



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB2579

Introduced 2/19/2021, by Rep. Mike Murphy

SYNOPSIS AS INTRODUCED:

New Act

720 ILCS 675/1

from Ch. 23, par. 2357

720 ILCS 675/2

from Ch. 23, par. 2358

Creates the Electronic Cigarette Youth Protection Act. Provides that a person who sells an electronic cigarette without a proper license under the Tobacco Products Tax Act of 1995 shall be subject to specified additional civil penalties. Prohibits manufacturers, distributors, or retailers of electronic cigarettes from selling, offering for sale, or distributing any electronic cigarette with labeling or packaging intended to be attractive to persons under 21 years of age and provides criteria to determine whether packaging or labeling is attractive to such persons. Requires all labeling and packaging of electronic cigarettes to include nicotine warning statements. Provides that manufacturers, distributors, or retailers of electronic cigarettes shall not sell, advertise, or market an electronic cigarette unless specified conditions have been met. Prohibits: (1) electronic cigarettes from containing more than 25 milligrams per milliliter of nicotine; and (2) vitamin E acetate from being added to a flavored solution or substance intended for use with an electronic cigarette. Prohibits a retailer serving persons under 21 years of age from selling a flavored solution or substance intended for use with an electronic cigarette. Requires a retailer to perform age verification. Provides that failure to comply with the Act's requirements or prohibitions is punishable by a civil penalty. Provides that specified provisions do not apply to any noncommercial speech. Requires moneys collected from civil penalties to be deposited into the Common School Fund. Amends the Prevention of Tobacco Use by Persons under 21 Years of Age and Sale and Distribution of Tobacco Products Act. Provides that no person under 21 years of age shall possess any cigar, cigarette, smokeless tobacco, or tobacco in any of its forms. Provides penalties for violations. Effective immediately.

LRB102 10685 RLC 16014 b

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
5 Electronic Cigarette Youth Protection Act.

6 Section 5. Definitions. In this Act:

7 "Adult-only retail location" means a facility that is
8 licensed to sell electronic cigarettes as a retailer under the
9 Tobacco Products Tax Act of 1995 and that does not allow a
10 minor to enter the premises.

11 "Advertise" means the publication or dissemination of an
12 advertisement.

13 "Advertisement" means any written or verbal statement,
14 illustration, or depiction that is calculated to induce sales
15 of electronic cigarettes, including any written, printed,
16 graphic, or other material, billboard, sign, or other outdoor
17 display, public transit card, other periodical literature,
18 publication, or in a radio or television broadcast, or in any
19 other media. "Advertisement" does not include:

20 (1) Any label affixed to any electronic cigarette, or
21 any individual covering, carton, or other wrapper of such
22 container that constitutes a part of the labeling.

23 (2) Any editorial or other reading material, such as a

1 news release, in any periodical, publication, or newspaper
2 for the publication of which no money or valuable
3 consideration is paid or promised, directly or indirectly,
4 by any licensee under the Tobacco Products Tax Act of
5 1995, and which is not written by or at the direction of
6 the licensee.

7 "Advertising sign" means any sign, poster, display,
8 billboard, or any other stationary or permanently affixed
9 advertisement promoting the sale of electronic cigarettes
10 which are not manufactured, distributed, or sold on the same
11 lot.

12 "Alternative nicotine product" means a product or device
13 not consisting of or containing tobacco that provides for the
14 ingestion into the body of nicotine, whether by chewing,
15 smoking, absorbing, dissolving, inhaling, snorting, sniffing,
16 or by any other means. "Alternative nicotine product" does not
17 include: a cigarette as defined in Section 1 of the Cigarette
18 Tax Act or a tobacco product as defined in Section 10-5 of the
19 Tobacco Products Tax Act of 1995; a tobacco product or
20 electronic cigarette as defined in this Section; or any
21 product approved by the United States Food and Drug
22 Administration for sale as a tobacco cessation product, as a
23 tobacco dependence product, or for other medical purposes, and
24 marketed and sold solely for that approved purpose.

