



Rep. Bob Morgan

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10200SB0512ham003

LRB102 14603 CPF 26561 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 on page 17, by replacing lines 13 through 21 with the  
17 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."; and

9 on page 19, immediately below line 10, by inserting the  
10 following:

11 "(j) After the Department of Revenue has seized any  
12 tobacco product, nicotine product, or electronic cigarette as  
13 provided in subsection (g) and a person having any property  
14 interest in the seized property has not been charged with an  
15 offense under this Section or a violation of the Preventing  
16 Youth Vaping Act, the Department of Revenue must hold a  
17 hearing and determine whether the seized tobacco products,  
18 alternative nicotine products, or electronic cigarettes were  
19 part of the inventory located at the place of business when a  
20 violation of subsection (a), (a-5), (a-5.1), (a-8), (b), or  
21 (d) of this Section or a violation of the Preventing Youth  
22 Vaping Act occurred and whether any seized tobacco product,  
23 alternative nicotine product, or electronic cigarette was of a  
24 type involved in that violation. The Department of Revenue  
25 shall give not less than 20 days' notice of the time and place

1 of the hearing to the owner of the property, if the owner is  
2 known, and also to the person in whose possession the property  
3 was found if that person is known and if the person in  
4 possession is not the owner of the property. If neither the  
5 owner nor the person in possession of the property is known,  
6 the Department of Revenue must cause publication of the time  
7 and place of the hearing to be made at least once each week for  
8 3 weeks successively in a newspaper of general circulation in  
9 the county where the hearing is to be held.

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

1 the Department of Revenue must cause publication of the order  
2 to be made at least once each week for 3 weeks successively in  
3 a newspaper of general circulation in the county where the  
4 hearing was held."; and

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