



Sen. John G. Mulroe

Filed: 3/8/2016

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1 AMENDMENT TO SENATE BILL 3011

2 AMENDMENT NO. _____. Amend Senate Bill 3011 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Cigarette Tax Act is amended by changing
5 Section 6 as follows:

6 (35 ILCS 130/6) (from Ch. 120, par. 453.6)

7 Sec. 6. Revocation, cancellation, or suspension of
8 license. The Department may, after notice and hearing as
9 provided for by this Act, revoke, cancel or suspend the license
10 of any distributor, secondary distributor, or retailer for the
11 violation of any provision of this Act, or for noncompliance
12 with any provision herein contained, or for any noncompliance
13 with any lawful rule or regulation promulgated by the
14 Department under Section 8 of this Act, or because the licensee
15 is determined to be ineligible for a distributor's license for
16 any one or more of the reasons provided for in Section 4 of

1 this Act, or because the licensee is determined to be
2 ineligible for a secondary distributor's license for any one or
3 more of the reasons provided for in Section 4c of this Act, or
4 because the licensee is determined to be ineligible for a
5 retailer's license for any one or more of the reasons provided
6 for in Section 4g of this Act. However, no such license shall
7 be revoked, cancelled or suspended, except after a hearing by
8 the Department with notice to the distributor, secondary
9 distributor, or retailer, as aforesaid, and affording such
10 distributor, secondary distributor, or retailer a reasonable
11 opportunity to appear and defend, and any distributor,
12 secondary distributor, or retailer aggrieved by any decision of
13 the Department with respect thereto may have the determination
14 of the Department judicially reviewed, as herein provided.

15 The Department may revoke, cancel, or suspend the license
16 of any distributor for a violation of the Tobacco Product
17 Manufacturers' Escrow Enforcement Act as provided in Section 30
18 of that Act. The Department may revoke, cancel, or suspend the
19 license of any secondary distributor for a violation of
20 subsection (e) of Section 15 of the Tobacco Product
21 Manufacturers' Escrow Enforcement Act.

22 If the retailer has a training program that facilitates
23 compliance with minimum-age tobacco laws, the Department shall
24 suspend for 3 days the license of that retailer for a fourth or
25 subsequent violation of the Prevention of Tobacco Use by
26 Persons under 21 Years of Age ~~Minors~~ and Sale and Distribution

1 of Tobacco Products Act, as provided in subsection (a) of
2 Section 2 of that Act. For the purposes of this Section, any
3 violation of subsection (a) of Section 2 of the Prevention of
4 Tobacco Use by Persons under 21 Years of Age ~~Minors~~ and Sale
5 and Distribution of Tobacco Products Act occurring at the
6 retailer's licensed location during a 24-month period shall be
7 counted as a violation against the retailer.

8 If the retailer does not have a training program that
9 facilitates compliance with minimum-age tobacco laws, the
10 Department shall suspend for 3 days the license of that
11 retailer for a second violation of the Prevention of Tobacco
12 Use by Persons under 21 Years of Age ~~Minors~~ and Sale and
13 Distribution of Tobacco Products Act, as provided in subsection
14 (a-5) of Section 2 of that Act.

15 If the retailer does not have a training program that
16 facilitates compliance with minimum-age tobacco laws, the
17 Department shall suspend for 7 days the license of that
18 retailer for a third violation of the Prevention of Tobacco Use
19 by Persons under 21 Years of Age ~~Minors~~ and Sale and
20 Distribution of Tobacco Products Act, as provided in subsection
21 (a-5) of Section 2 of that Act.

22 If the retailer does not have a training program that
23 facilitates compliance with minimum-age tobacco laws, the
24 Department shall suspend for 30 days the license of a retailer
25 for a fourth or subsequent violation of the Prevention of
26 Tobacco Use by Persons under 21 Years of Age ~~Minors~~ and Sale

1 and Distribution of Tobacco Products Act, as provided in
2 subsection (a-5) of Section 2 of that Act.

3 A training program that facilitates compliance with
4 minimum-age tobacco laws must include at least the following
5 elements: (i) it must explain that only individuals displaying
6 valid identification demonstrating that they are 21 ~~18~~ years of
7 age or older shall be eligible to purchase cigarettes or
8 tobacco products and (ii) it must explain where a clerk can
9 check identification for a date of birth. The training may be
10 conducted electronically. Each retailer that has a training
11 program shall require each employee who completes the training
12 program to sign a form attesting that the employee has received
13 and completed tobacco training. The form shall be kept in the
14 employee's file and may be used to provide proof of training.

15 Any distributor, secondary distributor, or retailer
16 aggrieved by any decision of the Department under this Section
17 may, within 20 days after notice of the decision, protest and
18 request a hearing. Upon receiving a request for a hearing, the
19 Department shall give notice in writing to the distributor,
20 secondary distributor, or retailer requesting the hearing that
21 contains a statement of the charges preferred against the
22 distributor, secondary distributor, or retailer and that
23 states the time and place fixed for the hearing. The Department
24 shall hold the hearing in conformity with the provisions of
25 this Act and then issue its final administrative decision in
26 the matter to the distributor, secondary distributor, or

1 retailer. In the absence of a protest and request for a hearing
2 within 20 days, the Department's decision shall become final
3 without any further determination being made or notice given.

4 No license so revoked, as aforesaid, shall be reissued to
5 any such distributor, secondary distributor, or retailer
6 within a period of 6 months after the date of the final
7 determination of such revocation. No such license shall be
8 reissued at all so long as the person who would receive the
9 license is ineligible to receive a distributor's license under
10 this Act for any one or more of the reasons provided for in
11 Section 4 of this Act, is ineligible to receive a secondary
12 distributor's license under this Act for any one or more of the
13 reasons provided for in Section 4c of this Act, or is
14 determined to be ineligible for a retailer's license under the
15 Act for any one or more of the reasons provided for in Section
16 4g of this Act.

17 The Department upon complaint filed in the circuit court
18 may by injunction restrain any person who fails, or refuses, to
19 comply with any of the provisions of this Act from acting as a
20 distributor, secondary distributor, or retailer of cigarettes
21 in this State.

22 (Source: P.A. 98-1055, eff. 1-1-16; 99-192, eff. 1-1-16.)

23 Section 10. The Tobacco Products Tax Act of 1995 is amended
24 by changing Section 10-25 as follows:

1 (35 ILCS 143/10-25)

2 Sec. 10-25. License actions.

3 (a) The Department may, after notice and a hearing, revoke,
4 cancel, or suspend the license of any distributor or retailer
5 who violates any of the provisions of this Act. The notice
6 shall specify the alleged violation or violations upon which
7 the revocation, cancellation, or suspension proceeding is
8 based.

9 (b) The Department may revoke, cancel, or suspend the
10 license of any distributor for a violation of the Tobacco
11 Product Manufacturers' Escrow Enforcement Act as provided in
12 Section 20 of that Act.

13 (c) If the retailer has a training program that facilitates
14 compliance with minimum-age tobacco laws, the Department shall
15 suspend for 3 days the license of that retailer for a fourth or
16 subsequent violation of the Prevention of Tobacco Use by
17 Persons under 21 Years of Age ~~Minors~~ and Sale and Distribution
18 of Tobacco Products Act, as provided in subsection (a) of
19 Section 2 of that Act. For the purposes of this Section, any
20 violation of subsection (a) of Section 2 of the Prevention of
21 Tobacco Use by Persons under 21 Years of Age ~~Minors~~ and Sale
22 and Distribution of Tobacco Products Act occurring at the
23 retailer's licensed location, during a 24-month period, shall
24 be counted as a violation against the retailer.

25 If the retailer does not have a training program that
26 facilitates compliance with minimum-age tobacco laws, the

1 Department shall suspend for 3 days the license of that
2 retailer for a second violation of the Prevention of Tobacco
3 Use by Persons under 21 Years of Age ~~Minors~~ and Sale and
4 Distribution of Tobacco Products Act, as provided in subsection
5 (a-5) of Section 2 of that Act.

6 If the retailer does not have a training program that
7 facilitates compliance with minimum-age tobacco laws, the
8 Department shall suspend for 7 days the license of that
9 retailer for a third violation of the Prevention of Tobacco Use
10 by Persons under 21 Years of Age ~~Minors~~ and Sale and
11 Distribution of Tobacco Products Act, as provided in subsection
12 (a-5) of Section 2 of that Act.

13 If the retailer does not have a training program that
14 facilitates compliance with minimum-age tobacco laws, the
15 Department shall suspend for 30 days the license of a retailer
16 for a fourth or subsequent violation of the Prevention of
17 Tobacco Use by Persons under 21 Years of Age ~~Minors~~ and Sale
18 and Distribution of Tobacco Products Act, as provided in
19 subsection (a-5) of Section 2 of that Act.

20 A training program that facilitates compliance with
21 minimum-age tobacco laws must include at least the following
22 elements: (i) it must explain that only individuals displaying
23 valid identification demonstrating that they are 21 ~~18~~ years of
24 age or older shall be eligible to purchase cigarettes or
25 tobacco products and (ii) it must explain where a clerk can
26 check identification for a date of birth. The training may be

1 conducted electronically. Each retailer that has a training
2 program shall require each employee who completes the training
3 program to sign a form attesting that the employee has received
4 and completed tobacco training. The form shall be kept in the
5 employee's file and may be used to provide proof of training.

6 (d) The Department may, by application to any circuit
7 court, obtain an injunction restraining any person who engages
8 in business as a distributor of tobacco products without a
9 license (either because his or her license has been revoked,
10 canceled, or suspended or because of a failure to obtain a
11 license in the first instance) from engaging in that business
12 until that person, as if that person were a new applicant for a
13 license, complies with all of the conditions, restrictions, and
14 requirements of Section 10-20 of this Act and qualifies for and
15 obtains a license. Refusal or neglect to obey the order of the
16 court may result in punishment for contempt.

17 (Source: P.A. 98-1055, eff. 1-1-16; 99-192, eff. 1-1-16.)

