

**SB0056**



**96TH GENERAL ASSEMBLY**

**State of Illinois**

**2009 and 2010**

**SB0056**

Introduced 1/30/2009, by Sen. Ira I. Silverstein

**SYNOPSIS AS INTRODUCED:**

720 ILCS 675/2

from Ch. 23, par. 2358

Amends the Sale of Tobacco to Minors Act. Provides that a person who sells a cigar, cigarette, smokeless tobacco, or tobacco in any of its forms to a minor under 18 years of age commits a petty offense for which a fine of \$1,000 shall be imposed. Provides that if 3 violations occur in a 12-month period at a retail mercantile establishment, an order may be entered prohibiting the sale, distribution, or furnishing of tobacco products to any person at that retail mercantile establishment for a period of 20 days. Provides that if 4 or more violations occur in a 12-month period at a retail mercantile establishment, an order may be entered prohibiting the sale, distribution, or furnishing of tobacco products to any person at that retail mercantile establishment for a period of 5 years. Provides that an action in case of such violations may be brought against the owner of the retail mercantile establishment by either the county in which the retail mercantile establishment is located or the municipality in which the retail mercantile establishment is located. Effective immediately.

LRB096 03604 RLC 13631 b

FISCAL NOTE ACT  
MAY APPLY

**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 Sale of Tobacco to Minors Act is amended by  
5 changing Section 2 as follows:

6 (720 ILCS 675/2) (from Ch. 23, par. 2358)

7 Sec. 2. (a) Except as otherwise provided in this Section,  
8 any ~~Any~~ person who violates any provision of this Act is guilty  
9 of a petty offense and for the first offense shall be fined  
10 \$200, \$400 for the second offense in a 12-month period, and  
11 \$600 for the third or any subsequent offense in a 12-month  
12 period.

13 (b) A person who sells a cigar, cigarette, smokeless  
14 tobacco, or tobacco in any of its forms to a minor under 18  
15 years of age commits a petty offense for which a fine of \$1,000  
16 shall be imposed.

17 (c) If 3 violations of subsection (b) occur in a 12-month  
18 period at a retail mercantile establishment, an order may be  
19 entered prohibiting the sale, distribution, or furnishing of  
20 tobacco products to any person at that retail mercantile  
21 establishment for a period of 20 days. If 4 or more violations  
22 of subsection (b) occur in a 12-month period at a retail  
23 mercantile establishment, an order may be entered prohibiting

1 the sale, distribution, or furnishing of tobacco products to  
2 any person at that retail mercantile establishment for a period  
3 of 5 years. An action under this subsection (c) may be brought  
4 against the owner of the retail mercantile establishment by  
5 either the county in which the retail mercantile establishment  
6 is located or the municipality in which the retail mercantile  
7 establishment is located.

8 (d) One-half of each fine collected under this Section  
9 shall be distributed to the unit of local government or other  
10 entity that successfully prosecuted the offender and one-half  
11 shall be remitted to the State to be used for enforcing this  
12 Act.

13 (e) As used in this Section, "retail mercantile  
14 establishment" has the meaning ascribed to that term in Section  
15 16A-2.9 of the Criminal Code of 1961.

16 (Source: P.A. 88-418.)

17 Section 99. Effective date. This Act takes effect upon  
18 becoming law.