services as defined in Section 1-10
26 of the Substance Use Disorder Act;

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

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

4 (g) pay costs;

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

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

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

10 (k) attend school;

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

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

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

21 (n) perform some reasonable public or community
22 service;

23 (o) make restitution to the victim, in the same manner
24 and under the same conditions as provided in subsection (4)
25 of Section 5-710, except that the "sentencing hearing"
26 referred to in that Section shall be the adjudicatory

1 hearing for purposes of this Section;

2 (p) comply with curfew requirements as designated by
3 the court;

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

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

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

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

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

25 (6) A minor whose case is continued under supervision under
26 subsection (5) shall be given a certificate setting forth the

1 conditions imposed by the court. Those conditions may be
2 reduced, enlarged, or modified by the court on motion of the
3 probation officer or on its own motion, or that of the State's
4 Attorney, or, at the request of the minor after notice and
5 hearing.

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

22 (8) When a hearing in which a minor is alleged to be a
23 delinquent for reasons that include a violation of Section
24 21-1.3 of the Criminal Code of 1961 or the Criminal Code of
25 2012 is continued under this Section, the court shall, as a
26 condition of the continuance under supervision, require the

1 minor to perform community service for not less than 30 and not
2 more than 120 hours, if community service is available in the
3 jurisdiction. The community service shall include, but need not
4 be limited to, the cleanup and repair of the damage that was
5 caused by the alleged violation or similar damage to property
6 located in the municipality or county in which the alleged
7 violation occurred. The condition may be in addition to any
8 other condition.

9 (8.5) When a hearing in which a minor is alleged to be a
10 delinquent for reasons that include a violation of Section 3.02
11 or Section 3.03 of the Humane Care for Animals Act or paragraph
12 (d) of subsection (1) of Section 21-1 of the Criminal Code of
13 1961 or paragraph (4) of subsection (a) of Section 21-1 or the
14 Criminal Code of 2012 is continued under this Section, the
15 court shall, as a condition of the continuance under
16 supervision, require the minor to undergo medical or
17 psychiatric treatment rendered by a psychiatrist or
18 psychological treatment rendered by a clinical psychologist.
19 The condition may be in addition to any other condition.

20 (9) When a hearing in which a minor is alleged to be a
21 delinquent is continued under this Section, the court, before
22 continuing the case, shall make a finding whether the offense
23 alleged to have been committed either: (i) was related to or in
24 furtherance of the activities of an organized gang or was
25 motivated by the minor's membership in or allegiance to an
26 organized gang, or (ii) is a violation of paragraph (13) of

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

23 (10) The court shall impose upon a minor placed on
24 supervision, as a condition of the supervision, a fee of \$50
25 for each month of supervision ordered by the court, unless
26 after determining the inability of the minor placed on

1 supervision to pay the fee, the court assesses a lesser amount.
2 The court may not impose the fee on a minor who is placed in the
3 guardianship or custody of the Department of Children and
4 Family Services under this Act while the minor is in placement.
5 The fee shall be imposed only upon a minor who is actively
6 supervised by the probation and court services department. A
7 court may order the parent, guardian, or legal custodian of the
8 minor to pay some or all of the fee on the minor's behalf.

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

25 ~~For purposes of this Section, "smoker's education program"~~
26 ~~or "youth diversion program" includes, but is not limited to, a~~

1 ~~seminar designed to educate a person on the physical and~~
2 ~~psychological effects of smoking tobacco products and the~~
3 ~~health consequences of smoking tobacco products that can be~~
4 ~~conducted with a locality's youth diversion program.~~

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

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

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

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

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

22 (Source: P.A. 100-159, eff. 8-18-17; 100-759, eff. 1-1-19.)

23 (705 ILCS 405/5-710)

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

25 (1) The following kinds of sentencing orders may be made in

1 respect of wards of the court:

2 (a) Except as provided in Sections 5-805, 5-810, and
3 5-815, a minor who is found guilty under Section 5-620 may
4 be:

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

13 (ii) placed in accordance with Section 5-740, with
14 or without also being put on probation or conditional
15 discharge;

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

19 (iv) on and after the effective date of this
20 amendatory Act of the 98th General Assembly and before
21 January 1, 2017, placed in the guardianship of the
22 Department of Children and Family Services, but only if
23 the delinquent minor is under 16 years of age or,
24 pursuant to Article II of this Act, a minor for whom an
25 independent basis of abuse, neglect, or dependency
26 exists. On and after January 1, 2017, placed in the

