

SB0330



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

SB0330

Introduced 2/15/2005, by Sen. Larry K. Bomke

SYNOPSIS AS INTRODUCED:

720 ILCS 685/3
720 ILCS 685/4

from Ch. 23, par. 2358-3
from Ch. 23, par. 2358-4

Amends the Tobacco Accessories and Smoking Herbs Control Act. Prohibits the sale, barter, exchange, delivery, and giving away of flavored cigarettes (in addition to bidi cigarettes). Effective immediately.

LRB094 05859 RLC 35913 b

A BILL FOR

1 AN ACT concerning criminal law.

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

4 Section 5. The Tobacco Accessories and Smoking Herbs
5 Control Act is amended by changing Sections 3 and 4 as follows:

6 (720 ILCS 685/3) (from Ch. 23, par. 2358-3)

7 Sec. 3. Definitions. The following definitions shall apply
8 to this Act:

9 (a) "Tobacco accessories" shall mean cigarette papers,
10 pipes, holders of smoking materials of all types, cigarette
11 rolling machines, and other items, designed primarily for the
12 smoking or ingestion of tobacco products or of substances made
13 illegal under any statute or of substances whose sale, gift,
14 barter, or exchange is made unlawful under this Act.

15 (b) "Smoking herbs" shall mean all substances of plant
16 origin and their derivatives, including but not limited to
17 broom, calea, California poppy, damiana, hops, ginseng,
18 lobelia, jimson weed and other members of the Datura genus,
19 passion flower and wild lettuce, which are processed or sold
20 primarily for use as smoking materials.

21 (c) "Bidi cigarette" means a product that contains tobacco
22 that is wrapped in temburni or tendu leaf or that is wrapped in
23 any other material identified by rules of the Department of
24 Public Health that is similar in appearance or characteristics
25 to the temburni or tendu leaf.

26 (d) "Flavored cigarette" means a cigarette or any of its
27 component parts (including the tobacco, filter, or paper) that
28 contains, as a constituent (including a smoke constituent) or
29 additive, an artificial or natural flavor (other than tobacco
30 or menthol) or an herb or spice, including strawberry, grape,
31 orange, clove, cinnamon, pineapple, vanilla, coconut,
32 licorice, cocoa, chocolate, cherry, or coffee, that is a

1 characterizing flavor of the tobacco product or tobacco smoke.

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

3 (720 ILCS 685/4) (from Ch. 23, par. 2358-4)

4 Sec. 4. Offenses.

5 (a) Sale to minors. No person shall knowingly sell, barter,
6 exchange, deliver or give away or cause or permit or procure to
7 be sold, bartered, exchanged, delivered, or given away tobacco
8 accessories or smoking herbs to any person under 18 years of
9 age.

10 (a-5) Sale of bidi and flavored cigarettes. No person shall
11 knowingly sell, barter, exchange, deliver, or give away a bidi
12 or flavored cigarette to another person, nor shall a person
13 cause or permit or procure a bidi or flavored cigarette to be
14 sold, bartered, exchanged, delivered, or given away to another
15 person.

16 (b) Sale of cigarette paper. No person shall knowingly
17 offer, sell, barter, exchange, deliver or give away cigarette
18 paper or cause, permit, or procure cigarette paper to be sold,
19 offered, bartered, exchanged, delivered, or given away except
20 from premises or an establishment where other tobacco products
21 are sold. For purposes of this Section, "tobacco products"
22 means cigarettes, cigars, smokeless tobacco, or tobacco in any
23 of its forms.

24 (c) Sale of cigarette paper from vending machines. No
25 person shall knowingly offer, sell, barter, exchange, deliver
26 or give away cigarette paper or cause, permit, or procure
27 cigarette paper to be sold, offered, bartered, exchanged,
28 delivered, or given away by use of a vending or coin-operated
29 machine or device. For purposes of this Section, "cigarette
30 paper" shall not include any paper that is incorporated into a
31 product to which a tax stamp must be affixed under the
32 Cigarette Tax Act or the Cigarette Use Tax Act.

33 (d) Use of identification cards. No person in the
34 furtherance or facilitation of obtaining smoking accessories
35 and smoking herbs shall display or use a false or forged

1 identification card or transfer, alter, or deface an
2 identification card.

3 (e) Warning to minors. Any person, firm, partnership,
4 company or corporation operating a place of business where
5 tobacco accessories and smoking herbs are sold or offered for
6 sale shall post in a conspicuous place upon the premises a sign
7 upon which there shall be imprinted the following statement,
8 "SALE OF TOBACCO ACCESSORIES AND SMOKING HERBS TO PERSONS UNDER
9 EIGHTEEN YEARS OF AGE OR THE MISREPRESENTATION OF AGE TO
10 PROCURE SUCH A SALE IS PROHIBITED BY LAW". The sign shall be
11 printed on a white card in red letters at least one-half inch
12 in height.

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

14 Section 99. Effective date. This Act takes effect upon
15 becoming law.