

# SB0204



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

SB0204

Introduced 1/31/2023, by Sen. Ram Villivalam

#### SYNOPSIS AS INTRODUCED:

65 ILCS 5/11-60-3 new

Amends the Issuing Licenses and Abating Nuisances Division of the Illinois Municipal Code. Provides that nothing in the Division shall prohibit the issuance or renewal of a license authorizing the sale of tobacco products or tobacco accessories at a premises that is located within a municipality with a population in excess of 1,000,000 inhabitants and is within 100 feet of the property line of any building or other location used primarily as a school if: (1) the school is a private elementary school; (2) the school is located within the boundaries of West Devon Avenue, West Rosemont Avenue, North Mozart Street, and North Fairfield Avenue; and (3) the sale of tobacco products or tobacco accessories at the premises occurs only after school hours until no later than 2 a.m. Limits the concurrent exercise of home rule powers. Effective immediately.

LRB103 25660 AWJ 52009 b

A BILL FOR

1 AN ACT concerning local government.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Illinois Municipal Code is amended by  
5 adding Section 11-60-3 as follows:

6 (65 ILCS 5/11-60-3 new)

7 Sec. 11-60-3. Sale of tobacco products or tobacco  
8 accessories near schools.

9 (a) Notwithstanding any provision of law, nothing in this  
10 Division shall prohibit the issuance or renewal of a license  
11 authorizing the sale of tobacco products or tobacco  
12 accessories at a premises that is located within a  
13 municipality with a population in excess of 1,000,000  
14 inhabitants and is within 100 feet of the property line of any  
15 building or other location used primarily as a school if:

16 (1) the school is a private elementary school;

17 (2) the school is located within the boundaries of  
18 West Devon Avenue, West Rosemont Avenue, North Mozart  
19 Street, and North Fairfield Avenue; and

20 (3) the sale of tobacco products or tobacco  
21 accessories at the premises occurs only after school hours  
22 until no later than 2 a.m.

23 (b) A home rule municipality may not regulate the issuance

1 or renewal of a license authorizing the sale of tobacco  
2 products or tobacco accessories in a manner inconsistent with  
3 this Section. This Section is a limitation under subsection  
4 (i) of Section 6 of Article VII of the Illinois Constitution on  
5 the concurrent exercise by home rule units of powers and  
6 functions exercised by the State.

7 Section 99. Effective date. This Act takes effect upon  
8 becoming law.