



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB2250

by Rep. Kathleen Willis

SYNOPSIS AS INTRODUCED:

720 ILCS 675/1

from Ch. 23, par. 2357

Amends the Prevention of Tobacco Use by Minors and Sale and Distribution of Tobacco Products Act. Prohibits a person under 18 years of age from buying, possessing, being sold, bought for, distributed samples of, or furnished an electronic cigarette. Establishes an exception for a sting operation approved by the Department of State Police, the county sheriff, a municipal police department, the Department of Public Health, or a local health department against a retail seller of tobacco products or a person employed by the retail seller of tobacco products or on any premises authorized to sell tobacco products to determine if electronic cigarettes are being sold or given to persons under 18 years of age. Defines "electronic cigarette". Includes "electronic cigarette" in the definition of tobacco product.

LRB098 07662 RLC 37735 b

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 Prevention of Tobacco Use by Minors and Sale
5 and Distribution of Tobacco Products Act is amended by changing
6 Sections 1 and 2 as follows:

7 (720 ILCS 675/1) (from Ch. 23, par. 2357)

8 Sec. 1. Prohibition on sale to and possession of tobacco by
9 minors; prohibition on the distribution of tobacco samples to
10 any person; use of identification cards; vending machines;
11 lunch wagons; out-of-package sales.

12 (a) No minor under 18 years of age shall buy any tobacco
13 product. No person shall sell, buy for, distribute samples of
14 or furnish any tobacco product to any minor under 18 years of
15 age.

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

21 (a-6) No minor under 18 years of age in the furtherance or
22 facilitation of obtaining any tobacco product shall display or
23 use a false or forged identification card or transfer, alter,

1 or deface an identification card.

2 (a-7) No minor under 18 years of age shall possess any
3 cigar, cigarette, electronic cigarette, smokeless tobacco, or
4 tobacco in any of its forms.

5 (a-8) A person shall not distribute without charge samples
6 of any tobacco product to any other person, regardless of age:

7 (1) within a retail establishment selling tobacco
8 products, unless the retailer has verified the purchaser's
9 age with a government issued identification;

10 (2) from a lunch wagon; or

11 (3) on a public way as a promotion or advertisement of
12 a tobacco manufacturer or tobacco product.

13 This subsection (a-8) does not apply to the distribution of
14 a tobacco product sample in any adult-only facility.

15 (a-9) For the purpose of this Section:

16 "Adult-only facility means a facility or restricted
17 area (whether open-air or enclosed) where the operator
18 ensures or has a reasonable basis to believe (such as by
19 checking identification as required under State law, or by
20 checking the identification of any person appearing to be
21 under the age of 27) that no person under legal age is
22 present. A facility or restricted area need not be
23 permanently restricted to persons under legal age to
24 constitute an adult-only facility, provided that the
25 operator ensures or has a reasonable basis to believe that
26 no person under legal age is present during the event or

1 time period in question.

2 "Electronic cigarette" or "e-cigarette" means a
3 battery-operated device that contains cartridges filled
4 with a combination of nicotine, flavor, and chemicals that
5 are turned into vapor which is inhaled by the user.

6 "Lunch wagon" means a mobile vehicle designed and
7 constructed to transport food and from which food is sold
8 to the general public.

9 "Smokeless tobacco" means any tobacco products that
10 are suitable for dipping or chewing.

11 "Tobacco product" means any cigar, cigarette,
12 electronic cigarette, smokeless tobacco, or tobacco in any
13 of its forms.

14 (b) Tobacco products listed in this Section may be sold
15 through a vending machine only if such tobacco products are not
16 placed together with any non-tobacco product, other than
17 matches, in the vending machine and the vending machine is in
18 any of the following locations:

19 (1) (Blank).

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

22 (3) Places where alcoholic beverages are sold and
23 consumed on the premises and vending machine operation is
24 under the direct supervision of the owner or manager.

25 (4) (Blank).

26 (5) Places where the vending machine can only be

1 operated by the owner or an employee over age 18 either
2 directly or through a remote control device if the device
3 is inaccessible to all customers.

4 (c) (Blank).

5 (d) The sale or distribution by any person of a tobacco
6 product in this Section, including but not limited to a single
7 or loose cigarette, that is not contained within a sealed
8 container, pack, or package as provided by the manufacturer,
9 which container, pack, or package bears the health warning
10 required by federal law, is prohibited.

11 (e) It is not a violation of this Act for a person under 18
12 years of age to purchase or possess a cigar, cigarette,
13 electronic cigarette, smokeless tobacco or tobacco in any of
14 its forms if the person under the age of 18 purchases or is
15 given the cigar, cigarette, electronic cigarette, smokeless
16 tobacco or tobacco in any of its forms from a retail seller of
17 tobacco products or an employee of the retail seller pursuant
18 to a plan or action to investigate, patrol, or otherwise
19 conduct a "sting operation" or enforcement action against a
20 retail seller of tobacco products or a person employed by the
21 retail seller of tobacco products or on any premises authorized
22 to sell tobacco products to determine if tobacco products are
23 being sold or given to persons under 18 years of age if the
24 "sting operation" or enforcement action is approved by the
25 Department of State Police, the county sheriff, a municipal
26 police department, the Department of Public Health, or a local

1 health department.

2 (Source: P.A. 95-905, eff. 1-1-09; 96-179, eff. 8-10-09;

3 96-446, eff. 1-1-10; 96-1000, eff. 7-2-10.)