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

10 (v) placed in detention for a period not to exceed
11 30 days, either as the exclusive order of disposition
12 or, where appropriate, in conjunction with any other
13 order of disposition issued under this paragraph,
14 provided that any such detention shall be in a juvenile
15 detention home and the minor so detained shall be 10
16 years of age or older. However, the 30-day limitation
17 may be extended by further order of the court for a
18 minor under age 15 committed to the Department of
19 Children and Family Services if the court finds that
20 the minor is a danger to himself or others. The minor
21 shall be given credit on the sentencing order of
22 detention for time spent in detention under Sections
23 5-501, 5-601, 5-710, or 5-720 of this Article as a
24 result of the offense for which the sentencing order
25 was imposed. The court may grant credit on a sentencing
26 order of detention entered under a violation of

1 probation or violation of conditional discharge under
2 Section 5-720 of this Article for time spent in
3 detention before the filing of the petition alleging
4 the violation. A minor shall not be deprived of credit
5 for time spent in detention before the filing of a
6 violation of probation or conditional discharge
7 alleging the same or related act or acts. The
8 limitation that the minor shall only be placed in a
9 juvenile detention home does not apply as follows:

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

17 (A) the age of the person;

18 (B) any previous delinquent or criminal
19 history of the person;

20 (C) any previous abuse or neglect history of
21 the person;

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

23 and

24 (E) any educational history of the person;

25 (vi) ordered partially or completely emancipated
26 in accordance with the provisions of the Emancipation

1 of Minors Act;

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

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

14 (ix) ordered to undergo a medical or other
15 procedure to have a tattoo symbolizing allegiance to a
16 street gang removed from his or her body; or

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

19 (b) A minor found to be guilty may be committed to the
20 Department of Juvenile Justice under Section 5-750 if the
21 minor is at least 13 years and under 20 years of age,
22 provided that the commitment to the Department of Juvenile
23 Justice shall be made only if the minor was found guilty of
24 a felony offense or first degree murder. The court shall
25 include in the sentencing order any pre-custody credits the
26 minor is entitled to under Section 5-4.5-100 of the Unified

1 Code of Corrections. The time during which a minor is in
2 custody before being released upon the request of a parent,
3 guardian or legal custodian shall also be considered as
4 time spent in custody.

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

13 (2) Any sentencing order other than commitment to the
14 Department of Juvenile Justice may provide for protective
15 supervision under Section 5-725 and may include an order of
16 protection under Section 5-730.

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

21 (4) In addition to any other sentence, the court may order
22 any minor found to be delinquent to make restitution, in
23 monetary or non-monetary form, under the terms and conditions
24 of Section 5-5-6 of the Unified Code of Corrections, except
25 that the "presentencing hearing" referred to in that Section
26 shall be the sentencing hearing for purposes of this Section.

1 The parent, guardian or legal custodian of the minor may be
2 ordered by the court to pay some or all of the restitution on
3 the minor's behalf, pursuant to the Parental Responsibility
4 Law. The State's Attorney is authorized to act on behalf of any
5 victim in seeking restitution in proceedings under this
6 Section, up to the maximum amount allowed in Section 5 of the
7 Parental Responsibility Law.

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

16 (6) Whenever the sentencing order requires the minor to
17 attend school or participate in a program of training, the
18 truant officer or designated school official shall regularly
19 report to the court if the minor is a chronic or habitual
20 truant under Section 26-2a of the School Code. Notwithstanding
21 any other provision of this Act, in instances in which
22 educational services are to be provided to a minor in a
23 residential facility where the minor has been placed by the
24 court, costs incurred in the provision of those educational
25 services must be allocated based on the requirements of the
26 School Code.

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

8 (7.5) In no event shall a guilty minor be committed to the
9 Department of Juvenile Justice or placed in detention when the
10 act for which the minor was adjudicated delinquent would not be
11 illegal if committed by an adult.

12 (7.6) In no event shall a guilty minor be committed to the
13 Department of Juvenile Justice for an offense which is a Class
14 4 felony under Section 19-4 (criminal trespass to a residence),
15 21-1 (criminal damage to property), 21-1.01 (criminal damage to
16 government supported property), 21-1.3 (criminal defacement of
17 property), 26-1 (disorderly conduct), or 31-4 (obstructing
18 justice) of the Criminal Code of 2012.