18 Section 15. The Liquor Control Act of 1934 is amended by
19 changing Sections 3-12 and 6-16.1 as follows:

20 (235 ILCS 5/3-12)

21 Sec. 3-12. Powers and duties of State Commission.

22 (a) The State commission shall have the following powers,
23 functions, and duties:

24 (1) To receive applications and to issue licenses to

1 manufacturers, foreign importers, importing distributors,
2 distributors, non-resident dealers, on premise consumption
3 retailers, off premise sale retailers, special event
4 retailer licensees, special use permit licenses, auction
5 liquor licenses, brew pubs, caterer retailers,
6 non-beverage users, railroads, including owners and
7 lessees of sleeping, dining and cafe cars, airplanes,
8 boats, brokers, and wine maker's premises licensees in
9 accordance with the provisions of this Act, and to suspend
10 or revoke such licenses upon the State commission's
11 determination, upon notice after hearing, that a licensee
12 has violated any provision of this Act or any rule or
13 regulation issued pursuant thereto and in effect for 30
14 days prior to such violation. Except in the case of an
15 action taken pursuant to a violation of Section 6-3, 6-5,
16 or 6-9, any action by the State Commission to suspend or
17 revoke a licensee's license may be limited to the license
18 for the specific premises where the violation occurred.

19 In lieu of suspending or revoking a license, the
20 commission may impose a fine, upon the State commission's
21 determination and notice after hearing, that a licensee has
22 violated any provision of this Act or any rule or
23 regulation issued pursuant thereto and in effect for 30
24 days prior to such violation.

25 For the purpose of this paragraph (1), when determining
26 multiple violations for the sale of alcohol to a person

1 under the age of 21, a second or subsequent violation for
2 the sale of alcohol to a person under the age of 21 shall
3 only be considered if it was committed within 5 years after
4 the date when a prior violation for the sale of alcohol to
5 a person under the age of 21 was committed.

6 The fine imposed under this paragraph may not exceed
7 \$500 for each violation. Each day that the activity, which
8 gave rise to the original fine, continues is a separate
9 violation. The maximum fine that may be levied against any
10 licensee, for the period of the license, shall not exceed
11 \$20,000. The maximum penalty that may be imposed on a
12 licensee for selling a bottle of alcoholic liquor with a
13 foreign object in it or serving from a bottle of alcoholic
14 liquor with a foreign object in it shall be the destruction
15 of that bottle of alcoholic liquor for the first 10 bottles
16 so sold or served from by the licensee. For the eleventh
17 bottle of alcoholic liquor and for each third bottle
18 thereafter sold or served from by the licensee with a
19 foreign object in it, the maximum penalty that may be
20 imposed on the licensee is the destruction of the bottle of
21 alcoholic liquor and a fine of up to \$50.

22 (2) To adopt such rules and regulations consistent with
23 the provisions of this Act which shall be necessary to
24 carry on its functions and duties to the end that the
25 health, safety and welfare of the People of the State of
26 Illinois shall be protected and temperance in the

1 consumption of alcoholic liquors shall be fostered and
2 promoted and to distribute copies of such rules and
3 regulations to all licensees affected thereby.

4 (3) To call upon other administrative departments of
5 the State, county and municipal governments, county and
6 city police departments and upon prosecuting officers for
7 such information and assistance as it deems necessary in
8 the performance of its duties.

9 (4) To recommend to local commissioners rules and
10 regulations, not inconsistent with the law, for the
11 distribution and sale of alcoholic liquors throughout the
12 State.

13 (5) To inspect, or cause to be inspected, any premises
14 in this State where alcoholic liquors are manufactured,
15 distributed, warehoused, or sold. Nothing in this Act
16 authorizes an agent of the Commission to inspect private
17 areas within the premises without reasonable suspicion or a
18 warrant during an inspection. "Private areas" include, but
19 are not limited to, safes, personal property, and closed
20 desks.

21 (5.1) Upon receipt of a complaint or upon having
22 knowledge that any person is engaged in business as a
23 manufacturer, importing distributor, distributor, or
24 retailer without a license or valid license, to notify the
25 local liquor authority, file a complaint with the State's
26 Attorney's Office of the county where the incident

1 occurred, or initiate an investigation with the
2 appropriate law enforcement officials.

3 (5.2) To issue a cease and desist notice to persons
4 shipping alcoholic liquor into this State from a point
5 outside of this State if the shipment is in violation of
6 this Act.

7 (5.3) To receive complaints from licensees, local
8 officials, law enforcement agencies, organizations, and
9 persons stating that any licensee has been or is violating
10 any provision of this Act or the rules and regulations
11 issued pursuant to this Act. Such complaints shall be in
12 writing, signed and sworn to by the person making the
13 complaint, and shall state with specificity the facts in
14 relation to the alleged violation. If the Commission has
15 reasonable grounds to believe that the complaint
16 substantially alleges a violation of this Act or rules and
17 regulations adopted pursuant to this Act, it shall conduct
18 an investigation. If, after conducting an investigation,
19 the Commission is satisfied that the alleged violation did
20 occur, it shall proceed with disciplinary action against
21 the licensee as provided in this Act.

22 (6) To hear and determine appeals from orders of a
23 local commission in accordance with the provisions of this
24 Act, as hereinafter set forth. Hearings under this
25 subsection shall be held in Springfield or Chicago, at
26 whichever location is the more convenient for the majority

1 of persons who are parties to the hearing.

2 (7) The commission shall establish uniform systems of
3 accounts to be kept by all retail licensees having more
4 than 4 employees, and for this purpose the commission may
5 classify all retail licensees having more than 4 employees
6 and establish a uniform system of accounts for each class
7 and prescribe the manner in which such accounts shall be
8 kept. The commission may also prescribe the forms of
9 accounts to be kept by all retail licensees having more
10 than 4 employees, including but not limited to accounts of
11 earnings and expenses and any distribution, payment, or
12 other distribution of earnings or assets, and any other
13 forms, records and memoranda which in the judgment of the
14 commission may be necessary or appropriate to carry out any
15 of the provisions of this Act, including but not limited to
16 such forms, records and memoranda as will readily and
17 accurately disclose at all times the beneficial ownership
18 of such retail licensed business. The accounts, forms,
19 records and memoranda shall be available at all reasonable
20 times for inspection by authorized representatives of the
21 State commission or by any local liquor control
22 commissioner or his or her authorized representative. The
23 commission, may, from time to time, alter, amend or repeal,
24 in whole or in part, any uniform system of accounts, or the
25 form and manner of keeping accounts.

26 (8) In the conduct of any hearing authorized to be held

1 by the commission, to appoint, at the commission's
2 discretion, hearing officers to conduct hearings involving
3 complex issues or issues that will require a protracted
4 period of time to resolve, to examine, or cause to be
5 examined, under oath, any licensee, and to examine or cause
6 to be examined the books and records of such licensee; to
7 hear testimony and take proof material for its information
8 in the discharge of its duties hereunder; to administer or
9 cause to be administered oaths; for any such purpose to
10 issue subpoena or subpoenas to require the attendance of
11 witnesses and the production of books, which shall be
12 effective in any part of this State, and to adopt rules to
13 implement its powers under this paragraph (8).

14 Any Circuit Court may by order duly entered, require
15 the attendance of witnesses and the production of relevant
16 books subpoenaed by the State commission and the court may
17 compel obedience to its order by proceedings for contempt.

18 (9) To investigate the administration of laws in
19 relation to alcoholic liquors in this and other states and
20 any foreign countries, and to recommend from time to time
21 to the Governor and through him or her to the legislature
22 of this State, such amendments to this Act, if any, as it
23 may think desirable and as will serve to further the
24 general broad purposes contained in Section 1-2 hereof.

25 (10) To adopt such rules and regulations consistent
26 with the provisions of this Act which shall be necessary

1 for the control, sale or disposition of alcoholic liquor
2 damaged as a result of an accident, wreck, flood, fire or
3 other similar occurrence.

4 (11) To develop industry educational programs related
5 to responsible serving and selling, particularly in the
6 areas of overserving consumers and illegal underage
7 purchasing and consumption of alcoholic beverages.

8 (11.1) To license persons providing education and
9 training to alcohol beverage sellers and servers for
10 mandatory and non-mandatory training under the Beverage
11 Alcohol Sellers and Servers Education and Training
12 (BASSET) programs and to develop and administer a public
13 awareness program in Illinois to reduce or eliminate the
14 illegal purchase and consumption of alcoholic beverage
15 products by persons under the age of 21. Application for a
16 license shall be made on forms provided by the State
17 Commission.

18 (12) To develop and maintain a repository of license
19 and regulatory information.

20 (13) (Blank). ~~On or before January 15, 1994, the~~
21 ~~Commission shall issue a written report to the Governor and~~
22 ~~General Assembly that is to be based on a comprehensive~~
23 ~~study of the impact on and implications for the State of~~
24 ~~Illinois of Section 1926 of the Federal ADAMHA~~
25 ~~Reorganization Act of 1992 (Public Law 102-321). This study~~
26 ~~shall address the extent to which Illinois currently~~

1 ~~complies with the provisions of P.L. 102-321 and the rules~~
2 ~~promulgated pursuant thereto.~~

3 ~~As part of its report, the Commission shall provide the~~
4 ~~following essential information:~~

5 ~~(i) the number of retail distributors of tobacco~~
6 ~~products, by type and geographic area, in the State;~~

7 ~~(ii) the number of reported citations and~~
8 ~~successful convictions, categorized by type and~~
9 ~~location of retail distributor, for violation of the~~
10 ~~Prevention of Tobacco Use by Minors and Sale and~~
11 ~~Distribution of Tobacco Products Act and the Smokeless~~
12 ~~Tobacco Limitation Act;~~

13 ~~(iii) the extent and nature of organized~~
14 ~~educational and governmental activities that are~~
15 ~~intended to promote, encourage or otherwise secure~~
16 ~~compliance with any Illinois laws that prohibit the~~
17 ~~sale or distribution of tobacco products to minors; and~~

18 ~~(iv) the level of access and availability of~~
19 ~~tobacco products to individuals under the age of 18.~~

20 ~~To obtain the data necessary to comply with the~~
21 ~~provisions of P.L. 102-321 and the requirements of this~~
22 ~~report, the Commission shall conduct random, unannounced~~
23 ~~inspections of a geographically and scientifically~~
24 ~~representative sample of the State's retail tobacco~~
25 ~~distributors.~~

26 ~~The Commission shall consult with the Department of~~

1 ~~Public Health, the Department of Human Services, the~~
2 ~~Illinois State Police and any other executive branch~~
3 ~~agency, and private organizations that may have~~
4 ~~information relevant to this report.~~

5 ~~The Commission may contract with the Food and Drug~~
6 ~~Administration of the U.S. Department of Health and Human~~
7 ~~Services to conduct unannounced investigations of Illinois~~
8 ~~tobacco vendors to determine compliance with federal laws~~
9 ~~relating to the illegal sale of cigarettes and smokeless~~
10 ~~tobacco products to persons under the age of 18.~~

11 (14) On or before April 30, 2008 and every 2 years
12 thereafter, the Commission shall present a written report
13 to the Governor and the General Assembly that shall be
14 based on a study of the impact of this amendatory Act of
15 the 95th General Assembly on the business of soliciting,
16 selling, and shipping wine from inside and outside of this
17 State directly to residents of this State. As part of its
18 report, the Commission shall provide all of the following
19 information:

20 (A) The amount of State excise and sales tax
21 revenues generated.

