



Sen. Meg Loughran Cappel

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10300SB3098sam002

LRB103 37194 RLC 70722 a

1 AMENDMENT TO SENATE BILL 3098

2 AMENDMENT NO. _____. Amend Senate Bill 3098 on page 1,
3 line 6, by replacing "Section 1" with "Sections 1 and 2"; and

4 on page 2, line 23, by inserting "under 21 years of age" after
5 "anyone"; and

6 on page 9, lines 2 and 18, by deleting "(a-5.2)," wherever it
7 appears; and

8 on page 10, line 12, by deleting "(a-5.2),"; and

9 on page 11, line 8, by deleting "(a-5.2),"; and

10 on page 12, line 1, by deleting "(a-5.2),"; and

11 on page 12, by replacing lines 20 and 21 with the following:

1 "(720 ILCS 675/2) (from Ch. 23, par. 2358)

2 Sec. 2. Penalties.

3 (a) Any person who violates subsection (a), (a-5),
4 (a-5.1), (a-5.2), (a-8), (b), or (d) of Section 1 of this Act
5 is guilty of a petty offense. For the first offense in a
6 24-month period, the person shall be fined \$200 if his or her
7 employer has a training program that facilitates compliance
8 with minimum-age tobacco laws. For the second offense in a
9 24-month period, the person shall be fined \$400 if his or her
10 employer has a training program that facilitates compliance
11 with minimum-age tobacco laws. For the third offense in a
12 24-month period, the person shall be fined \$600 if his or her
13 employer has a training program that facilitates compliance
14 with minimum-age tobacco laws. For the fourth or subsequent
15 offense in a 24-month period, the person shall be fined \$800 if
16 his or her employer has a training program that facilitates
17 compliance with minimum-age tobacco laws. For the purposes of
18 this subsection, the 24-month period shall begin with the
19 person's first violation of the Act. The penalties in this
20 subsection are in addition to any other penalties prescribed
21 under the Cigarette Tax Act and the Tobacco Products Tax Act of
22 1995.

23 (a-5) Any retailer who violates subsection (a), (a-5),
24 (a-5.1), (a-5.2), (a-8), (b), or (d) of Section 1 of this Act
25 is guilty of a petty offense. For the first offense in a
26 24-month period, the retailer shall be fined \$200 if it does

1 not have a training program that facilitates compliance with
2 minimum-age tobacco laws. For the second offense in a 24-month
3 period, the retailer shall be fined \$400 if it does not have a
4 training program that facilitates compliance with minimum-age
5 tobacco laws. For the third offense within a 24-month period,
6 the retailer shall be fined \$600 if it does not have a training
7 program that facilitates compliance with minimum-age tobacco
8 laws. For the fourth or subsequent offense in a 24-month
9 period, the retailer shall be fined \$800 if it does not have a
10 training program that facilitates compliance with minimum-age
11 tobacco laws. For the purposes of this subsection, the
12 24-month period shall begin with the person's first violation
13 of the Act. The penalties in this subsection are in addition to
14 any other penalties prescribed under the Cigarette Tax Act and
15 the Tobacco Products Tax Act of 1995.

16 (a-6) For the purpose of this Act, a training program that
17 facilitates compliance with minimum-age tobacco laws must
18 include at least the following elements: (i) it must explain
19 that only individuals displaying valid identification
20 demonstrating that they are 21 years of age or older shall be
21 eligible to purchase tobacco products, electronic cigarettes,
22 or alternative nicotine products and (ii) it must explain
23 where a clerk can check identification for a date of birth. The
24 training may be conducted electronically. Each retailer that
25 has a training program shall require each employee who
26 completes the training program to sign a form attesting that

1 the employee has received and completed tobacco training. The
2 form shall be kept in the employee's file and may be used to
3 provide proof of training.

4 (b) If a person under 21 years of age violates subsection
5 (a-6) of Section 1, he or she is guilty of a Class A
6 misdemeanor.

7 (c) (Blank).

8 (d) (Blank).

9 (e) (Blank).

10 (f) (Blank).

11 (g) (Blank).

12 (h) All moneys collected as fines for violations of
13 subsection (a), (a-5), (a-5.1), (a-6), (a-8), (b), or (d) of
14 Section 1 shall be distributed in the following manner:

15 (1) one-half of each fine shall be distributed to the
16 unit of local government or other entity that successfully
17 prosecuted the offender; and

18 (2) one-half shall be remitted to the State to be used
19 for enforcing this Act.

20 Any violation of subsection (a) or (a-5) of Section 1
21 shall be reported to the Department of Revenue within 7
22 business days.

23 (Source: P.A. 101-2, eff. 7-1-19; 102-558, eff. 8-20-21.)".