

HB4764



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB4764

Introduced 2/6/2024, by Rep. Anthony DeLuca

SYNOPSIS AS INTRODUCED:

720 ILCS 5/24.5-10

Amends the Criminal Code of 2012. Provides that the sale or consumption of nitrous oxide is prohibited on the premises of any business whose gross revenues exceed 50% from the sale of alcoholic liquor, tobacco products, electronic cigarettes, or alternative nicotine products. Provides that a violation is a Class 3 felony. Exempts the sale or consumption of food items containing nitrous oxide. Defines terms.

LRB103 35919 RLC 66950 b

A BILL FOR

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 Criminal Code of 2012 is amended by
5 changing Section 24.5-10 as follows:

6 (720 ILCS 5/24.5-10)

7 Sec. 24.5-10. Unlawful manufacture, sale, distribution, ~~or~~
8 delivery, or consumption.

9 (a) In this Section:

10 "Alcoholic liquor" has the meaning given the term in
11 Section 1-3.05 of the Liquor Control Act of 1934.

12 "Tobacco product", "electronic cigarette", and
13 "alternative nicotine product" have the meanings given those
14 terms in subsection (a-9) of Section 1 of the Prevention of
15 Tobacco Use by Persons under 21 years of Age and Sale and
16 Distribution of Tobacco Products Act.

17 (b) Any person, firm, corporation, co-partnership, limited
18 liability company, or association that intentionally
19 manufactures, delivers, or possesses with intent to
20 manufacture or deliver nitrous oxide for any purpose
21 prohibited under Section 24.5-5 is guilty of a Class 3 felony.

22 (c) The sale or consumption of nitrous oxide is prohibited
23 on the premises of any business whose gross revenues exceed

1 50% from the sale of alcoholic liquor, tobacco products,
2 electronic cigarettes, or alternative nicotine products. A
3 violation of this subsection (c) is a Class 3 felony.

4 (d) Subsection (c) does not apply to the sale or
5 consumption of food products containing nitrous oxide.

6 (Source: P.A. 91-366, eff. 1-1-00.)