

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 Sale of Tobacco to Minors Act is amended by
5 changing Section 1 as follows:

6 (720 ILCS 675/1) (from Ch. 23, par. 2357)

7 Sec. 1. Prohibition on sale of tobacco to minors; use of
8 identification cards; vending machines; lunch wagons;
9 out-of-package sales.

10 (a) No minor under 18 years of age shall buy any cigar,
11 cigarette, smokeless tobacco or tobacco in any of its forms. No
12 person shall sell, buy for, distribute samples of or furnish
13 any cigar, cigarette, smokeless tobacco or tobacco in any of
14 its forms, to any minor under 18 years of age.

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

21 (a-6) No minor under 18 years of age in the furtherance or
22 facilitation of obtaining any cigar, cigarette, smokeless
23 tobacco, or tobacco in any of its forms shall display or use a

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

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

5 (b) Tobacco products listed above may be sold through a
6 vending machine only if such tobacco products are not placed
7 together with any non-tobacco product, other than matches, in
8 the vending machine and the vending machine is in any of the
9 following locations:

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

12 (1) ~~(2)~~ Places to which minors under 18 years of age
13 are not permitted access.

14 ~~(3) Places where alcoholic beverages are sold and~~
15 ~~consumed on the premises.~~

16 ~~(4) Places where the vending machine is under the~~
17 ~~direct supervision of the owner of the establishment or an~~
18 ~~employee over 18 years of age. The sale of tobacco products~~
19 ~~from a vending machine under direct supervision of the~~
20 ~~owner or an employee of the establishment is considered a~~
21 ~~sale of tobacco products by that person. As used in this~~
22 ~~subdivision, "direct supervision" means that the owner or~~
23 ~~employee has an unimpeded line of sight to the vending~~
24 ~~machine.~~

25 (2) ~~(5)~~ Places where the vending machine can only be
26 operated by the owner or an employee over age 18 either

1 directly or through a remote control device if the device
2 is inaccessible to all customers.

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

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

10 (d) The sale or distribution by any person of a tobacco
11 product listed above, including but not limited to a single or
12 loose cigarette, that is not contained within a sealed
13 container, pack, or package as provided by the manufacturer,
14 which container, pack, or package bears the health warning
15 required by federal law, is prohibited.

16 (Source: P.A. 93-284, eff. 1-1-04; 93-886, eff. 1-1-05.)