22 (B) The amount of licensing fees received.

23 (C) The number of cases of wine shipped from inside
24 and outside of this State directly to residents of this
25 State.

26 (D) The number of alcohol compliance operations

1 conducted.

2 (E) The number of winery shipper's licenses
3 issued.

4 (F) The number of each of the following: reported
5 violations; cease and desist notices issued by the
6 Commission; notices of violations issued by the
7 Commission and to the Department of Revenue; and
8 notices and complaints of violations to law
9 enforcement officials, including, without limitation,
10 the Illinois Attorney General and the U.S. Department
11 of Treasury's Alcohol and Tobacco Tax and Trade Bureau.

12 (15) As a means to reduce the underage consumption of
13 alcoholic liquors, the Commission shall conduct alcohol
14 compliance operations to investigate whether businesses
15 that are soliciting, selling, and shipping wine from inside
16 or outside of this State directly to residents of this
17 State are licensed by this State or are selling or
18 attempting to sell wine to persons under 21 years of age in
19 violation of this Act.

20 (16) The Commission shall, in addition to notifying any
21 appropriate law enforcement agency, submit notices of
22 complaints or violations of Sections 6-29 and 6-29.1 by
23 persons who do not hold a winery shipper's license under
24 this amendatory Act to the Illinois Attorney General and to
25 the U.S. Department of Treasury's Alcohol and Tobacco Tax
26 and Trade Bureau.

1 (17) (A) A person licensed to make wine under the laws
2 of another state who has a winery shipper's license under
3 this amendatory Act and annually produces less than 25,000
4 gallons of wine or a person who has a first-class or
5 second-class wine manufacturer's license, a first-class or
6 second-class wine-maker's license, or a limited wine
7 manufacturer's license under this Act and annually
8 produces less than 25,000 gallons of wine may make
9 application to the Commission for a self-distribution
10 exemption to allow the sale of not more than 5,000 gallons
11 of the exemption holder's wine to retail licensees per
12 year.

13 (B) In the application, which shall be sworn under
14 penalty of perjury, such person shall state (1) the
15 date it was established; (2) its volume of production
16 and sales for each year since its establishment; (3)
17 its efforts to establish distributor relationships;
18 (4) that a self-distribution exemption is necessary to
19 facilitate the marketing of its wine; and (5) that it
20 will comply with the liquor and revenue laws of the
21 United States, this State, and any other state where it
22 is licensed.

23 (C) The Commission shall approve the application
24 for a self-distribution exemption if such person: (1)
25 is in compliance with State revenue and liquor laws;
26 (2) is not a member of any affiliated group that

1 produces more than 25,000 gallons of wine per annum or
2 produces any other alcoholic liquor; (3) will not
3 annually produce for sale more than 25,000 gallons of
4 wine; and (4) will not annually sell more than 5,000
5 gallons of its wine to retail licensees.

6 (D) A self-distribution exemption holder shall
7 annually certify to the Commission its production of
8 wine in the previous 12 months and its anticipated
9 production and sales for the next 12 months. The
10 Commission may fine, suspend, or revoke a
11 self-distribution exemption after a hearing if it
12 finds that the exemption holder has made a material
13 misrepresentation in its application, violated a
14 revenue or liquor law of Illinois, exceeded production
15 of 25,000 gallons of wine in any calendar year, or
16 become part of an affiliated group producing more than
17 25,000 gallons of wine or any other alcoholic liquor.

18 (E) Except in hearings for violations of this Act
19 or amendatory Act or a bona fide investigation by duly
20 sworn law enforcement officials, the Commission, or
21 its agents, the Commission shall maintain the
22 production and sales information of a
23 self-distribution exemption holder as confidential and
24 shall not release such information to any person.

25 (F) The Commission shall issue regulations
26 governing self-distribution exemptions consistent with

1 this Section and this Act.

2 (G) Nothing in this subsection (17) shall prohibit
3 a self-distribution exemption holder from entering
4 into or simultaneously having a distribution agreement
5 with a licensed Illinois distributor.

6 (H) It is the intent of this subsection (17) to
7 promote and continue orderly markets. The General
8 Assembly finds that in order to preserve Illinois'
9 regulatory distribution system it is necessary to
10 create an exception for smaller makers of wine as their
11 wines are frequently adjusted in varietals, mixes,
12 vintages, and taste to find and create market niches
13 sometimes too small for distributor or importing
14 distributor business strategies. Limited
15 self-distribution rights will afford and allow smaller
16 makers of wine access to the marketplace in order to
17 develop a customer base without impairing the
18 integrity of the 3-tier system.

19 (18) (A) A class 1 brewer licensee, who must also be
20 either a licensed brewer or licensed non-resident dealer
21 and annually manufacture less than 930,000 gallons of beer,
22 may make application to the State Commission for a
23 self-distribution exemption to allow the sale of not more
24 than 232,500 gallons of the exemption holder's beer to
25 retail licensees per year.

26 (B) In the application, which shall be sworn under

1 penalty of perjury, the class 1 brewer licensee shall
2 state (1) the date it was established; (2) its volume
3 of beer manufactured and sold for each year since its
4 establishment; (3) its efforts to establish
5 distributor relationships; (4) that a
6 self-distribution exemption is necessary to facilitate
7 the marketing of its beer; and (5) that it will comply
8 with the alcoholic beverage and revenue laws of the
9 United States, this State, and any other state where it
10 is licensed.

11 (C) Any application submitted shall be posted on
12 the State Commission's website at least 45 days prior
13 to action by the State Commission. The State Commission
14 shall approve the application for a self-distribution
15 exemption if the class 1 brewer licensee: (1) is in
16 compliance with the State, revenue, and alcoholic
17 beverage laws; (2) is not a member of any affiliated
18 group that manufactures more than 930,000 gallons of
19 beer per annum or produces any other alcoholic
20 beverages; (3) shall not annually manufacture for sale
21 more than 930,000 gallons of beer; (4) shall not
22 annually sell more than 232,500 gallons of its beer to
23 retail licensees; and (5) has relinquished any brew pub
24 license held by the licensee, including any ownership
25 interest it held in the licensed brew pub.

26 (D) A self-distribution exemption holder shall

1 annually certify to the State Commission its
2 manufacture of beer during the previous 12 months and
3 its anticipated manufacture and sales of beer for the
4 next 12 months. The State Commission may fine, suspend,
5 or revoke a self-distribution exemption after a
6 hearing if it finds that the exemption holder has made
7 a material misrepresentation in its application,
8 violated a revenue or alcoholic beverage law of
9 Illinois, exceeded the manufacture of 930,000 gallons
10 of beer in any calendar year or became part of an
11 affiliated group manufacturing more than 930,000
12 gallons of beer or any other alcoholic beverage.

13 (E) The State Commission shall issue rules and
14 regulations governing self-distribution exemptions
15 consistent with this Act.

16 (F) Nothing in this paragraph (18) shall prohibit a
17 self-distribution exemption holder from entering into
18 or simultaneously having a distribution agreement with
19 a licensed Illinois importing distributor or a
20 distributor. If a self-distribution exemption holder
21 enters into a distribution agreement and has assigned
22 distribution rights to an importing distributor or
23 distributor, then the self-distribution exemption
24 holder's distribution rights in the assigned
25 territories shall cease in a reasonable time not to
26 exceed 60 days.

1 (G) It is the intent of this paragraph (18) to
2 promote and continue orderly markets. The General
3 Assembly finds that in order to preserve Illinois'
4 regulatory distribution system, it is necessary to
5 create an exception for smaller manufacturers in order
6 to afford and allow such smaller manufacturers of beer
7 access to the marketplace in order to develop a
8 customer base without impairing the integrity of the
9 3-tier system.

10 (b) On or before April 30, 1999, the Commission shall
11 present a written report to the Governor and the General
12 Assembly that shall be based on a study of the impact of this
13 amendatory Act of 1998 on the business of soliciting, selling,
14 and shipping alcoholic liquor from outside of this State
15 directly to residents of this State.

16 As part of its report, the Commission shall provide the
17 following information:

18 (i) the amount of State excise and sales tax revenues
19 generated as a result of this amendatory Act of 1998;

20 (ii) the amount of licensing fees received as a result
21 of this amendatory Act of 1998;

22 (iii) the number of reported violations, the number of
23 cease and desist notices issued by the Commission, the
24 number of notices of violations issued to the Department of
25 Revenue, and the number of notices and complaints of
26 violations to law enforcement officials.

1 (Source: P.A. 98-401, eff. 8-16-13; 98-939, eff. 7-1-15;
2 98-941, eff. 1-1-15; 99-78, eff. 7-20-15; 99-448, eff.
3 8-24-15.)