25 "Characterizing flavor" means a distinguishable taste or
26 aroma, other than the taste or aroma of tobacco, including,

1 but not limited to, any fruit, chocolate, vanilla, honey,
2 candy, cocoa, dessert, alcoholic beverage, herb, or spice
3 flavoring. A tobacco product, related tobacco product,
4 alternative nicotine product, or solution or substance
5 intended for use with electronic cigarettes or any component
6 part of a tobacco product, related tobacco product,
7 alternative nicotine product, or solution or substance
8 intended for use with electronic cigarettes shall not be
9 construed as having a characterizing flavor based solely on
10 the use of trace additives or flavorings or the provision of
11 ingredient information.

12 "Department" means the Department of Human Services.

13 "Distributor" has the same meaning ascribed to it in
14 Section 10-5 of the Tobacco Products Tax Act of 1995.

15 "Electronic cigarette" means:

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

19 (2) any cartridge or container of a solution or
20 substance intended to be used with or in the device or to
21 refill the device; or

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

24 "Electronic cigarette" includes, but is not limited to,
25 any electronic nicotine delivery system, electronic cigar,
26 electronic cigarillo, electronic pipe, electronic hookah, vape

1 pen, or similar product or device, and any components or parts
2 that can be used to build the product or device. "Electronic
3 cigarette" does not include: a cigarette as defined in Section
4 1 of the Cigarette Tax Act; a tobacco product, related tobacco
5 product, and alternative nicotine product as defined in this
6 Section; any product approved by the United States Food and
7 Drug Administration for sale as a tobacco cessation product,
8 as a tobacco dependence product, or for other medical
9 purposes, and marketed and sold solely for that approved
10 purpose; any asthma inhaler prescribed by a physician for that
11 condition and marketed and sold solely for that approved
12 purpose; or any therapeutic product approved for use under the
13 Compassionate Use of Medical Cannabis Program Act.

14 "Flavored alternative nicotine product" means any
15 alternative nicotine product that contains a natural or
16 artificial constituent or additive that imparts a
17 characterizing flavor.

18 "Flavored related tobacco product" means any related
19 tobacco product that contains a natural or artificial
20 constituent or additive that imparts a characterizing flavor.

21 "Flavored solution or substance intended for use with
22 electronic cigarettes" means any solution or substance
23 intended for use with electronic cigarettes that contains a
24 natural or artificial constituent or additive that imparts a
25 characterizing flavor.

26 "Health-related statement" means any statement related to

1 health, and includes statements of a curative or therapeutic
2 nature that, expressly or by implication, suggest a
3 relationship between the consumption of electronic cigarettes
4 and health benefits or effects on health.

5 "Manufacturer" has the same meaning ascribed to it in
6 Section 10-5 of the Tobacco Products Tax Act of 1995.

7 "Market" or "marketing" means any act or process of
8 promoting or selling electronic cigarettes, including, but not
9 limited to, sponsorship of sporting events, point-of-sale
10 advertising, and development of products specifically designed
11 to appeal to persons under 21 years of age.

12 "Related tobacco product" means any product intended for
13 or traditionally used with tobacco, including, but not limited
14 to, papers, wraps, tubes, or filters. A product of a type that
15 has in the past been used in conjunction with tobacco or
16 nicotine use will be deemed a "related tobacco product"
17 regardless of any labeling or descriptive language on such
18 product stating that the product is not intended for use with
19 tobacco or for non-tobacco use only or other similar language.

20 "Retailer" has the same meaning ascribed to it in Section
21 10-5 of the Tobacco Products Tax Act of 1995.

22 Section 10. Sale of electronic cigarettes without a
23 license.

24 (a) Any person who sells an electronic cigarette without a
25 proper license under the Tobacco Products Tax Act of 1995

1 shall be subject to the following penalties:

2 (1) For a first violation, a civil penalty of not less
3 than \$2,500 and not to exceed \$5,000.

