



Sen. Jacqueline Y. Collins

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1 AMENDMENT TO SENATE BILL 2825

2 AMENDMENT NO. _____. Amend Senate Bill 2825 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Tobacco Accessories and Smoking Herbs
5 Control Act is amended by changing Sections 2, 3, and 4 as
6 follows:

7 (720 ILCS 685/2) (from Ch. 23, par. 2358-2)

8 Sec. 2. Purpose.

9 (a) The sale and possession of marijuana, hashish, cocaine,
10 opium and their derivatives, is not only prohibited by Illinois
11 Law, but the use of these substances has been deemed injurious
12 to the health of the user.

13 It has further been determined by the Surgeon General of
14 the United States that the use of tobacco is hazardous to human
15 health.

16 The ready availability of smoking herbs to minors could

1 lead to the use of tobacco and illegal drugs.

2 It is in the best interests of the citizens of the State of
3 Illinois to seek to prohibit the spread of illegal drugs,
4 tobacco or smoking materials to minors. The prohibition of the
5 sale of tobacco and snuff accessories and smoking herbs to
6 minors would help to curb the usage of illegal drugs and
7 tobacco products, among our youth.

8 (b) The General Assembly finds and declares that there has
9 been a proliferation of flavored cigarettes in recent years.
10 Many of these products have flavors that are particularly
11 attractive to minors. These cigarettes have included flavors
12 such as various fruits, candy, chocolate, vanilla, honey, sugar
13 or sugar substitute, nut, mint, cocoa, desserts, soft drinks,
14 alcoholic beverages, herb and spice flavorings or other
15 flavorings that are attractive to minors. According to survey
16 evidence and public health experts, minors are more likely to
17 choose flavored cigarettes and thus the existence of these
18 products increases the incidence of cigarette use among minors.
19 Moreover, the earlier that an individual begins using tobacco,
20 the more likely he or she will become addicted to tobacco
21 products and will continue to use tobacco products throughout
22 his or her lifetime. Accordingly, flavored cigarettes result in
23 increased tobacco use, increased addiction, a greater
24 incidence of smoking-related illnesses, increased health care
25 costs, and more smoking-related deaths. The General Assembly
26 therefore finds and declares that the existence of flavored

1 cigarettes presents a significant threat to public health and
2 to minors, and that the sale of flavored cigarettes must be
3 restricted.

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

5 (720 ILCS 685/3) (from Ch. 23, par. 2358-3)

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

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

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

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

25 (d) "Flavored cigarette" means any cigarette product, or

1 any component part thereof (including but not limited to the
2 tobacco, paper, or filter, and any components for roll-your-own
3 cigarettes), which contains a natural or artificial
4 constituent or additive that causes such cigarette or its smoke
5 to have a characterizing flavor other than tobacco or menthol.

6 (e) "Characterizing flavor" includes but is not limited to
7 any fruit, candy, chocolate, vanilla, honey, sugar or sugar
8 substitute, nut, mint, cocoa, dessert, soft drink, alcoholic
9 beverage, herb or spice flavoring, but does not include tobacco
10 or menthol. In no event shall a cigarette or any component part
11 thereof (including but not limited to the tobacco, paper, roll
12 or filter) be construed to have a characterizing flavor based
13 solely on the use of additives or flavorings, or the provision
14 of an ingredient list made available by any means.

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

16 (720 ILCS 685/4) (from Ch. 23, par. 2358-4)

17 Sec. 4. Offenses.

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

23 (a-5) Sale of bidi cigarettes. No person shall knowingly
24 sell, barter, exchange, deliver, or give away a bidi cigarette
25 to another person, nor shall a person cause or permit or

1 procure a bidi cigarette to be sold, bartered, exchanged,
2 delivered, or given away to another person.

3 (a-6) No person shall knowingly sell, distribute, or offer
4 for sale or distribution in this State or to any person in this
5 State a flavored cigarette.

6 (b) Sale of cigarette paper. No person shall knowingly
7 offer, sell, barter, exchange, deliver or give away cigarette
8 paper or cause, permit, or procure cigarette paper to be sold,
9 offered, bartered, exchanged, delivered, or given away except
10 from premises or an establishment where other tobacco products
11 are sold. For purposes of this Section, "tobacco products"
12 means cigarettes, cigars, smokeless tobacco, or tobacco in any
13 of its forms.

14 (c) Sale of cigarette paper from vending machines. No
15 person shall knowingly offer, sell, barter, exchange, deliver
16 or give away cigarette paper or cause, permit, or procure
17 cigarette paper to be sold, offered, bartered, exchanged,
18 delivered, or given away by use of a vending or coin-operated
19 machine or device. For purposes of this Section, "cigarette
20 paper" shall not include any paper that is incorporated into a
21 product to which a tax stamp must be affixed under the
22 Cigarette Tax Act or the Cigarette Use Tax Act.

23 (d) Use of identification cards. No person in the
24 furtherance or facilitation of obtaining smoking accessories
25 and smoking herbs shall display or use a false or forged
26 identification card or transfer, alter, or deface an

1 identification card.

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

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