4 (235 ILCS 5/6-16.1)

5 Sec. 6-16.1. Enforcement actions.

6 (a) A licensee or an officer, associate, member,
7 representative, agent, or employee of a licensee may sell,
8 give, or deliver alcoholic liquor to a person under the age of
9 21 years or authorize the sale, gift, or delivery of alcoholic
10 liquor to a person under the age of 21 years pursuant to a plan
11 or action to investigate, patrol, or otherwise conduct a "sting
12 operation" or enforcement action against a person employed by
13 the licensee or on any licensed premises if the licensee or
14 officer, associate, member, representative, agent, or employee
15 of the licensee provides written notice, at least 14 days
16 before the "sting operation" or enforcement action, unless
17 governing body of the municipality or county having
18 jurisdiction sets a shorter period by ordinance, to the law
19 enforcement agency having jurisdiction, the local liquor
20 control commissioner, or both. Notice provided under this
21 Section shall be valid for a "sting operation" or enforcement
22 action conducted within 60 days of the provision of that
23 notice, unless the governing body of the municipality or county
24 having jurisdiction sets a shorter period by ordinance.

25 (b) A local liquor control commission or unit of local

1 government that conducts alcohol and tobacco compliance
2 operations shall establish a policy and standards for alcohol
3 and tobacco compliance operations to investigate whether a
4 licensee is furnishing (1) alcoholic liquor to persons under 21
5 years of age in violation of this Act or (2) tobacco to persons
6 in violation of the Prevention of Tobacco Use by Persons under
7 21 Years of Age ~~Minors~~ and Sale and Distribution of Tobacco
8 Products Act.

9 (c) The Illinois Law Enforcement Training Standards Board
10 shall develop a model policy and guidelines for the operation
11 of alcohol and tobacco compliance checks by local law
12 enforcement officers. The Illinois Law Enforcement Training
13 Standards Board shall also require the supervising officers of
14 such compliance checks to have met a minimum training standard
15 as determined by the Board. The Board shall have the right to
16 waive any training based on current written policies and
17 procedures for alcohol and tobacco compliance check operations
18 and in-service training already administered by the local law
19 enforcement agency, department, or office.

20 (d) The provisions of subsections (b) and (c) do not apply
21 to a home rule unit with more than 2,000,000 inhabitants.

22 (e) A home rule unit, other than a home rule unit with more
23 than 2,000,000 inhabitants, may not regulate enforcement
24 actions in a manner inconsistent with the regulation of
25 enforcement actions under this Section. This subsection (e) is
26 a limitation under subsection (i) of Section 6 of Article VII

1 of the Illinois Constitution on the concurrent exercise by home
2 rule units of powers and functions exercised by the State.

3 (f) A licensee who is the subject of an enforcement action
4 or "sting operation" under this Section and is found, pursuant
5 to the enforcement action, to be in compliance with this Act
6 shall be notified by the enforcement agency action that no
7 violation was found within 30 days after the finding.

8 (Source: P.A. 96-179, eff. 8-10-09; 96-446, eff. 1-1-10;
9 96-1000, eff. 7-2-10.)

10 Section 20. The Juvenile Court Act of 1987 is amended by
11 changing Sections 5-615 and 5-710 as follows:

12 (705 ILCS 405/5-615)

13 Sec. 5-615. Continuance under supervision.

14 (1) The court may enter an order of continuance under
15 supervision for an offense other than first degree murder, a
16 Class X felony or a forcible felony:

17 (a) upon an admission or stipulation by the appropriate
18 respondent or minor respondent of the facts supporting the
19 petition and before the court makes a finding of
20 delinquency, and in the absence of objection made in open
21 court by the minor, his or her parent, guardian, or legal
22 custodian, the minor's attorney or the State's Attorney; or

23 (b) upon a finding of delinquency and after considering
24 the circumstances of the offense and the history,

1 character, and condition of the minor, if the court is of
2 the opinion that:

3 (i) the minor is not likely to commit further
4 crimes;

5 (ii) the minor and the public would be best served
6 if the minor were not to receive a criminal record; and

7 (iii) in the best interests of justice an order of
8 continuance under supervision is more appropriate than
9 a sentence otherwise permitted under this Act.

10 (2) (Blank).

11 (3) Nothing in this Section limits the power of the court
12 to order a continuance of the hearing for the production of
13 additional evidence or for any other proper reason.

14 (4) When a hearing where a minor is alleged to be a
15 delinquent is continued pursuant to this Section, the period of
16 continuance under supervision may not exceed 24 months. The
17 court may terminate a continuance under supervision at any time
18 if warranted by the conduct of the minor and the ends of
19 justice or vacate the finding of delinquency or both.

20 (5) When a hearing where a minor is alleged to be
21 delinquent is continued pursuant to this Section, the court
22 may, as conditions of the continuance under supervision,
23 require the minor to do any of the following:

24 (a) not violate any criminal statute of any
25 jurisdiction;

26 (b) make a report to and appear in person before any

1 person or agency as directed by the court;

2 (c) work or pursue a course of study or vocational
3 training;

4 (d) undergo medical or psychotherapeutic treatment
5 rendered by a therapist licensed under the provisions of
6 the Medical Practice Act of 1987, the Clinical Psychologist
7 Licensing Act, or the Clinical Social Work and Social Work
8 Practice Act, or an entity licensed by the Department of
9 Human Services as a successor to the Department of
10 Alcoholism and Substance Abuse, for the provision of drug
11 addiction and alcoholism treatment;

12 (e) attend or reside in a facility established for the
13 instruction or residence of persons on probation;

14 (f) support his or her dependents, if any;

15 (g) pay costs;

16 (h) refrain from possessing a firearm or other
17 dangerous weapon, or an automobile;

18 (i) permit the probation officer to visit him or her at
19 his or her home or elsewhere;

20 (j) reside with his or her parents or in a foster home;

21 (k) attend school;

22 (k-5) with the consent of the superintendent of the
23 facility, attend an educational program at a facility other
24 than the school in which the offense was committed if he or
25 she committed a crime of violence as defined in Section 2
26 of the Crime Victims Compensation Act in a school, on the

1 real property comprising a school, or within 1,000 feet of
2 the real property comprising a school;

3 (l) attend a non-residential program for youth;

4 (m) contribute to his or her own support at home or in
5 a foster home;

6 (n) perform some reasonable public or community
7 service;

8 (o) make restitution to the victim, in the same manner
9 and under the same conditions as provided in subsection (4)
10 of Section 5-710, except that the "sentencing hearing"
11 referred to in that Section shall be the adjudicatory
12 hearing for purposes of this Section;

13 (p) comply with curfew requirements as designated by
14 the court;

15 (q) refrain from entering into a designated geographic
16 area except upon terms as the court finds appropriate. The
17 terms may include consideration of the purpose of the
18 entry, the time of day, other persons accompanying the
19 minor, and advance approval by a probation officer;

20 (r) refrain from having any contact, directly or
21 indirectly, with certain specified persons or particular
22 types of persons, including but not limited to members of
23 street gangs and drug users or dealers;

24 (r-5) undergo a medical or other procedure to have a
25 tattoo symbolizing allegiance to a street gang removed from
26 his or her body;

1 (s) refrain from having in his or her body the presence
2 of any illicit drug prohibited by the Cannabis Control Act,
3 the Illinois Controlled Substances Act, or the
4 Methamphetamine Control and Community Protection Act,
5 unless prescribed by a physician, and submit samples of his
6 or her blood or urine or both for tests to determine the
7 presence of any illicit drug; or

8 (t) comply with any other conditions as may be ordered
9 by the court.

10 (6) A minor whose case is continued under supervision under
11 subsection (5) shall be given a certificate setting forth the
12 conditions imposed by the court. Those conditions may be
13 reduced, enlarged, or modified by the court on motion of the
14 probation officer or on its own motion, or that of the State's
15 Attorney, or, at the request of the minor after notice and
16 hearing.

17 (7) If a petition is filed charging a violation of a
18 condition of the continuance under supervision, the court shall
19 conduct a hearing. If the court finds that a condition of
20 supervision has not been fulfilled, the court may proceed to
21 findings, adjudication, and disposition or adjudication and
22 disposition. The filing of a petition for violation of a
23 condition of the continuance under supervision shall toll the
24 period of continuance under supervision until the final
25 determination of the charge, and the term of the continuance
26 under supervision shall not run until the hearing and

1 disposition of the petition for violation; provided where the
2 petition alleges conduct that does not constitute a criminal
3 offense, the hearing must be held within 30 days of the filing
4 of the petition unless a delay shall continue the tolling of
5 the period of continuance under supervision for the period of
6 the delay.

7 (8) When a hearing in which a minor is alleged to be a
8 delinquent for reasons that include a violation of Section
9 21-1.3 of the Criminal Code of 1961 or the Criminal Code of
10 2012 is continued under this Section, the court shall, as a
11 condition of the continuance under supervision, require the
12 minor to perform community service for not less than 30 and not
13 more than 120 hours, if community service is available in the
14 jurisdiction. The community service shall include, but need not
15 be limited to, the cleanup and repair of the damage that was
16 caused by the alleged violation or similar damage to property
17 located in the municipality or county in which the alleged
18 violation occurred. The condition may be in addition to any
19 other condition.

20 (8.5) When a hearing in which a minor is alleged to be a
21 delinquent for reasons that include a violation of Section 3.02
22 or Section 3.03 of the Humane Care for Animals Act or paragraph
23 (d) of subsection (1) of Section 21-1 of the Criminal Code of
24 1961 or paragraph (4) of subsection (a) of Section 21-1 or the
25 Criminal Code of 2012 is continued under this Section, the
26 court shall, as a condition of the continuance under

1 supervision, require the minor to undergo medical or
2 psychiatric treatment rendered by a psychiatrist or
3 psychological treatment rendered by a clinical psychologist.
4 The condition may be in addition to any other condition.

