

# SB2460



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

SB2460

Introduced 1/15/2020, by

#### SYNOPSIS AS INTRODUCED:

New Act

Creates the Candy Packaged to Resemble Cigarettes Prohibition Act. Prohibits a person from selling at retail or distributing for retail sale in this State candy packaged to resemble cigarettes. Provides that the prohibition does not apply to the transportation of such candy through this State or the storage of such candy in a warehouse or distribution center in this State that is closed to the public for purpose of retail sales. Provides that a violation of the prohibition is a petty offense for which a fine not to exceed \$500 for each offense may be imposed. Provides that a person who is employed as a clerk by a retail establishment shall not be in violation of the prohibition unless he or she sells candy packaged to resemble cigarettes with the intent to violate the Act. Provides that the Act may be enforced by the office of the Department of Public Health, by a State, county, or municipal law enforcement officer, or by a municipal code enforcement officer. Effective immediately.

LRB101 16492 CPF 65873 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning sales.

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 Candy  
5 Packaged to Resemble Cigarettes Prohibition Act.

6 Section 5. Definitions. In this Act:

7 "Candy" means a preparation of sugar, honey, or other  
8 natural or artificial sweetener in combination with chocolate,  
9 fruits, nuts, or other ingredients or flavorings in the form of  
10 bars, drops, or pieces.

11 "Department" means the Department of Public Health.

12 "Retail establishment" means any person, corporation,  
13 partnership, business venture, public sports or entertainment  
14 facility, government agency, or organization that sells or  
15 provides merchandise, goods, or materials, including, but not  
16 limited to, clothing, food, beverages, household goods, or  
17 personal items of any kind, directly to a customer. "Retail  
18 establishment" includes, but is not limited to, department  
19 stores, clothing stores, jewelry stores, grocery stores,  
20 pharmacies, home improvement stores, liquor stores,  
21 convenience stores, gas stations, restaurants, mobile food  
22 delivery, and farmers markets.

1           Section 10. Prohibition. A person may not sell at retail or  
2 distribute for retail sale in this State candy packaged to  
3 resemble cigarettes. The prohibition specified in this Section  
4 does not apply to the transportation of candy packaged to  
5 resemble cigarettes through this State or the storage of candy  
6 packaged to resemble cigarettes in a warehouse or distribution  
7 center in this State that is closed to the public for purpose  
8 of retail sales.

9           Section 15. Violations. A violation of Section 10 is a  
10 petty offense for which a fine not to exceed \$500 for each  
11 offense may be imposed. Each day that a person violates Section  
12 10 is a separate offense. A person who is employed as a clerk  
13 by a retail establishment shall not be in violation of this Act  
14 unless he or she sells candy packaged to resemble cigarettes  
15 with the intent to violate this Act.

16           Section 20. Enforcement. This Act may be enforced by the  
17 Department, by a State, county, or municipal law enforcement  
18 officer, or by a municipal code enforcement officer.

19           Section 99. Effective date. This Act takes effect upon  
20 becoming law.