4 (2) For a second violation, a civil penalty of more
5 than \$5,000 and not to exceed \$10,000.

6 (3) For a third or subsequent violation, a civil
7 penalty of \$10,000.

8 (b) Any violation of this Section that occurs on school
9 property shall be considered an aggravating factor and shall,
10 at a minimum, double the penalties provided under paragraphs
11 (1) through (3) of subsection (a) of this Section.

12 (c) The penalties under this Section are in addition to
13 any other penalty imposed under Illinois law. Moneys collected
14 from the civil penalties imposed under this Section shall be
15 deposited into the Common School Fund.

16 Section 15. Marketing, labeling, and advertisement of
17 electronic cigarettes.

18 (a) A manufacturer, distributor, or retailer of electronic
19 cigarettes shall not sell, offer for sale, or distribute any
20 electronic cigarette with labeling or packaging intended to be
21 attractive to persons under 21 years of age. Labeling or
22 packaging of an electronic cigarette is attractive to persons
23 under 21 years of age if it uses packaging or labeling that:

24 (1) is false or misleading;

25 (2) promotes overconsumption of electronic cigarettes;

1 (3) depicts the actual consumption of an electronic
2 cigarette by a person 21 years of age or older

3 (4) depicts a person under 21 years of age consuming
4 an electronic cigarette;

5 (5) makes any health, medicinal, or therapeutic claims
6 about electronic cigarettes;

7 (6) includes an image of an electronic cigarette;

8 (7) depicts an image designed or likely to appeal to
9 minors, including cartoons, toys, superheroes, or
10 children, or any other likeness to images, characters, or
11 phrases, including, but not limited to, unicorns, designed
12 in any manner to make consumption of electronic cigarettes
13 appealing to or encourage consumption of electronic
14 cigarettes by persons under 21 years of age;

15 (8) imitates or mimics trademark or trade dress of
16 food products, including, but not limited to, candy, juice
17 boxes, or soft drinks, or celebrity images that are or
18 have primarily been marketed towards persons under 21
19 years of age;

20 (9) contains images of food products primarily
21 targeted to minors, including, but not limited to, juice
22 boxes, soft drinks, pop, cereal, candy, or dessert; or

23 (10) contains the terms "candy", "candies", "kandy",
24 "kandeez", "bubble gum", "cotton candy", "gummy bear",
25 "cupcake", "milkshake", or any variants in the spelling of
26 those terms.

1 (b) All labeling and packaging of electronic cigarettes
2 shall include proper nicotine warning statements required
3 under federal law or by administrative rule.

4 (c) A manufacturer, distributor, or retailer of electronic
5 cigarettes shall not sell, advertise, or market an electronic
6 cigarette unless all of the following conditions have been
7 met:

8 (1) All advertisements and marketing must accurately
9 and legibly identify the person or entity paying for the
10 publication of the advertisement or marketing.

11 (2) Any advertising or marketing in broadcast, cable,
12 radio, print, or digital communications, or any event
13 marketing or sponsorship, must only be made where at least
14 71.6% of the audience is reasonably expected to be 21
15 years of age or older, as determined by reliable,
16 up-to-date audience composition data.

17 (3) All advertising must be truthful and appropriately
18 substantiated.

19 (4) Advertising or marketing must not be presented in
20 a manner that is false or untrue in any material matter, or
21 that, irrespective of falsity, directly or by ambiguity,
22 omission, or inference, or by the addition of irrelevant
23 scientific or technical matter, tends to create a
24 misleading impression.

25 (5) Publishing or disseminating advertising or
26 marketing containing any statement concerning a brand or

1 product must not be inconsistent with any statement on the
2 labeling thereof.

3 (6) Advertising or marketing of electronic cigarettes
4 must not be presented in a manner intended to encourage
5 persons under the age of 21 to consume electronic
6 cigarettes.