5 (9) When a hearing in which a minor is alleged to be a
6 delinquent is continued under this Section, the court, before
7 continuing the case, shall make a finding whether the offense
8 alleged to have been committed either: (i) was related to or in
9 furtherance of the activities of an organized gang or was
10 motivated by the minor's membership in or allegiance to an
11 organized gang, or (ii) is a violation of paragraph (13) of
12 subsection (a) of Section 12-2 or paragraph (2) of subsection
13 (c) of Section 12-2 of the Criminal Code of 1961 or the
14 Criminal Code of 2012, a violation of any Section of Article 24
15 of the Criminal Code of 1961 or the Criminal Code of 2012, or a
16 violation of any statute that involved the unlawful use of a
17 firearm. If the court determines the question in the
18 affirmative the court shall, as a condition of the continuance
19 under supervision and as part of or in addition to any other
20 condition of the supervision, require the minor to perform
21 community service for not less than 30 hours, provided that
22 community service is available in the jurisdiction and is
23 funded and approved by the county board of the county where the
24 offense was committed. The community service shall include, but
25 need not be limited to, the cleanup and repair of any damage
26 caused by an alleged violation of Section 21-1.3 of the

1 Criminal Code of 1961 or the Criminal Code of 2012 and similar
2 damage to property located in the municipality or county in
3 which the alleged violation occurred. When possible and
4 reasonable, the community service shall be performed in the
5 minor's neighborhood. For the purposes of this Section,
6 "organized gang" has the meaning ascribed to it in Section 10
7 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

8 (10) The court shall impose upon a minor placed on
9 supervision, as a condition of the supervision, a fee of \$50
10 for each month of supervision ordered by the court, unless
11 after determining the inability of the minor placed on
12 supervision to pay the fee, the court assesses a lesser amount.
13 The court may not impose the fee on a minor who is made a ward
14 of the State under this Act while the minor is in placement.
15 The fee shall be imposed only upon a minor who is actively
16 supervised by the probation and court services department. A
17 court may order the parent, guardian, or legal custodian of the
18 minor to pay some or all of the fee on the minor's behalf.

19 (11) (Blank). ~~If a minor is placed on supervision for a~~
20 ~~violation of subsection (a-7) of Section 1 of the Prevention of~~
21 ~~Tobacco Use by Minors Act, the court may, in its discretion,~~
22 ~~and upon recommendation by the State's Attorney, order that~~
23 ~~minor and his or her parents or legal guardian to attend a~~
24 ~~smoker's education or youth diversion program as defined in~~
25 ~~that Act if that program is available in the jurisdiction where~~
26 ~~the offender resides. Attendance at a smoker's education or~~

1 ~~youth diversion program shall be time credited against any~~
2 ~~community service time imposed for any first violation of~~
3 ~~subsection (a 7) of Section 1 of that Act. In addition to any~~
4 ~~other penalty that the court may impose for a violation of~~
5 ~~subsection (a 7) of Section 1 of that Act, the court, upon~~
6 ~~request by the State's Attorney, may in its discretion require~~
7 ~~the offender to remit a fee for his or her attendance at a~~
8 ~~smoker's education or youth diversion program.~~

9 ~~For purposes of this Section, "smoker's education program"~~
10 ~~or "youth diversion program" includes, but is not limited to, a~~
11 ~~seminar designed to educate a person on the physical and~~
12 ~~psychological effects of smoking tobacco products and the~~
13 ~~health consequences of smoking tobacco products that can be~~
14 ~~conducted with a locality's youth diversion program.~~

15 ~~In addition to any other penalty that the court may impose~~
16 ~~under this subsection (11):~~

17 ~~(a) If a minor violates subsection (a 7) of Section 1~~
18 ~~of the Prevention of Tobacco Use by Minors Act, the court~~
19 ~~may impose a sentence of 15 hours of community service or a~~
20 ~~fine of \$25 for a first violation.~~

21 ~~(b) A second violation by a minor of subsection (a 7)~~
22 ~~of Section 1 of that Act that occurs within 12 months after~~
23 ~~the first violation is punishable by a fine of \$50 and 25~~
24 ~~hours of community service.~~

25 ~~(c) A third or subsequent violation by a minor of~~
26 ~~subsection (a 7) of Section 1 of that Act that occurs~~

1 ~~within 12 months after the first violation is punishable by~~
2 ~~a \$100 fine and 30 hours of community service.~~

3 ~~(d) Any second or subsequent violation not within the~~
4 ~~12-month time period after the first violation is~~
5 ~~punishable as provided for a first violation.~~

6 (Source: P.A. 97-1150, eff. 1-25-13; 98-62, eff. 1-1-14.)

7 (705 ILCS 405/5-710)

8 Sec. 5-710. Kinds of sentencing orders.

9 (1) The following kinds of sentencing orders may be made in
10 respect of wards of the court:

11 (a) Except as provided in Sections 5-805, 5-810, 5-815,
12 a minor who is found guilty under Section 5-620 may be:

13 (i) put on probation or conditional discharge and
14 released to his or her parents, guardian or legal
15 custodian, provided, however, that any such minor who
16 is not committed to the Department of Juvenile Justice
17 under this subsection and who is found to be a
18 delinquent for an offense which is first degree murder,
19 a Class X felony, or a forcible felony shall be placed
20 on probation;

21 (ii) placed in accordance with Section 5-740, with
22 or without also being put on probation or conditional
23 discharge;

24 (iii) required to undergo a substance abuse
25 assessment conducted by a licensed provider and

1 participate in the indicated clinical level of care;

2 (iv) on and after the effective date of this
3 amendatory Act of the 98th General Assembly and before
4 January 1, 2017, placed in the guardianship of the
5 Department of Children and Family Services, but only if
6 the delinquent minor is under 16 years of age or,
7 pursuant to Article II of this Act, a minor for whom an
8 independent basis of abuse, neglect, or dependency
9 exists. On and after January 1, 2017, placed in the
10 guardianship of the Department of Children and Family
11 Services, but only if the delinquent minor is under 15
12 years of age or, pursuant to Article II of this Act, a
13 minor for whom an independent basis of abuse, neglect,
14 or dependency exists. An independent basis exists when
15 the allegations or adjudication of abuse, neglect, or
16 dependency do not arise from the same facts, incident,
17 or circumstances which give rise to a charge or
18 adjudication of delinquency;

19 (v) placed in detention for a period not to exceed
20 30 days, either as the exclusive order of disposition
21 or, where appropriate, in conjunction with any other
22 order of disposition issued under this paragraph,
23 provided that any such detention shall be in a juvenile
24 detention home and the minor so detained shall be 10
25 years of age or older. However, the 30-day limitation
26 may be extended by further order of the court for a

1 minor under age 15 committed to the Department of
2 Children and Family Services if the court finds that
3 the minor is a danger to himself or others. The minor
4 shall be given credit on the sentencing order of
5 detention for time spent in detention under Sections
6 5-501, 5-601, 5-710, or 5-720 of this Article as a
7 result of the offense for which the sentencing order
8 was imposed. The court may grant credit on a sentencing
9 order of detention entered under a violation of
10 probation or violation of conditional discharge under
11 Section 5-720 of this Article for time spent in
12 detention before the filing of the petition alleging
13 the violation. A minor shall not be deprived of credit
14 for time spent in detention before the filing of a
15 violation of probation or conditional discharge
16 alleging the same or related act or acts. The
17 limitation that the minor shall only be placed in a
18 juvenile detention home does not apply as follows:

19 Persons 18 years of age and older who have a
20 petition of delinquency filed against them may be
21 confined in an adult detention facility. In making a
22 determination whether to confine a person 18 years of
23 age or older who has a petition of delinquency filed
24 against the person, these factors, among other
25 matters, shall be considered:

26 (A) the age of the person;

1 (B) any previous delinquent or criminal
2 history of the person;

3 (C) any previous abuse or neglect history of
4 the person;

5 (D) any mental health history of the person;
6 and

7 (E) any educational history of the person;

8 (vi) ordered partially or completely emancipated
9 in accordance with the provisions of the Emancipation
10 of Minors Act;

11 (vii) subject to having his or her driver's license
12 or driving privileges suspended for such time as
13 determined by the court but only until he or she
14 attains 18 years of age;

15 (viii) put on probation or conditional discharge
16 and placed in detention under Section 3-6039 of the
17 Counties Code for a period not to exceed the period of
18 incarceration permitted by law for adults found guilty
19 of the same offense or offenses for which the minor was
20 adjudicated delinquent, and in any event no longer than
21 upon attainment of age 21; this subdivision (viii)
22 notwithstanding any contrary provision of the law;

23 (ix) ordered to undergo a medical or other
24 procedure to have a tattoo symbolizing allegiance to a
25 street gang removed from his or her body; or

26 (x) placed in electronic home detention under Part

1 7A of this Article.

2 (b) A minor found to be guilty may be committed to the
3 Department of Juvenile Justice under Section 5-750 if the
4 minor is at least 13 years and under 20 years of age,
5 provided that the commitment to the Department of Juvenile
6 Justice shall be made only if a term of imprisonment in the
7 penitentiary system of the Department of Corrections is
8 permitted by law for adults found guilty of the offense for
9 which the minor was adjudicated delinquent. The court shall
10 include in the sentencing order any pre-custody credits the
11 minor is entitled to under Section 5-4.5-100 of the Unified
12 Code of Corrections. The time during which a minor is in
13 custody before being released upon the request of a parent,
14 guardian or legal custodian shall also be considered as
15 time spent in custody.

16 (c) When a minor is found to be guilty for an offense
17 which is a violation of the Illinois Controlled Substances
18 Act, the Cannabis Control Act, or the Methamphetamine
19 Control and Community Protection Act and made a ward of the
20 court, the court may enter a disposition order requiring
21 the minor to undergo assessment, counseling or treatment in
22 a substance abuse program approved by the Department of
23 Human Services.

24 (2) Any sentencing order other than commitment to the
25 Department of Juvenile Justice may provide for protective
26 supervision under Section 5-725 and may include an order of

1 protection under Section 5-730.

2 (3) Unless the sentencing order expressly so provides, it
3 does not operate to close proceedings on the pending petition,
4 but is subject to modification until final closing and
5 discharge of the proceedings under Section 5-750.

6 (4) In addition to any other sentence, the court may order
7 any minor found to be delinquent to make restitution, in
8 monetary or non-monetary form, under the terms and conditions
9 of Section 5-5-6 of the Unified Code of Corrections, except
10 that the "presentencing hearing" referred to in that Section
11 shall be the sentencing hearing for purposes of this Section.
12 The parent, guardian or legal custodian of the minor may be
13 ordered by the court to pay some or all of the restitution on
14 the minor's behalf, pursuant to the Parental Responsibility
15 Law. The State's Attorney is authorized to act on behalf of any
16 victim in seeking restitution in proceedings under this
17 Section, up to the maximum amount allowed in Section 5 of the
18 Parental Responsibility Law.

