

1 AN ACT concerning tobacco.

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

4 Section 5. The Sale of Tobacco to Minors Act is amended  
5 by changing the title of the Act and Sections 0.01 and 1 as  
6 follows:

7 (720 ILCS 675/Act title)

8 An Act to prohibit persons under 19 years of age ~~miners~~  
9 from buying or selling tobacco in any of its forms, to  
10 prohibit selling, giving or furnishing tobacco, in any of its  
11 forms, to those persons ~~miners~~, and providing penalties  
12 therefor.

13 (720 ILCS 675/0.01) (from Ch. 23, par. 2356.9)

14 Sec. 0.01. Short title. This Act may be cited as the  
15 Sale of Tobacco to Underage Persons ~~Miners~~ Act.

16 (Source: P.A. 86-1324.)

17 (720 ILCS 675/1) (from Ch. 23, par. 2357)

18 Sec. 1. Except as otherwise provided in this Section, no  
19 person ~~miner~~ under 19 ~~18~~ years of age shall buy any cigar,  
20 cigarette, smokeless tobacco or tobacco in any of its forms.  
21 Except as otherwise provided in this Section, no person shall  
22 sell, buy for, distribute samples of or furnish any cigar,  
23 cigarette, smokeless tobacco or tobacco in any of its forms,  
24 to any person ~~miner~~ under 19 ~~18~~ years of age.

25 For the purpose of this Section, "smokeless tobacco"  
26 means any tobacco products that are suitable for dipping or  
27 chewing.

28 Tobacco products listed above may be sold through a  
29 vending machine only in the following locations:

1 (1) Factories, businesses, offices, private clubs,  
2 and other places not open to the general public.

3 (2) Places to which persons ~~minors~~ under 19 ~~18~~  
4 years of age are not permitted access.

5 (3) Places where alcoholic beverages are sold and  
6 consumed on the premises.

7 (4) Places where the vending machine is under the  
8 direct supervision of the owner of the establishment or  
9 an employee 19 ~~over-18~~ years of age or older. The sale  
10 of tobacco products from a vending machine under direct  
11 supervision of the owner or an employee of the  
12 establishment is considered a sale of tobacco products by  
13 that person. As used in this subdivision, "direct  
14 supervision" means that the owner or employee has an  
15 unimpeded line of sight to the vending machine.

16 (5) Places where the vending machine can ~~only~~ be  
17 operated only by the owner or an employee 19 years of  
18 ~~over~~ age or older ~~18~~ either directly or through a remote  
19 control device if the device is inaccessible to all  
20 customers.

21 (Source: P.A. 89-181, eff. 7-19-95.)

22 Section 10. The Smokeless Tobacco Limitation Act is  
23 amended by changing the title of the Act and Sections 3 and 4  
24 as follows:

25 (720 ILCS 680/Act title)

26 An Act to prohibit the sale or distribution of smokeless  
27 tobacco products to persons under 19 ~~18~~ years of age.

28 (720 ILCS 680/3) (from Ch. 23, par. 2358-23)

29 Sec. 3. No person shall sell any smokeless tobacco  
30 product to any person under the age of 19 ~~18~~. Any person who  
31 violates this Section shall be guilty of a business offense

1 punishable by a fine of not more than \$50 for each violation.  
2 (Source: P.A. 85-465.)

3 (720 ILCS 680/4) (from Ch. 23, par. 2358-24)

4 Sec. 4. No person shall distribute or cause to be  
5 distributed to any person under the age of 19 ~~18~~, without  
6 charge or at a nominal cost, any smokeless tobacco product.  
7 Any person who violates this Section shall be guilty of a  
8 business offense punishable for a first offense by a fine of  
9 \$200, for a second offense in a 12-month period by a fine of  
10 \$400, and for the third or any subsequent offense in a  
11 12-month period by a fine of \$600. One-half of each fine  
12 collected under this Section shall be distributed to the unit  
13 of local government or other entity that successfully  
14 prosecuted the offender and one-half shall be remitted to the  
15 State to be used for the enforcement of this Act.  
16 (Source: P.A. 88-418.)