7 (7) Publishing or disseminating advertising or
8 marketing containing symbols, language, music, gestures,
9 cartoon characters, or other content elements must not be
10 known to appeal primarily to persons under 21 years of
11 age.

12 (8) Advertising or marketing electronic cigarettes
13 must not be on an advertising sign within 1,000 feet of a
14 daycare center, a school offering instruction in grades
15 kindergarten through 12, a playground, or a youth center.
16 This condition shall not apply to the placement of
17 advertising signs inside a premises licensed under the
18 Tobacco Products Tax Act of 1995 and that are not visible
19 by normal unaided vision from a public place, provided
20 that such advertising signs do not advertise electronic
21 cigarettes in a manner intended to encourage persons under
22 the age of 21 to consume electronic cigarettes.

23 (9) Publishing or disseminating advertising or
24 marketing must not contain any health-related statement
25 that is untrue in any particular manner or tends to create
26 a misleading impression as to the health benefits of

1 consumption of electronic cigarettes.

2 (10) Advertising must not contain any reference to an
3 electronic cigarette as a smoking cessation device or as a
4 product that may be helpful to quit smoking.

5 (11) Advertising must not use a health care
6 professional or a person who appears to be under 25 years
7 of age to advertise an electronic cigarette.

8 (d) Violations of this Section shall be punishable by the
9 following civil penalties, and moneys collected from the civil
10 penalties under this Section shall be deposited into the
11 Common School Fund:

12 (1) For a first violation, a civil penalty of not less
13 than \$2,500 and not to exceed \$5,000.

14 (2) For a second violation, a civil penalty of more
15 than \$5,000 and not to exceed \$10,000.

16 (3) For a third or subsequent violation, a civil
17 penalty of \$10,000.

18 (e) This Section does not apply to any noncommercial
19 speech.

20 (f) This Section does not apply to electronic cigarettes
21 that are in the possession of a manufacturer, distributor, or
22 retailer on the effective date of this Act. Any product that is
23 in the possession of a manufacturer, distributor, or retailer
24 on the effective date of this Act must be sold to a final
25 consumer no later than 180 days after the effective date of
26 this Act unless otherwise exempt under subsection (g).

1 (g) This Section does not apply to any electronic
2 cigarettes that are in the possession of a manufacturer,
3 distributor, or retailer and that are not intended to be sold
4 to a final consumer in the State of Illinois.

5 Section 20. Limitations on sales of electronic cigarettes.

6 (a) An electronic cigarette or flavored solution or
7 substance intended for use with an electronic cigarette may
8 not be sold in this State under any of the following
9 conditions:

10 (1) If it contains more than 25 milligrams per
11 milliliter of nicotine.

12 (2) If vitamin E acetate is added to a flavored
13 solution or substance intended for use with an electronic
14 cigarette.

15 (b) A retailer who serves persons under 21 years of age may
16 not sell a flavored solution or substance intended for use
17 with an electronic cigarette.

18 (c) In a sale of an electronic cigarette by a retailer, the
19 retailer must perform an age verification through an
20 independent, third-party age verification service that
21 compares information available from public records to the
22 personal information entered by the buyer during the ordering
23 process and that establishes the buyer is of legal age or
24 older.

25 (d) This Section does not apply to electronic cigarettes

1 or flavored solutions or substances intended for use with an
2 electronic cigarette that are in the possession of a
3 manufacturer, distributor, or retailer on the effective date
4 of this Act. Any product that is in the possession of a
5 manufacturer, distributor, or retailer on the effective date
6 of this Act must be sold to a final consumer no later than 180
7 days after the effective date of this Act unless otherwise
8 exempt under subsection (e).

9 (e) This Section does not apply to any electronic
10 cigarettes or flavored solutions or substances intended for
11 use with an electronic cigarette that are in the possession of
12 a manufacturer, distributor, or retailer and that are not
13 intended to be sold to a final consumer in the State of
14 Illinois.