19 (5) Any sentencing order where the minor is committed or
20 placed in accordance with Section 5-740 shall provide for the
21 parents or guardian of the estate of the minor to pay to the
22 legal custodian or guardian of the person of the minor such
23 sums as are determined by the custodian or guardian of the
24 person of the minor as necessary for the minor's needs. The
25 payments may not exceed the maximum amounts provided for by
26 Section 9.1 of the Children and Family Services Act.

1 (6) Whenever the sentencing order requires the minor to
2 attend school or participate in a program of training, the
3 truant officer or designated school official shall regularly
4 report to the court if the minor is a chronic or habitual
5 truant under Section 26-2a of the School Code. Notwithstanding
6 any other provision of this Act, in instances in which
7 educational services are to be provided to a minor in a
8 residential facility where the minor has been placed by the
9 court, costs incurred in the provision of those educational
10 services must be allocated based on the requirements of the
11 School Code.

12 (7) In no event shall a guilty minor be committed to the
13 Department of Juvenile Justice for a period of time in excess
14 of that period for which an adult could be committed for the
15 same act. The court shall include in the sentencing order a
16 limitation on the period of confinement not to exceed the
17 maximum period of imprisonment the court could impose under
18 Article V of the Unified Code of Corrections.

19 (7.5) In no event shall a guilty minor be committed to the
20 Department of Juvenile Justice or placed in detention when the
21 act for which the minor was adjudicated delinquent would not be
22 illegal if committed by an adult.

23 (8) A minor found to be guilty for reasons that include a
24 violation of Section 21-1.3 of the Criminal Code of 1961 or the
25 Criminal Code of 2012 shall be ordered to perform community
26 service for not less than 30 and not more than 120 hours, if

1 community service is available in the jurisdiction. The
2 community service shall include, but need not be limited to,
3 the cleanup and repair of the damage that was caused by the
4 violation or similar damage to property located in the
5 municipality or county in which the violation occurred. The
6 order may be in addition to any other order authorized by this
7 Section.

8 (8.5) A minor found to be guilty for reasons that include a
9 violation of Section 3.02 or Section 3.03 of the Humane Care
10 for Animals Act or paragraph (d) of subsection (1) of Section
11 21-1 of the Criminal Code of 1961 or paragraph (4) of
12 subsection (a) of Section 21-1 of the Criminal Code of 2012
13 shall be ordered to undergo medical or psychiatric treatment
14 rendered by a psychiatrist or psychological treatment rendered
15 by a clinical psychologist. The order may be in addition to any
16 other order authorized by this Section.

17 (9) In addition to any other sentencing order, the court
18 shall order any minor found to be guilty for an act which would
19 constitute, predatory criminal sexual assault of a child,
20 aggravated criminal sexual assault, criminal sexual assault,
21 aggravated criminal sexual abuse, or criminal sexual abuse if
22 committed by an adult to undergo medical testing to determine
23 whether the defendant has any sexually transmissible disease
24 including a test for infection with human immunodeficiency
25 virus (HIV) or any other identified causative agency of
26 acquired immunodeficiency syndrome (AIDS). Any medical test

1 shall be performed only by appropriately licensed medical
2 practitioners and may include an analysis of any bodily fluids
3 as well as an examination of the minor's person. Except as
4 otherwise provided by law, the results of the test shall be
5 kept strictly confidential by all medical personnel involved in
6 the testing and must be personally delivered in a sealed
7 envelope to the judge of the court in which the sentencing
8 order was entered for the judge's inspection in camera. Acting
9 in accordance with the best interests of the victim and the
10 public, the judge shall have the discretion to determine to
11 whom the results of the testing may be revealed. The court
12 shall notify the minor of the results of the test for infection
13 with the human immunodeficiency virus (HIV). The court shall
14 also notify the victim if requested by the victim, and if the
15 victim is under the age of 15 and if requested by the victim's
16 parents or legal guardian, the court shall notify the victim's
17 parents or the legal guardian, of the results of the test for
18 infection with the human immunodeficiency virus (HIV). The
19 court shall provide information on the availability of HIV
20 testing and counseling at the Department of Public Health
21 facilities to all parties to whom the results of the testing
22 are revealed. The court shall order that the cost of any test
23 shall be paid by the county and may be taxed as costs against
24 the minor.

25 (10) When a court finds a minor to be guilty the court
26 shall, before entering a sentencing order under this Section,

1 make a finding whether the offense committed either: (a) was
2 related to or in furtherance of the criminal activities of an
3 organized gang or was motivated by the minor's membership in or
4 allegiance to an organized gang, or (b) involved a violation of
5 subsection (a) of Section 12-7.1 of the Criminal Code of 1961
6 or the Criminal Code of 2012, a violation of any Section of
7 Article 24 of the Criminal Code of 1961 or the Criminal Code of
8 2012, or a violation of any statute that involved the wrongful
9 use of a firearm. If the court determines the question in the
10 affirmative, and the court does not commit the minor to the
11 Department of Juvenile Justice, the court shall order the minor
12 to perform community service for not less than 30 hours nor
13 more than 120 hours, provided that community service is
14 available in the jurisdiction and is funded and approved by the
15 county board of the county where the offense was committed. The
16 community service shall include, but need not be limited to,
17 the cleanup and repair of any damage caused by a violation of
18 Section 21-1.3 of the Criminal Code of 1961 or the Criminal
19 Code of 2012 and similar damage to property located in the
20 municipality or county in which the violation occurred. When
21 possible and reasonable, the community service shall be
22 performed in the minor's neighborhood. This order shall be in
23 addition to any other order authorized by this Section except
24 for an order to place the minor in the custody of the
25 Department of Juvenile Justice. For the purposes of this
26 Section, "organized gang" has the meaning ascribed to it in

1 Section 10 of the Illinois Streetgang Terrorism Omnibus
2 Prevention Act.

3 (11) If the court determines that the offense was committed
4 in furtherance of the criminal activities of an organized gang,
5 as provided in subsection (10), and that the offense involved
6 the operation or use of a motor vehicle or the use of a
7 driver's license or permit, the court shall notify the
8 Secretary of State of that determination and of the period for
9 which the minor shall be denied driving privileges. If, at the
10 time of the determination, the minor does not hold a driver's
11 license or permit, the court shall provide that the minor shall
12 not be issued a driver's license or permit until his or her
13 18th birthday. If the minor holds a driver's license or permit
14 at the time of the determination, the court shall provide that
15 the minor's driver's license or permit shall be revoked until
16 his or her 21st birthday, or until a later date or occurrence
17 determined by the court. If the minor holds a driver's license
18 at the time of the determination, the court may direct the
19 Secretary of State to issue the minor a judicial driving
20 permit, also known as a JDP. The JDP shall be subject to the
21 same terms as a JDP issued under Section 6-206.1 of the
22 Illinois Vehicle Code, except that the court may direct that
23 the JDP be effective immediately.

24 (12) (Blank). ~~If a minor is found to be guilty of a~~
25 ~~violation of subsection (a 7) of Section 1 of the Prevention of~~
26 ~~Tobacco Use by Minors Act, the court may, in its discretion,~~

1 ~~and upon recommendation by the State's Attorney, order that~~
2 ~~minor and his or her parents or legal guardian to attend a~~
3 ~~smoker's education or youth diversion program as defined in~~
4 ~~that Act if that program is available in the jurisdiction where~~
5 ~~the offender resides. Attendance at a smoker's education or~~
6 ~~youth diversion program shall be time credited against any~~
7 ~~community service time imposed for any first violation of~~
8 ~~subsection (a 7) of Section 1 of that Act. In addition to any~~
9 ~~other penalty that the court may impose for a violation of~~
10 ~~subsection (a 7) of Section 1 of that Act, the court, upon~~
11 ~~request by the State's Attorney, may in its discretion require~~
12 ~~the offender to remit a fee for his or her attendance at a~~
13 ~~smoker's education or youth diversion program.~~

14 ~~For purposes of this Section, "smoker's education program"~~
15 ~~or "youth diversion program" includes, but is not limited to, a~~
16 ~~seminar designed to educate a person on the physical and~~
17 ~~psychological effects of smoking tobacco products and the~~
18 ~~health consequences of smoking tobacco products that can be~~
19 ~~conducted with a locality's youth diversion program.~~

20 ~~In addition to any other penalty that the court may impose~~
21 ~~under this subsection (12):~~

22 ~~(a) If a minor violates subsection (a 7) of Section 1~~
23 ~~of the Prevention of Tobacco Use by Minors Act, the court~~
24 ~~may impose a sentence of 15 hours of community service or a~~
25 ~~fine of \$25 for a first violation.~~

26 ~~(b) A second violation by a minor of subsection (a 7)~~

1 ~~of Section 1 of that Act that occurs within 12 months after~~
2 ~~the first violation is punishable by a fine of \$50 and 25~~
3 ~~hours of community service.~~

4 ~~(c) A third or subsequent violation by a minor of~~
5 ~~subsection (a 7) of Section 1 of that Act that occurs~~
6 ~~within 12 months after the first violation is punishable by~~
7 ~~a \$100 fine and 30 hours of community service.~~

8 ~~(d) Any second or subsequent violation not within the~~
9 ~~12-month time period after the first violation is~~
10 ~~punishable as provided for a first violation.~~

11 (Source: P.A. 98-536, eff. 8-23-13; 98-803, eff. 1-1-15;
12 99-268, eff. 1-1-16.)

13 Section 25. The Prevention of Tobacco Use by Minors and
14 Sale and Distribution of Tobacco Products Act is amended by
15 changing the title of the Act and Sections 0.01, 1, and 2 as
16 follows:

17 (720 ILCS 675/Act title)

18 An Act to prohibit persons under 21 years of age ~~minors~~
19 from buying or ~~selling, or possessing~~ tobacco in any of its
20 forms, to prohibit selling, giving or furnishing tobacco, in
21 any of its forms, to persons under 21 years of age ~~minors~~, and
22 to prohibit the distribution of tobacco samples and providing
23 penalties therefor.