19 (7.75) In no event shall a guilty minor be committed to the
20 Department of Juvenile Justice for an offense that is a Class 3
21 or Class 4 felony violation of the Illinois Controlled
22 Substances Act unless the commitment occurs upon a third or
23 subsequent judicial finding of a violation of probation for
24 substantial noncompliance with court-ordered treatment or
25 programming.

26 (8) A minor found to be guilty for reasons that include a

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

11 (8.5) A minor found to be guilty for reasons that include a
12 violation of Section 3.02 or Section 3.03 of the Humane Care
13 for Animals Act or paragraph (d) of subsection (1) of Section
14 21-1 of the Criminal Code of 1961 or paragraph (4) of
15 subsection (a) of Section 21-1 of the Criminal Code of 2012
16 shall be ordered to undergo medical or psychiatric treatment
17 rendered by a psychiatrist or psychological treatment rendered
18 by a clinical psychologist. The order may be in addition to any
19 other order authorized by this Section.

20 (9) In addition to any other sentencing order, the court
21 shall order any minor found to be guilty for an act which would
22 constitute, predatory criminal sexual assault of a child,
23 aggravated criminal sexual assault, criminal sexual assault,
24 aggravated criminal sexual abuse, or criminal sexual abuse if
25 committed by an adult to undergo medical testing to determine
26 whether the defendant has any sexually transmissible disease

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

1 the minor.

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

1 for an order to place the minor in the custody of the
2 Department of Juvenile Justice. For the purposes of this
3 Section, "organized gang" has the meaning ascribed to it in
4 Section 10 of the Illinois Streetgang Terrorism Omnibus
5 Prevention Act.

6 (11) If the court determines that the offense was committed
7 in furtherance of the criminal activities of an organized gang,
8 as provided in subsection (10), and that the offense involved
9 the operation or use of a motor vehicle or the use of a
10 driver's license or permit, the court shall notify the
11 Secretary of State of that determination and of the period for
12 which the minor shall be denied driving privileges. If, at the
13 time of the determination, the minor does not hold a driver's
14 license or permit, the court shall provide that the minor shall
15 not be issued a driver's license or permit until his or her
16 18th birthday. If the minor holds a driver's license or permit
17 at the time of the determination, the court shall provide that
18 the minor's driver's license or permit shall be revoked until
19 his or her 21st birthday, or until a later date or occurrence
20 determined by the court. If the minor holds a driver's license
21 at the time of the determination, the court may direct the
22 Secretary of State to issue the minor a judicial driving
23 permit, also known as a JDP. The JDP shall be subject to the
24 same terms as a JDP issued under Section 6-206.1 of the
25 Illinois Vehicle Code, except that the court may direct that
26 the JDP be effective immediately.

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

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

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

25 ~~(a) If a minor violates subsection (a-7) of Section 1~~
26 ~~of the Prevention of Tobacco Use by Minors Act, the court~~

1 ~~may impose a sentence of 15 hours of community service or a~~
2 ~~fine of \$25 for a first violation.~~

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

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

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

14 (Source: P.A. 99-268, eff. 1-1-16; 99-628, eff. 1-1-17; 99-879,
15 eff. 1-1-17; 100-201, eff. 8-18-17; 100-431, eff. 8-25-17;
16 100-759, eff. 1-1-19.)

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

21 (720 ILCS 675/Act title)

22 An Act to prohibit persons under 21 years of age ~~minors~~
23 from buying or ~~or~~ selling, ~~or possessing~~ tobacco in any of its
24 forms, to prohibit selling, giving or furnishing tobacco, in

1 any of its forms, to persons under 21 years of age ~~minors~~, and
2 to prohibit the distribution of tobacco samples and providing
3 penalties therefor.

4 (720 ILCS 675/0.01) (from Ch. 23, par. 2356.9)

5 Sec. 0.01. Short title. This Act may be cited as the
6 Prevention of Tobacco Use by Persons under 21 Years of Age
7 ~~Minors~~ and Sale and Distribution of Tobacco Products Act.

8 (Source: P.A. 96-179, eff. 8-10-09; 96-446, eff. 1-1-10;
9 96-1000, eff. 7-2-10.)

10 (720 ILCS 675/1) (from Ch. 23, par. 2357)

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

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

24 (a-5) No person ~~minor~~ under 16 years of age may sell any

1 tobacco product, electronic cigarette, or alternative nicotine
2 product at a retail establishment selling tobacco products,
3 electronic cigarettes, or alternative nicotine products. This
4 subsection does not apply to a sales clerk in a family-owned
5 business which can prove that the sales clerk is in fact a son
6 or daughter of the owner.