17 Section 15. The Tobacco Accessories and Smoking Herbs  
18 Control Act is amended by changing the title of the Act and  
19 Sections 2 and 4 as follows:

20 (720 ILCS 685/Act title)

21 An Act providing protection for the public health and  
22 safety by prohibiting the sale or delivery of tobacco  
23 accessories or smoking herbs to persons under 19 years of age  
24 ~~minors~~.

25 (720 ILCS 685/2) (from Ch. 23, par. 2358-2)

26 Sec. 2. Purpose. The sale and possession of marijuana,  
27 hashish, cocaine, opium and their derivatives, is not only  
28 prohibited by Illinois Law, but the use of these substances  
29 has been deemed injurious to the health of the user.

30 It has further been determined by the Surgeon General of

1 the United States that the use of tobacco is hazardous to  
2 human health.

3 The ready availability of smoking herbs to persons under  
4 19 years of age minors could lead to the use of tobacco and  
5 illegal drugs.

6 It is in the best interests of the citizens of the State  
7 of Illinois to seek to prohibit the spread of illegal drugs,  
8 tobacco or smoking materials to persons under 19 years of age  
9 minors. The prohibition of the sale of tobacco and snuff  
10 accessories and smoking herbs to persons under 19 years of  
11 age minors would help to curb the usage of illegal drugs and  
12 tobacco products, among our youth.

13 (Source: P.A. 82-487.)

14 (720 ILCS 685/4) (from Ch. 23, par. 2358-4)

15 Sec. 4. Offenses.

16 (a) Sale to persons under 19 years of age minors. No  
17 person shall knowingly sell, barter, exchange, deliver or  
18 give away or cause or permit or procure to be sold, bartered,  
19 exchanged, delivered, or given away tobacco accessories or  
20 smoking herbs to any person under 19 18 years of age.

21 (a-5) Sale of bidi cigarettes. No person shall knowingly  
22 sell, barter, exchange, deliver, or give away a bidi  
23 cigarette to another person, nor shall a person cause or  
24 permit or procure a bidi cigarette to be sold, bartered,  
25 exchanged, delivered, or given away to another person.

26 (b) Sale of cigarette paper. No person shall knowingly  
27 offer, sell, barter, exchange, deliver or give away cigarette  
28 paper or cause, permit, or procure cigarette paper to be  
29 sold, offered, bartered, exchanged, delivered, or given away  
30 except from premises or an establishment where other tobacco  
31 products are sold. For purposes of this Section, "tobacco  
32 products" means cigarettes, cigars, smokeless tobacco, or  
33 tobacco in any of its forms.

1           (c) Sale of cigarette paper from vending machines. No  
2 person shall knowingly offer, sell, barter, exchange, deliver  
3 or give away cigarette paper or cause, permit, or procure  
4 cigarette paper to be sold, offered, bartered, exchanged,  
5 delivered, or given away by use of a vending or coin-operated  
6 machine or device. For purposes of this Section, "cigarette  
7 paper" shall not include any paper that is incorporated into  
8 a product to which a tax stamp must be affixed under the  
9 Cigarette Tax Act or the Cigarette Use Tax Act.

10           (d) Use of identification cards. No person in the  
11 furtherance or facilitation of obtaining smoking accessories  
12 and smoking herbs shall display or use a false or forged  
13 identification card or transfer, alter, or deface an  
14 identification card.

15           (e) Warning to persons under 19 years of age minors.  
16 Any person, firm, partnership, company or corporation  
17 operating a place of business where tobacco accessories and  
18 smoking herbs are sold or offered for sale shall post in a  
19 conspicuous place upon the premises a sign upon which there  
20 shall be imprinted the following statement, "SALE OF TOBACCO  
21 ACCESSORIES AND SMOKING HERBS TO PERSONS UNDER NINETEEN  
22 EIGHTEEN YEARS OF AGE OR THE MISREPRESENTATION OF AGE TO  
23 PROCURE SUCH A SALE IS PROHIBITED BY LAW". The sign shall be  
24 printed on a white card in red letters at least one-half inch  
25 in height.

26 (Source: P.A. 91-734, eff. 1-1-01.)

27           Section 99. Effective date. This Act takes effect  
28 January 1, 2004.