1 (720 ILCS 675/0.01) (from Ch. 23, par. 2356.9)

2 Sec. 0.01. Short title. This Act may be cited as the
3 Prevention of Tobacco Use by Persons under 21 Years of Age
4 ~~Minors~~ and Sale and Distribution of Tobacco Products Act.

5 (Source: P.A. 96-179, eff. 8-10-09; 96-446, eff. 1-1-10;
6 96-1000, eff. 7-2-10.)

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

8 Sec. 1. Prohibition on sale ~~to and possession~~ of tobacco
9 products and electronic cigarettes to underage persons by
10 ~~minors~~; prohibition on the distribution of tobacco product
11 samples and electronic cigarette samples to any person; use of
12 identification cards; vending machines; lunch wagons;
13 out-of-package sales.

14 (a) No person ~~minor~~ under 21 ~~18~~ years of age shall buy any
15 tobacco product or electronic cigarette. No person shall sell,
16 buy for, distribute samples of or furnish any tobacco product
17 or any electronic cigarette to any person ~~minor~~ under 21 ~~18~~
18 years of age.

19 (a-5) No person ~~minor~~ under 16 years of age may sell any
20 tobacco product or electronic cigarette at a retail
21 establishment selling tobacco products or electronic
22 cigarettes, or both. This subsection does not apply to a sales
23 clerk in a family-owned business which can prove that the sales
24 clerk is in fact a son or daughter of the owner.

25 (a-5.1) Before selling, offering for sale, giving, or

1 furnishing a tobacco product or electronic cigarette, to
2 another person, the person selling, offering for sale, giving,
3 or furnishing the tobacco product or electronic cigarette shall
4 verify that the person is at least 21 years of age by:

5 (1) examining from any person that appears to be under
6 30 years of age a government-issued photographic
7 identification that establishes the person to be 21 years
8 of age or older; or

9 (2) for sales of electronic cigarettes made through the
10 Internet or other remote sales methods, performing an age
11 verification through an independent, third party age
12 verification service that compares information available
13 from public records to the personal information entered by
14 the person during the ordering process that establishes the
15 person is 21 years of age or older.

16 (a-6) No person ~~minor~~ under 21 ~~18~~ years of age in the
17 furtherance or facilitation of obtaining any tobacco product
18 shall display or use a false or forged identification card or
19 transfer, alter, or deface an identification card.

20 (a-7) (Blank). ~~No minor under 18 years of age shall~~
21 ~~possess any cigar, cigarette, smokeless tobacco, or tobacco in~~
22 ~~any of its forms.~~

23 (a-8) A person shall not distribute without charge samples
24 of any tobacco product or electronic cigarette to any other
25 person, regardless of age:

26 (1) within a retail establishment selling tobacco

1 products, unless the retailer has verified the purchaser's
2 age with a government issued identification;

3 (2) from a lunch wagon; or

4 (3) on a public way as a promotion or advertisement of
5 a tobacco manufacturer, ~~or~~ tobacco product, or electronic
6 cigarette.

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

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

10 "Adult-only facility means a facility or restricted
11 area (whether open-air or enclosed) where the operator
12 ensures or has a reasonable basis to believe (such as by
13 checking identification as required under State law, or by
14 checking the identification of any person appearing to be
15 under the age of 30 ~~27~~) that no person under legal age is
16 present. A facility or restricted area need not be
17 permanently restricted to persons under 21 years of legal
18 age to constitute an adult-only facility, provided that the
19 operator ensures or has a reasonable basis to believe that
20 no person under 21 years of legal age is present during the
21 event or time period in question.

22 "Electronic cigarette" means:

23 (1) any device that employs a battery or other
24 mechanism to heat a solution or substance to produce a
25 vapor or aerosol intended for inhalation;

26 (2) any cartridge or container of a solution or

1 substance intended to be used with or in the device or to
2 refill the device; or

3 (3) any solution or substance, whether or not it
4 contains nicotine intended for use in the device.

5 "Electronic cigarette" includes, but is not limited to, any
6 electronic nicotine delivery system, electronic cigar,
7 electronic cigarillo, electronic pipe, electronic hookah,
8 vape pen, or similar product or device, and any components
9 or parts that can be used to build the product or device.

10 "Electronic cigarette" excludes cigarettes as defined in
11 Section 1 of the Cigarette Tax Act and tobacco products as
12 defined in Section 10-5 of the Tobacco Products Tax Act of
13 1995. "Electronic cigarette" does not include any asthma
14 inhaler or any product that has been approved by the United
15 States Food and Drug Administration for tobacco cessation,
16 nicotine cessation, or other therapeutic product approved
17 for use under the Compassionate Use of Medical Cannabis
18 Pilot Program Act.

19 "Lunch wagon" means a mobile vehicle designed and
20 constructed to transport food and from which food is sold
21 to the general public.

22 ~~"Smokeless tobacco" means any tobacco products that~~
23 ~~are suitable for dipping or chewing.~~

24 "Tobacco product" means any product containing or made
25 from tobacco that is intended for human consumption,
26 whether smoked, heated, chewed, absorbed, dissolved,

1 inhaled, snorted, sniffed, or ingested by any other means,
2 including, but not limited to, cigarettes, cigars, little
3 cigars, chewing tobacco, pipe tobacco, snuff, and snus.
4 "Tobacco product" includes any component, part, or
5 accessory of a tobacco product, whether or not sold
6 separately. "Tobacco product" does not include any product
7 that has been approved by the United States Food and Drug
8 Administration for sale as a tobacco cessation product or
9 for other therapeutic purposes in which the product is
10 marketed and sold solely for the an approved purpose ~~means~~
11 ~~any cigar, cigarette, smokeless tobacco, or tobacco in any~~
12 ~~of its forms.~~

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

19 (1) (Blank).

20 (2) Places to which persons ~~minors~~ under 21 ~~18~~ years of
21 age are not permitted access at any time.

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) (Blank). ~~Places where the vending machine can only~~

1 ~~be 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 21
12 ~~18~~ years of age to purchase a tobacco product ~~or possess a~~
13 ~~cigar, cigarette, smokeless tobacco~~ or electronic cigarette
14 ~~tobacco in any of its forms~~ if the person under the age of 21 ~~18~~
15 purchases or is given the ~~cigar, cigarette, smokeless tobacco~~
16 ~~or~~ tobacco product or electronic cigarette in any of its forms
17 from a retail seller of tobacco products or electronic
18 cigarettes or an employee of the retail seller pursuant to a
19 plan or action to investigate, patrol, or otherwise conduct a
20 "sting operation" or enforcement action against a retail seller
21 of tobacco products or electronic cigarettes or a person
22 employed by the retail seller of tobacco products or electronic
23 cigarettes or on any premises authorized to sell tobacco
24 products or electronic cigarettes to determine if tobacco
25 products or electronic cigarettes are being sold or given to
26 persons under 21 ~~18~~ years of age if the "sting operation" or

1 enforcement action is approved by, conducted by, or conducted
2 on behalf of the Department of State Police, the county
3 sheriff, a municipal police department, the Department of
4 Revenue, the Department of Public Health, or a local health
5 department. The results of any sting operation or enforcement
6 action, including the name of the clerk, shall be provided to
7 the retail seller within 7 business days.

8 (Source: P.A. 98-1055, eff. 1-1-16.)

9 (720 ILCS 675/2) (from Ch. 23, par. 2358)

10 (Text of Section after amendment by P.A. 99-496)

11 Sec. 2. Penalties.

12 (a) Any person who violates subsection (a), ~~or~~ (a-5),
13 (a-5.1), (a-8), (b), or (d) of Section 1 ~~or subsection (b) or~~
14 ~~(c) of Section 1.5~~ of this Act is guilty of a petty offense.
15 For the first offense in a 24-month period, the person shall be
16 fined \$200 if his or her employer has a training program that
17 facilitates compliance with minimum-age tobacco laws. For the
18 second offense in a 24-month period, the person shall be fined
19 \$400 if his or her employer has a training program that
20 facilitates compliance with minimum-age tobacco laws. For the
21 third offense in a 24-month period, the person shall be fined
22 \$600 if his or her employer has a training program that
23 facilitates compliance with minimum-age tobacco laws. For the
24 fourth or subsequent offense in a 24-month period, the person
25 shall be fined \$800 if his or her employer has a training

1 program that facilitates compliance with minimum-age tobacco
2 laws. For the purposes of this subsection, the 24-month period
3 shall begin with the person's first violation of the Act. The
4 penalties in this subsection are in addition to any other
5 penalties prescribed under the Cigarette Tax Act and the
6 Tobacco Products Tax Act of 1995.

7 (a-5) Any retailer who violates subsection (a) or (a-5) of
8 Section 1 ~~or subsection (b) or (c) of Section 1.5~~ of this Act
9 is guilty of a petty offense. For the first offense, the
10 retailer shall be fined \$200 if it does not have a training
11 program that facilitates compliance with minimum-age tobacco
12 laws. For the second offense, the retailer shall be fined \$400
13 if it does not have a training program that facilitates
14 compliance with minimum-age tobacco laws. For the third
15 offense, the retailer shall be fined \$600 if it does not have a
16 training program that facilitates compliance with minimum-age
17 tobacco laws. For the fourth or subsequent offense in a
18 24-month period, the retailer shall be fined \$800 if it does
19 not have a training program that facilitates compliance with
20 minimum-age tobacco laws. For the purposes of this subsection,
21 the 24-month period shall begin with the person's first
22 violation of the Act. The penalties in this subsection are in
23 addition to any other penalties prescribed under the Cigarette
24 Tax Act and the Tobacco Products Tax Act of 1995.