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

13 (1) examining from any person that appears to be under
14 30 years of age a government-issued photographic
15 identification that establishes the person to be 21 years
16 of age or older; or

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

25 (a-6) No person ~~minor~~ under 21 ~~18~~ years of age in the
26 furtherance or facilitation of obtaining any tobacco product,

1 electronic cigarette, or alternative nicotine product shall
2 display or use a false or forged identification card or
3 transfer, alter, or deface an identification card.

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

7 (a-8) A person shall not distribute without charge samples
8 of any tobacco product to any other person, regardless of age,
9 except for smokeless tobacco in an adult-only facility.†

10 ~~(1) within a retail establishment selling tobacco~~
11 ~~products, unless the retailer has verified the purchaser's~~
12 ~~age with a government issued identification;~~

13 ~~(2) from a lunch wagon; or~~

14 ~~(3) on a public way as a promotion or advertisement of~~
15 ~~a tobacco manufacturer or tobacco product.~~

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

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

20 "Adult-only facility" means a facility or restricted
21 area (whether open-air or enclosed) where the operator
22 ensures or has a reasonable basis to believe (such as by
23 checking identification as required under State law, or by
24 checking the identification of any person appearing to be
25 under the age of 30 ~~27~~) that no person under legal age is
26 present. A facility or restricted area need not be

1 permanently restricted to persons under 21 years of legal
2 age to constitute an adult-only facility, provided that the
3 operator ensures or has a reasonable basis to believe that
4 no person under 21 years of legal age is present during the
5 event or time period in question.

6 "Alternative nicotine product" means a product or
7 device not consisting of or containing tobacco that
8 provides for the ingestion into the body of nicotine,
9 whether by chewing, smoking, absorbing, dissolving,
10 inhaling, snorting, sniffing, or by any other means.

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

21 "Electronic cigarette" means:

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

25 (2) any cartridge or container of a solution or
26 substance intended to be used with or in the device or

1 to refill the device; or
2 (3) any solution or substance, whether or not it
3 contains nicotine intended for use in the device.
4 "Electronic cigarette" includes, but is not limited
5 to, any electronic nicotine delivery system,
6 electronic cigar, electronic cigarillo, electronic
7 pipe, electronic hookah, vape pen, or similar product
8 or device, and any components or parts that can be used
9 to build the product or device. "Electronic cigarette"
10 does not include: cigarettes as defined in Section 1 of
11 the Cigarette Tax Act and tobacco products as defined
12 in Section 10-5 of the Tobacco Products Tax Act of
13 1995; tobacco product and alternative nicotine product
14 as defined in this Section; any product approved by the
15 United States Food and Drug Administration for sale as
16 a tobacco cessation product, as a tobacco dependence
17 product, or for other medical purposes, and is being
18 marketed and sold solely for that approved purpose; any
19 asthma inhaler prescribed by a physician for that
20 condition and is being marketed and sold solely for
21 that approved purpose; or any therapeutic product
22 approved for use under the Compassionate Use of Medical
23 Cannabis Pilot Program Act.

24 "Lunch wagon" means a mobile vehicle designed and
25 constructed to transport food and from which food is sold
26 to the general public.

1 "Nicotine" means any form of the chemical nicotine,
2 including any salt or complex, regardless of whether the
3 chemical is naturally or synthetically derived.

4 ~~"Smokeless tobacco" means any tobacco products that~~
5 ~~are suitable for dipping or chewing.~~

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

25 (b) Tobacco products, electronic cigarettes, and
26 alternative nicotine products ~~listed in this Section~~ may be

1 sold through a vending machine only if such tobacco products,
2 electronic cigarettes, and alternative nicotine products are
3 not placed together with any non-tobacco product, other than
4 matches, in the vending machine and the vending machine is in
5 any of the following locations:

6 (1) (Blank).

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

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

12 (4) (Blank).

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

17 (c) (Blank).

