

# SB2662



## 103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB2662

Introduced 1/10/2024, by Sen. Julie A. Morrison

### SYNOPSIS AS INTRODUCED:

410 ILCS 86/25

Amends the Preventing Youth Vaping Act. Restricts a manufacturer, distributor, or retailer from advertising, marketing, or promoting an electronic cigarette in a manner that is likely to cause a parent, legal guardian, teacher, or other adult to mistake the electronic cigarette for a product that is not a tobacco product.

LRB103 34615 LNS 64456 b

A BILL FOR

1 AN ACT concerning health.

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

4 Section 5. The Preventing Youth Vaping Act is amended by  
5 changing Section 25 as follows:

6 (410 ILCS 86/25)

7 Sec. 25. Advertising.

8 (a) A manufacturer, distributor, or retailer may not  
9 advertise, market, or promote an electronic cigarette as a  
10 modified risk tobacco product unless it has been designated as  
11 a modified risk tobacco product by the United States Food and  
12 Drug Administration.

13 (b) A manufacturer, distributor, or retailer may not  
14 advertise, market, or promote or advertise an electronic  
15 cigarette as providing smoking cessation benefits to consumers  
16 unless it has approval from the United States Food and Drug  
17 Administration to market its electronic cigarette as a medical  
18 product for such purpose.

19 (c) A manufacturer, distributor, or retailer may not  
20 advertise, market, or promote an electronic cigarette in a  
21 manner that includes fraudulent or misleading terms or  
22 statements.

23 (d) A manufacturer, distributor, or retailer may not

1 advertise, market, or promote an electronic cigarette in a  
2 manner that:

3 (1) encourages persons under 21 years of age to use an  
4 electronic cigarette; ~~or~~

5 (2) is attractive to persons under 21 years of age,  
6 including, but not limited to, inclusion of the following:

7 (A) cartoons;

8 (B) an image, character, or phrase that is similar  
9 to one popularly used to advertise to children; or

10 (C) a video game, movie, video, or animated  
11 television show known to appeal primarily to persons  
12 under 21 years of age; or

13 (3) is likely to cause a parent, legal guardian,  
14 teacher, or other adult to mistake the electronic  
15 cigarette for a product that is not a tobacco product.

16 (Source: P.A. 102-575, eff. 1-1-22.)