



Rep. Bob Morgan

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10200SB0512ham002

LRB102 14603 CPF 26460 a

1 AMENDMENT TO SENATE BILL 512

2 AMENDMENT NO. _____. Amend Senate Bill 512 on page 4, by
3 deleting lines 2 through 12; and

4 on page 4, by replacing lines 14 through 23 with the following:

5 "(a) The Department of Revenue may adopt rules that are
6 reasonable, necessary, and related to the administration and
7 enforcement of this Act.

8 (b) The Department of Revenue, the Department of Public
9 Health, a local public health department, the Department of
10 Human Services, the Illinois State Police, a county sheriff,
11 and a municipal police department may inspect any business
12 that sells, manufactures, transports, or distributes
13 electronic cigarettes in the State to ensure compliance with
14 this Act."; and

15 on page 7, by replacing lines 3 and 4 with the following:

16 "September 9, 2020 shall not be deemed to be adulterated under

1 subparagraph (C) of paragraph (4) of this subsection."; and

2 on page 7, immediately, below line 7, by inserting the
3 following:

4 "(c) Any violation of this Act shall be reported to the
5 Department of Revenue within 7 business days."; and

6 on page 10, by replacing lines 12 through 17 with the
7 following:

8 "~~(a) No person under 21 years of age shall buy any tobacco~~
9 ~~product, electronic cigarette, or alternative nicotine~~
10 ~~product.~~ No person shall sell, buy for, distribute samples of
11 or furnish any tobacco product, electronic cigarette, or ~~any~~
12 alternative nicotine product to any person under 21 years of
13 age."; and

14 on page 11, line 25, after "tobacco product", by inserting "and
15 alternative nicotine product, or electronic cigarette"; and

16 by replacing line 13 on page 17 through line 10 on page 19 with
17 the following:

18 "(g) Any peace officer or duly authorized member of the
19 Illinois State Police, a county sheriff's department, a
20 municipal police department, the Department of Revenue, the
21 Department of Public Health, a local health department, or the
22 Department of Human Services, upon discovering a violation of

1 subsection (a), (a-5), (a-5.1), (a-8), (b), or (d) of this
2 Section or a violation of the Preventing Youth Vaping Act, may
3 seize any tobacco products, alternative nicotine products, or
4 electronic cigarettes of the specific type involved in that
5 violation that are located at that place of business. The
6 tobacco products, alternative nicotine products, or electronic
7 cigarettes so seized are subject to confiscation and
8 forfeiture.

9 (h) After seizing any tobacco products, alternative
10 nicotine products, or electronic cigarettes as provided in
11 subsection (g), the Illinois Department of Revenue must hold a
12 hearing and determine whether the seized tobacco products,
13 alternative nicotine products, or electronic cigarettes were
14 part of the inventory located at the place of business when a
15 violation of subsection (a), (a-5), (a-5.1), (a-8), (b), or
16 (d) of this Section or a violation of the Preventing Youth
17 Vaping Act occurred and whether any seized tobacco products,
18 alternative nicotine products, or electronic cigarettes were
19 of a type involved in that violation. The Illinois Department
20 of Revenue shall give not less than 20 days' notice of the time
21 and place of the hearing to the owner of the property, if the
22 owner is known, and also to the person in whose possession the
23 property was found if that person is known and if the person in
24 possession is not the owner of the property. If neither the
25 owner nor the person in possession of the property is known,
26 the Illinois Department of Revenue must cause publication of

1 the time and place of the hearing to be made at least once each
2 week for 3 weeks successively in a newspaper of general
3 circulation in the county where the hearing is to be held.

4 If, as the result of the hearing, the Illinois Department
5 of Revenue determines that the tobacco products, alternative
6 nicotine products, or the electronic cigarettes were part of
7 the inventory located at the place of business when a
8 violation of subsection (a), (a-5), (a-5.1), (a-8), (b), or
9 (d) of this Section or a violation of the Preventing Youth
10 Vaping Act at the time of seizure, the Illinois Department of
11 Revenue must enter an order declaring the tobacco products,
12 alternative nicotine products, or electronic cigarettes
13 confiscated and forfeited to the State, to be held by the
14 Illinois Department of Revenue for disposal by it as provided
15 in Section 10-58 of the Tobacco Products Tax Act of 1995. The
16 Illinois Department of Revenue must give notice of the order
17 to the owner of the property, if the owner is known, and also
18 to the person in whose possession the property was found if
19 that person is known and if the person in possession is not the
20 owner of the property. If neither the owner nor the person in
21 possession of the property is known, the Illinois Department
22 of Revenue must cause publication of the order to be made at
23 least once each week for 3 weeks successively in a newspaper of
24 general circulation in the county where the hearing was
25 held."; and

1 on page 35, by deleting lines 2 and 3.