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

24 (e) It is not a violation of this Act for a person under 21
25 ~~18~~ years of age to purchase ~~or possess~~ a tobacco product,
26 electronic cigarette, or alternative nicotine product ~~cigar,~~

1 ~~cigarette, smokeless tobacco or tobacco in any of its forms~~ if
2 the person under the age of 21 ~~18~~ purchases or is given the
3 ~~cigar, cigarette, smokeless tobacco or tobacco~~ product,
4 electronic cigarette, or alternative nicotine product in any of
5 its forms from a retail seller of tobacco products, electronic
6 cigarettes, or alternative nicotine products or an employee of
7 the retail seller pursuant to a plan or action to investigate,
8 patrol, or otherwise conduct a "sting operation" or enforcement
9 action against a retail seller of tobacco products, electronic
10 cigarettes, or alternative nicotine products or a person
11 employed by the retail seller of tobacco products, electronic
12 cigarettes, or alternative nicotine products or on any premises
13 authorized to sell tobacco products, electronic cigarettes, or
14 alternative nicotine products to determine if tobacco
15 products, electronic cigarettes, or alternative nicotine
16 products are being sold or given to persons under 21 ~~18~~ years
17 of age if the "sting operation" or enforcement action is
18 approved by, conducted by, or conducted on behalf of the
19 Department of State Police, the county sheriff, a municipal
20 police department, the Department of Revenue, the Department of
21 Public Health, or a local health department. The results of any
22 sting operation or enforcement action, including the name of
23 the clerk, shall be provided to the retail seller within 7
24 business days.

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

1 (720 ILCS 675/2) (from Ch. 23, par. 2358)

2 Sec. 2. Penalties.

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

23 (a-5) Any retailer who violates subsection (a), ~~or~~ (a-5),
24 (a-5.1), (a-8), (b), or (d) of Section 1 or subsection (b) or
25 (c) of Section 1.5 of this Act is guilty of a petty offense.
26 For the first offense in a 24-month period, the retailer shall

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

17 (a-6) For the purpose of this Act, a training program that
18 facilitates compliance with minimum-age tobacco laws must
19 include at least the following elements: (i) it must explain
20 that only individuals displaying valid identification
21 demonstrating that they are 21 ~~18~~ years of age or older shall
22 be eligible to purchase ~~cigarettes or~~ tobacco products, electronic cigarettes, or alternative nicotine products and
23
24 (ii) it must explain where a clerk can check identification for
25 a date of birth. The training may be conducted electronically.
26 Each retailer that has a training program shall require each

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

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

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

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

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

23 (f) (Blank). ~~If a minor is convicted of or placed on~~
24 ~~supervision for a violation of subsection (a-6) or (a-7) of~~
25 ~~Section 1 or subsection (d) of Section 1.5, the court may, in~~
26 ~~its discretion, and upon recommendation by the State's~~

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

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

21 (h) All moneys collected as fines for violations of
22 subsection (a), (a-5), (a-5.1), (a-6), (a-8), (b), or (d) or
23 (a-7) of Section 1 and subsection (b), (c), or (d) of Section
24 1.5 shall be distributed in the following manner:

25 (1) one-half of each fine shall be distributed to the
26 unit of local government or other entity that successfully

1 prosecuted the offender; and

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

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

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

9 (720 ILCS 675/1.5 rep.)

10 Section 30. The Prevention of Tobacco Use by Minors and
11 Sale and Distribution of Tobacco Products Act is amended by
12 repealing Section 1.5.

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

15 (720 ILCS 677/5)

16 Sec. 5. Definitions. In this Act:

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

21 "Alternative nicotine product" has the meaning ascribed to
22 it in Section 1 of the Prevention of Tobacco Use by Persons
23 under 21 Years of Age and Sale and Distribution of Tobacco

1 Products Act.

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

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

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

9 (720 ILCS 677/10)

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

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

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

24 (720 ILCS 677/15)

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

8 (Source: P.A. 96-179, eff. 8-10-09; 96-446, eff. 1-1-10;
9 96-1000, eff. 7-2-10.)

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

12 (720 ILCS 678/1)

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

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

17 (720 ILCS 678/5)

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

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

22 (1) is licensed as a distributor under either the
23 Cigarette Tax Act, or the Cigarette Use Tax Act; or

1 delivers the cigarettes to a distributor licensed under
2 either the Cigarette Tax Act or the Cigarette Use Tax Act;
3 or

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

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

19 (b) A common or contract carrier may transport cigarettes
20 to any individual person in this State only if the carrier
21 reasonably believes such cigarettes have been received from a
22 person described in paragraph (a)(1). Common or contract
23 carriers may make deliveries of cigarettes to licensed
24 distributors described in paragraph (a)(1) of this Section.
25 Nothing in this subsection (b) shall be construed to prohibit a
26 person other than a common or contract carrier from

1 transporting not more than 1,000 cigarettes at any one time to
2 any person in this State.