25 (a-6) For the purpose of this Act, a training program that
26 facilitates compliance with minimum-age tobacco laws must

1 include at least the following elements: (i) it must explain
2 that only individuals displaying valid identification
3 demonstrating that they are 21 ~~18~~ years of age or older shall
4 be eligible to purchase cigarettes, ~~or~~ tobacco products, or
5 electronic cigarettes and (ii) it must explain where a clerk
6 can check identification for a date of birth. The training may
7 be conducted electronically. Each retailer that has a training
8 program shall require each employee who completes the training
9 program to sign a form attesting that the employee has received
10 and completed tobacco training. The form shall be kept in the
11 employee's file and may be used to provide proof of training.

12 (b) ~~If a minor violates subsection (a-7) of Section 1 or~~
13 ~~subsection (d) of Section 1.5 he or she is guilty of a petty~~
14 ~~offense and the court may impose a sentence of 25 hours of~~
15 ~~community service and a fine of \$50 for a first violation. If a~~
16 person under 21 years of age ~~minor~~ violates subsection (a-6) of
17 Section 1, he or she is guilty of a Class A misdemeanor.

18 (c) (Blank). ~~A second violation by a minor of subsection~~
19 ~~(a-7) of Section 1 or subsection (d) of Section 1.5 that occurs~~
20 ~~within 12 months after the first violation is punishable by a~~
21 ~~fine of \$75 and 50 hours of community service.~~

22 (d) (Blank). ~~A third or subsequent violation by a minor of~~
23 ~~subsection (a-7) of Section 1 or subsection (d) of Section 1.5~~
24 ~~that occurs within 12 months after the first violation is~~
25 ~~punishable by a \$200 fine and 50 hours of community service.~~

26 (e) (Blank). ~~Any second or subsequent violation not within~~

1 ~~the 12-month time period after the first violation is~~
2 ~~punishable as provided for a first violation.~~

3 (f) (Blank). ~~If a minor is convicted of or placed on~~
4 ~~supervision for a violation of subsection (a-6) or (a-7) of~~
5 ~~Section 1 or subsection (d) of Section 1.5, the court may, in~~
6 ~~its discretion, and upon recommendation by the State's~~
7 ~~Attorney, order that minor and his or her parents or legal~~
8 ~~guardian to attend a smoker's education or youth diversion~~
9 ~~program if that program is available in the jurisdiction where~~
10 ~~the offender resides. Attendance at a smoker's education or~~
11 ~~youth diversion program shall be time credited against any~~
12 ~~community service time imposed for any first violation of~~
13 ~~subsection (a-7) of Section 1. In addition to any other penalty~~
14 ~~that the court may impose for a violation of subsection (a-7)~~
15 ~~of Section 1 or subsection (d) of Section 1.5, the court, upon~~
16 ~~request by the State's Attorney, may in its discretion require~~
17 ~~the offender to remit a fee for his or her attendance at a~~
18 ~~smoker's education or youth diversion program.~~

19 (g) (Blank). ~~For purposes of this Section, "smoker's~~
20 ~~education program" or "youth diversion program" includes, but~~
21 ~~is not limited to, a seminar designed to educate a person on~~
22 ~~the physical and psychological effects of smoking tobacco~~
23 ~~products and alternative nicotine products and the health~~
24 ~~consequences of smoking tobacco products and alternative~~
25 ~~nicotine products that can be conducted with a locality's youth~~
26 ~~diversion program.~~

1 (h) All moneys collected as fines for violations of
2 subsection (a), (a-5), (a-5.1), (a-6), (a-8), (b), or (d) ~~or~~
3 ~~(a-7)~~ of Section 1 and ~~subsection (b), (c), or (d) of Section~~
4 ~~1.5~~ shall be distributed in the following manner:

5 (1) one-half of each fine shall be distributed to the
6 unit of local government or other entity that successfully
7 prosecuted the offender; and

8 (2) one-half shall be remitted to the State to be used
9 for enforcing this Act.

10 Any violation of subsection (a) or (a-5) of Section 1 ~~or~~
11 ~~subsection (b) or (c) of Section 1.5~~ shall be reported to the
12 Department of Revenue within 7 business days.

13 (Source: P.A. 98-350, eff. 1-1-14; 98-1055, eff. 1-1-16;
14 99-192, eff. 1-1-16; 99-496, eff. 6-1-16.)

15 (720 ILCS 675/1.5 rep.)

16 Section 30. The Prevention of Tobacco Use by Minors and
17 Sale and Distribution of Tobacco Products Act is amended by
18 repealing Section 1.5.

19 Section 35. The Display of Tobacco Products Act is amended
20 by changing Sections 5, 10, and 15 as follows:

21 (720 ILCS 677/5)

22 Sec. 5. Definitions. In this Act:

23 "Electronic cigarette" ~~"Alternative nicotine product"~~ has

1 the meaning ascribed to it in Section 1 1.5 of the Prevention
2 of Tobacco Use by Persons under 21 Years of Age ~~Minors~~ and Sale
3 and Distribution of Tobacco Products Act.

4 "Line of sight" means visible to a cashier or other
5 employee.

6 "Age restricted area" means a signed designated area in a
7 retail establishment to which persons ~~minors~~ under 21 18 years
8 of age are not permitted access unless accompanied by a parent
9 or legal guardian.

10 (Source: P.A. 98-983, eff. 1-1-15.)

11 (720 ILCS 677/10)

12 Sec. 10. Tobacco product displays. All single packs of
13 cigarettes and electronic cigarettes ~~alternative nicotine~~
14 ~~products~~ must be sold from behind the counter or in an age
15 restricted area or in a sealed display case. Any other tobacco
16 products must be sold in line of sight.

17 The restrictions described in this Section do not apply to
18 a retail tobacco store that (i) derives at least 90% of its
19 revenue from tobacco and tobacco related products; (ii) does
20 not permit persons under the age of 21 18 to enter the premises
21 unless accompanied by a parent or legal guardian; and (iii)
22 posts a sign on the main entrance way stating that persons
23 under the age of 21 18 are prohibited from entering unless
24 accompanied by a parent or legal guardian.

25 (Source: P.A. 98-983, eff. 1-1-15.)

1 (720 ILCS 677/15)

2 Sec. 15. Vending machines. This Act does not prohibit the
3 sale of tobacco products from vending machines if the location
4 of the vending machines are in compliance with the provisions
5 of Section 1 of the Prevention of Tobacco Use by Persons under
6 21 Years of Age ~~Minors~~ and Sale and Distribution of Tobacco
7 Products Act.

8 (Source: P.A. 96-179, eff. 8-10-09; 96-446, eff. 1-1-10;
9 96-1000, eff. 7-2-10.)

10 Section 40. The Smokeless Tobacco Limitation Act is amended
11 by changing the title of the Act and Sections 3 and 4 as
12 follows:

13 (720 ILCS 680/Act title)

14 An Act to prohibit the sale or distribution of smokeless
15 tobacco products to persons under 21 ~~18~~ years of age.

16 (720 ILCS 680/3) (from Ch. 23, par. 2358-23)

17 Sec. 3. No person shall sell any smokeless tobacco product
18 to any person under the age of 21 ~~18~~. Any person who violates
19 this Section shall be guilty of a business offense punishable
20 by a fine of not more than \$50 for each violation.

21 (Source: P.A. 85-465.)

1 (720 ILCS 680/4) (from Ch. 23, par. 2358-24)

2 Sec. 4. No person shall distribute or cause to be
3 distributed to any person under the age of 21 ~~18~~, without
4 charge or at a nominal cost, any smokeless tobacco product. Any
5 person who violates this Section shall be guilty of a business
6 offense punishable for a first offense by a fine of \$200, for a
7 second offense in a 12-month period by a fine of \$400, and for
8 the third or any subsequent offense in a 12-month period by a
9 fine of \$600. One-half of each fine collected under this
10 Section shall be distributed to the unit of local government or
11 other entity that successfully prosecuted the offender and
12 one-half shall be remitted to the State to be used for the
13 enforcement of this Act.

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

15 Section 45. The Tobacco Accessories and Smoking Herbs
16 Control Act is amended by changing Section 4 as follows:

17 (720 ILCS 685/4) (from Ch. 23, par. 2358-4)

18 Sec. 4. Offenses.

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

24 (a-5) Sale of bidi cigarettes. No person shall knowingly

1 sell, barter, exchange, deliver, or give away a bidi cigarette
2 to another person, nor shall a person cause or permit or
3 procure a bidi cigarette to be sold, bartered, exchanged,
4 delivered, or given away to another person.

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

13 (b-5) Sale of flavored wrapping paper and wrapping leaf. A
14 person shall not knowingly sell, give away, barter, exchange,
15 or otherwise furnish to any person any wrapping paper or
16 wrapping leaf, however characterized, including, without
17 limitation, cigarette papers, blunt wraps, cigar wraps, or
18 tubes of paper or leaf, or any similar device, for the purpose
19 of making a roll of tobacco or herbs for smoking, that is or is
20 held out to be, impregnated, scented, or imbibed with, or aged
21 or dipped in, a characterizing flavor, other than tobacco or
22 menthol, including, without limitation, alcoholic or liquor
23 flavor, or both, chocolate, fruit flavoring, vanilla, peanut
24 butter, jelly, or any combination of those flavors or similar
25 child attractive scent or flavor.

26 (c) Sale of cigarette paper from vending machines. No

1 person shall knowingly offer, sell, barter, exchange, deliver
2 or give away cigarette paper or cause, permit, or procure
3 cigarette paper to be sold, offered, bartered, exchanged,
4 delivered, or given away by use of a vending or coin-operated
5 machine or device. For purposes of this Section, "cigarette
6 paper" shall not include any paper that is incorporated into a
7 product to which a tax stamp must be affixed under the
8 Cigarette Tax Act or the Cigarette Use Tax Act.

9 (d) Use of identification cards. No person in the
10 furtherance or facilitation of obtaining smoking accessories
11 and smoking herbs shall display or use a false or forged
12 identification card or transfer, alter, or deface an
13 identification card.

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

24 (Source: P.A. 97-917, eff. 8-9-12.)

25 Section 95. No acceleration or delay. Where this Act makes

1 changes in a statute that is represented in this Act by text
2 that is not yet or no longer in effect (for example, a Section
3 represented by multiple versions), the use of that text does
4 not accelerate or delay the taking effect of (i) the changes
5 made by this Act or (ii) provisions derived from any other
6 Public Act."