



Rep. Karen A. Yarbrough

Filed: 3/31/2004

09300HB4302ham003

LRB093 18119 RLC 49463 a

1 AMENDMENT TO HOUSE BILL 4302

2 AMENDMENT NO. _____. Amend House Bill 4302, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 1. Short title. This Act may be cited as the
6 Display of Tobacco Products Act.

7 Section 5. Definitions. In this Act:

8 "Line of sight" means visible to a cashier or other
9 employee.

10 "Age restricted area" means a signed designated area in a
11 retail establishment to which minors under 18 years of age are
12 not permitted access unless accompanied by a parent or legal
13 guardian.

14 Section 10. Tobacco product displays. All single packs of
15 cigarettes must be sold from behind the counter or in an age
16 restricted area or in a sealed display case. Any other tobacco
17 products must be sold in line of sight.

18 The restrictions described in this Section do not apply to
19 a retail tobacco store that (i) derives at least 90% of its
20 revenue from tobacco and tobacco related products; (ii) does
21 not permit persons under the age of 18 to enter the premises
22 unless accompanied by a parent or legal guardian; and (iii)
23 posts a sign on the main entrance way stating that persons

1 under the age of 18 are prohibited from entering unless
2 accompanied by a parent or legal guardian.

3 Section 15. Vending machines. This Act does not prohibit
4 the sale of tobacco products from vending machines if the
5 location of the vending machines are in compliance with the
6 provisions of Section 1 of the Sale of Tobacco to Minors Act.

7 Section 20. Sentence. A violation of this Act is a petty
8 offense for which the court shall impose a fine of not less
9 than \$100 nor more than \$1,000.

10 Section 105. The Sale of Tobacco to Minors Act is amended
11 by changing Section 1 as follows:

12 (720 ILCS 675/1) (from Ch. 23, par. 2357)

13 Sec. 1. Prohibition on sale of tobacco to minors; vending
14 machines; lunch wagons.

15 (a) No minor under 18 years of age shall buy any cigar,
16 cigarette, smokeless tobacco or tobacco in any of its forms. No
17 person shall sell, buy for, distribute samples of or furnish
18 any cigar, cigarette, smokeless tobacco or tobacco in any of
19 its forms, to any minor under 18 years of age.

20 (a-5) No minor under 16 years of age may sell any cigar,
21 cigarette, smokeless tobacco, or tobacco in any of its forms at
22 a retail establishment selling tobacco products. This
23 subsection does not apply to a sales clerk in a family-owned
24 business which can prove that the sales clerk is in fact a son
25 or daughter of the owner.

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

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

30 (1) Factories, businesses, offices, private clubs, and

1 other places not open to the general public.

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

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

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

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

19 (c) The sale or distribution at no charge of cigarettes
20 from a lunch wagon engaging in any sales activity within 1,000
21 feet of any public or private elementary or secondary school
22 grounds is prohibited.

23 For the purpose of this Section, "lunch wagon" means a
24 mobile vehicle designed and constructed to transport food and
25 from which food is sold to the general public.

26 (Source: P.A. 93-284, eff. 1-1-04.)

27 Section 999. Effective date. This Act takes effect January
28 1, 2005."