15 (f) Violations of this Section shall be punishable by the
16 following civil penalties, and moneys collected from the civil
17 penalties under this Section shall be deposited into the
18 Common School Fund:

19 (1) For a first violation, a civil penalty of not less
20 than \$2,500 and not to exceed \$5,000.

21 (2) For a second violation, a civil penalty of more
22 than \$5,000 and not to exceed \$10,000.

23 (3) For a third and subsequent violation, a civil
24 penalty of \$10,000.

25 Section 75. The Prevention of Tobacco Use by Persons under

1 21 Years of Age and Sale and Distribution of Tobacco Products
2 Act is amended by changing Sections 1 and 2 as follows:

3 (720 ILCS 675/1) (from Ch. 23, par. 2357)

4 Sec. 1. Prohibition on sale of tobacco products,
5 electronic cigarettes, and alternative nicotine products to
6 persons under 21 years of age; prohibition on the distribution
7 of tobacco product samples, electronic cigarette samples, and
8 alternative nicotine product samples to any person; use of
9 identification cards; vending machines; lunch wagons;
10 out-of-package sales.

11 (a) No person under 21 years of age shall buy any tobacco
12 product, electronic cigarette, or alternative nicotine
13 product. No person shall sell, buy for, distribute samples of
14 or furnish any tobacco product, electronic cigarette, or any
15 alternative nicotine product to any person under 21 years of
16 age.

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

24 (a-5.1) Before selling, offering for sale, giving, or
25 furnishing a tobacco product, electronic cigarette, or

1 alternative nicotine product to another person, the person
2 selling, offering for sale, giving, or furnishing the tobacco
3 product, electronic cigarette, or alternative nicotine product
4 shall verify that the person is at least 21 years of age by:

5 (1) examining from any person that appears to be under
6 30 years of age a government-issued photographic
7 identification that establishes the person to be 21 years
8 of age or older; or

9 (2) for sales of tobacco products, electronic
10 cigarettes, or alternative nicotine products made through
11 the Internet or other remote sales methods, performing an
12 age verification through an independent, third party age
13 verification service that compares information available
14 from public records to the personal information entered by
15 the person during the ordering process that establishes
16 the person is 21 years of age or older.

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

22 (a-7) No person under 21 years of age shall possess any
23 cigar, cigarette, smokeless tobacco, or tobacco in any of its
24 forms. ~~(Blank).~~

25 (a-8) A person shall not distribute without charge samples
26 of any tobacco product to any other person, regardless of age,

1 except for smokeless tobacco in an adult-only facility.

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

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

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

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

23 "Alternative nicotine product" does not include:
24 cigarettes as defined in Section 1 of the Cigarette Tax
25 Act and tobacco products as defined in Section 10-5 of the
26 Tobacco Products Tax Act of 1995; tobacco product and

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

7 "Electronic cigarette" means:

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

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

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

16 "Electronic cigarette" includes, but is not limited
17 to, any electronic nicotine delivery system, electronic
18 cigar, electronic cigarillo, electronic pipe, electronic
19 hookah, vape pen, or similar product or device, and any
20 components or parts that can be used to build the product
21 or device. "Electronic cigarette" does not include:
22 cigarettes as defined in Section 1 of the Cigarette Tax
23 Act and tobacco products as defined in Section 10-5 of the
24 Tobacco Products Tax Act of 1995; tobacco product and
25 alternative nicotine product as defined in this Section;
26 any product approved by the United States Food and Drug

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

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

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

15 "Tobacco product" means any product containing or made
16 from tobacco that is intended for human consumption,
17 whether smoked, heated, chewed, absorbed, dissolved,
18 inhaled, snorted, sniffed, or ingested by any other means,
19 including, but not limited to, cigarettes, cigars, little
20 cigars, chewing tobacco, pipe tobacco, snuff, snus, and
21 any other smokeless tobacco product which contains tobacco
22 that is finely cut, ground, powdered, or leaf and intended
23 to be placed in the oral cavity. "Tobacco product"
24 includes any component, part, or accessory of a tobacco
25 product, whether or not sold separately. "Tobacco product"
26 does not include: an electronic cigarette and alternative

1 nicotine product as defined in this Section; or any
2 product that has been approved by the United States Food
3 and Drug Administration for sale as a tobacco cessation
4 product, as a tobacco dependence product, or for other
5 medical purposes, and is being marketed and sold solely
6 for that approved purpose.