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

21 (d) When a person engaged in the business of selling
22 cigarettes ships or causes to be shipped any cigarettes to any
23 person in this State, other than in the cigarette
24 manufacturer's or tobacco products manufacturer's original
25 container or wrapping, the container or wrapping must be
26 plainly and visibly marked with the word "cigarettes".

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

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

10 (720 ILCS 678/6)

11 Sec. 6. Prevention of delivery sales to persons under 21
12 years of age ~~minors~~.

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

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

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

20 (720 ILCS 678/7)

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

23 (a) No person, other than a delivery service, shall mail,
24 ship, or otherwise cause to be delivered a shipping package in

1 connection with a delivery sale unless the person:

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

6 (A) the prospective consumer's current address;
7 and

8 (B) that the prospective consumer is at least the
9 legal minimum age;

10 (2) informs, in writing, such prospective consumer
11 that:

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

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

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

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

23 (3) makes a good faith effort to verify the date of
24 birth of the prospective consumer provided pursuant to this
25 Section by:

26 (A) comparing the date of birth against a

1 commercially available database; or

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

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

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

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

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

16 (1) a statement that cigarette sales to consumers below
17 21 ~~18~~ years of age are illegal;

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

21 (3) a statement that cigarette sales are subject to tax
22 under Section 2 of the Cigarette Tax Act (35 ILCS 130/2),
23 Section 2 of the Cigarette Use Tax Act, and Section 3 of
24 the Use Tax Act and an explanation of how the correct tax
25 has been, or is to be, paid with respect to such delivery
26 sale.

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

2 (1) the statement is clear and conspicuous;

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

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

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

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

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

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

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

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

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

2 (720 ILCS 678/8)

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

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

9 (1) the seller's name, trade name, and the address of
10 such person's principal place of business and any other
11 place of business;

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

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

16 (4) the quantity of cigarettes that were sold in such
17 delivery sale;

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

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

23 (b) Each person engaged in business within this State who
24 makes an out-of-state sale shall, for each individual sale,
25 submit to the appropriate tax official of the state in which

1 the consumer is located the information required in subsection
2 (a).

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

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

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

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

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

23 (720 ILCS 680/Act rep.)

24 Section 45. The Smokeless Tobacco Limitation Act is
25 repealed.

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

3 (720 ILCS 685/2) (from Ch. 23, par. 2358-2)

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

8 It has further been determined by the Surgeon General of
9 the United States that the use of tobacco is hazardous to human
10 health.

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

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

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

22 (720 ILCS 685/4) (from Ch. 23, par. 2358-4)

23 Sec. 4. Offenses.

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

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

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

19 (b-5) Sale of flavored wrapping paper and wrapping leaf. A
20 person shall not knowingly sell, give away, barter, exchange,
21 or otherwise furnish to any person any wrapping paper or
22 wrapping leaf, however characterized, including, without
23 limitation, cigarette papers, blunt wraps, cigar wraps, or
24 tubes of paper or leaf, or any similar device, for the purpose
25 of making a roll of tobacco or herbs for smoking, that is or is
26 held out to be, impregnated, scented, or imbibed with, or aged

1 or dipped in, a characterizing flavor, other than tobacco or
2 menthol, including, without limitation, alcoholic or liquor
3 flavor, or both, chocolate, fruit flavoring, vanilla, peanut
4 butter, jelly, or any combination of those flavors or similar
5 child attractive scent or flavor.

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

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

20 (e) Warning to persons under 21 years of age ~~minors~~. Any
21 person, firm, partnership, company or corporation operating a
22 place of business where tobacco accessories and smoking herbs
23 are sold or offered for sale shall post in a conspicuous place
24 upon the premises a sign upon which there shall be imprinted
25 the following statement, "SALE OF TOBACCO ACCESSORIES AND
26 SMOKING HERBS TO PERSONS UNDER 21 ~~EIGHTEEN~~ YEARS OF AGE OR THE

1 MISREPRESENTATION OF AGE TO PROCURE SUCH A SALE IS PROHIBITED
2 BY LAW". The sign shall be printed on a white card in red
3 letters at least one-half inch in height.

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

5 Section 99. Effective date. This Act takes effect July 1,
6 2019.