7 (b) Tobacco products, electronic cigarettes, and
8 alternative nicotine products may be sold through a vending
9 machine only if such tobacco products, electronic cigarettes,
10 and alternative nicotine products are not placed together with
11 any non-tobacco product, other than matches, in the vending
12 machine and the vending machine is in any of the following
13 locations:

14 (1) (Blank).

15 (2) Places to which persons under 21 years of age are
16 not permitted access at any time.

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

20 (4) (Blank).

21 (5) (Blank).

22 (c) (Blank).

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

1 manufacturer, which container, pack, or package bears the
2 health warning required by federal law, is prohibited.

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

1 the retail seller within 7 business days.

2 (Source: P.A. 101-2, eff. 7-1-19.)

3 (720 ILCS 675/2) (from Ch. 23, par. 2358)

4 Sec. 2. Penalties.

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

24 (a-1) If a person under 21 years of age violates
25 subsection (a-7) of Section 1, he or she is guilty of a petty

1 offense and the court may impose a sentence of 25 hours of
2 community service and a fine of \$50 for a first violation. A
3 second violation by a person under 21 years of age of
4 subsection (a-7) of Section 1 that occurs within 12 months
5 after the first violation is punishable by a fine of \$75 and 50
6 hours of community service. A third or subsequent violation by
7 a person under 21 years of age of subsection (a-7) of Section 1
8 that occurs within 12 months after the first violation is
9 punishable by a \$200 fine and 50 hours of community service.
10 Any second or subsequent violation not within the 12-month
11 time period after the first violation is punishable as
12 provided for a first violation.

13 (a-5) Any retailer who violates subsection (a), (a-5),
14 (a-5.1), (a-8), (b), or (d) of Section 1 of this Act is guilty
15 of a petty offense. For the first offense in a 24-month period,
16 the retailer shall be fined \$200 if it does not have a training
17 program that facilitates compliance with minimum-age tobacco
18 laws. For the second offense in a 24-month period, the
19 retailer shall be fined \$400 if it does not have a training
20 program that facilitates compliance with minimum-age tobacco
21 laws. For the third offense within a 24-month period, the
22 retailer shall be fined \$600 if it does not have a training
23 program that facilitates compliance with minimum-age tobacco
24 laws. For the fourth or subsequent offense in a 24-month
25 period, the retailer shall be fined \$800 if it does not have a
26 training program that facilitates compliance with minimum-age

1 tobacco laws. For the purposes of this subsection, the
2 24-month period shall begin with the person's first violation
3 of the Act. The penalties in this subsection are in addition to
4 any other penalties prescribed under the Cigarette Tax Act and
5 the Tobacco Products Tax Act of 1995.

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

20 (b) ~~(Blank).~~ If a person under 21 years of age violates
21 subsection (a-6) of Section 1, he or she is guilty of a Class A
22 misdemeanor.

23 (c) (Blank).

24 (d) (Blank).

25 (e) (Blank).

26 (f) (Blank).

1 (g) (Blank).

2 (h) All moneys collected as fines for violations of
3 subsection (a), (a-5), (a-5.1), (a-6), (a-8), (b), or (d) ~~or~~
4 ~~(a-7)~~ of Section 1 shall be distributed in the following
5 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 enforcing this Act.

11 Any violation of subsection (a) or (a-5) of Section 1
12 shall be reported to the Department of Revenue within 7
13 business days.

14 (Source: P.A. 100-201, eff. 8-18-17; 101-2, eff. 7-1-19;
15 revised 4-29-19.)

16 Section 99. Effective date. This Act takes effect upon
17 becoming law.