

1 AMENDMENT TO HOUSE BILL 1034

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 1034 by replacing  
3 the title with the following:

4 "AN ACT concerning tobacco."; and

5 by replacing everything after the enacting clause with the  
6 following:

7 "Section 5. The Sale of Tobacco to Minors Act is amended  
8 by changing the title of the Act and Sections 0.01 and 1 as  
9 follows:

10 (720 ILCS 675/Act title)

11 An Act to prohibit persons under 19 years of age ~~miners~~  
12 from buying or selling tobacco in any of its forms, to  
13 prohibit selling, giving or furnishing tobacco, in any of its  
14 forms, to those persons ~~miners~~, and providing penalties  
15 therefor.

16 (720 ILCS 675/0.01) (from Ch. 23, par. 2356.9)

17 Sec. 0.01. Short title. This Act may be cited as the  
18 Sale of Tobacco to Underage Persons Miners Act.

19 (Source: P.A. 86-1324.)

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

Sec. 1. Except as otherwise provided in this Section, no person ~~minor~~ under 19 ~~18~~ years of age shall buy any cigar, cigarette, smokeless tobacco or tobacco in any of its forms. Except as otherwise provided in this Section, no person shall sell, buy for, distribute samples of or furnish any cigar, cigarette, smokeless tobacco or tobacco in any of its forms, to any person ~~minor~~ under 19 ~~18~~ years of age.

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

Tobacco products listed above may be sold through a vending machine only in the following locations:

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

(2) Places to which persons ~~minors~~ under 19 ~~18~~ years of age are not permitted access.

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

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

(5) Places where the vending machine can ~~only~~ be operated only by the owner or an employee 19 years of ~~over~~ age or older ~~18~~ either directly or through a remote control device if the device is inaccessible to all customers.

(Source: P.A. 89-181, eff. 7-19-95.)

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

4 (720 ILCS 680/Act title)

5 An Act to prohibit the sale or distribution of smokeless  
6 tobacco products to persons under 19 18 years of age.

7 (720 ILCS 680/3) (from Ch. 23, par. 2358-23)

8 Sec. 3. No person shall sell any smokeless tobacco  
9 product to any person under the age of 19 18. Any person who  
10 violates this Section shall be guilty of a business offense  
11 punishable by a fine of not more than \$50 for each violation.  
12 (Source: P.A. 85-465.)

13 (720 ILCS 680/4) (from Ch. 23, par. 2358-24)

14 Sec. 4. No person shall distribute or cause to be  
15 distributed to any person under the age of 19 18, without  
16 charge or at a nominal cost, any smokeless tobacco product.  
17 Any person who violates this Section shall be guilty of a  
18 business offense punishable for a first offense by a fine of  
19 \$200, for a second offense in a 12-month period by a fine of  
20 \$400, and for the third or any subsequent offense in a  
21 12-month period by a fine of \$600. One-half of each fine  
22 collected under this Section shall be distributed to the unit  
23 of local government or other entity that successfully  
24 prosecuted the offender and one-half shall be remitted to the  
25 State to be used for the enforcement of this Act.  
26 (Source: P.A. 88-418.)

27 Section 15. The Tobacco Accessories and Smoking Herbs  
28 Control Act is amended by changing the title of the Act and  
29 Sections 2 and 4 as follows:

1 (720 ILCS 685/Act title)

2 An Act providing protection for the public health and  
3 safety by prohibiting the sale or delivery of tobacco  
4 accessories or smoking herbs to persons under 19 years of age  
5 miners.

6 (720 ILCS 685/2) (from Ch. 23, par. 2358-2)

7 Sec. 2. Purpose. The sale and possession of marijuana,  
8 hashish, cocaine, opium and their derivatives, is not only  
9 prohibited by Illinois Law, but the use of these substances  
10 has been deemed injurious to the health of the user.

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

14 The ready availability of smoking herbs to persons under  
15 19 years of age miners could lead to the use of tobacco and  
16 illegal drugs.

17 It is in the best interests of the citizens of the State  
18 of Illinois to seek to prohibit the spread of illegal drugs,  
19 tobacco or smoking materials to persons under 19 years of age  
20 miners. The prohibition of the sale of tobacco and snuff  
21 accessories and smoking herbs to persons under 19 years of  
22 age miners would help to curb the usage of illegal drugs and  
23 tobacco products, among our youth.

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

25 (720 ILCS 685/4) (from Ch. 23, par. 2358-4)

26 Sec. 4. Offenses.

27 (a) Sale to persons under 19 years of age miners. No  
28 person shall knowingly sell, barter, exchange, deliver or  
29 give away or cause or permit or procure to be sold, bartered,  
30 exchanged, delivered, or given away tobacco accessories or  
31 smoking herbs to any person under 19 18 years of age.

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

1 sell, barter, exchange, deliver, or give away a bidi  
2 cigarette to another person, nor shall a person cause or  
3 permit or procure a bidi cigarette to be sold, bartered,  
4 exchanged, 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  
8 sold, offered, bartered, exchanged, delivered, or given away  
9 except from premises or an establishment where other tobacco  
10 products are sold. For purposes of this Section, "tobacco  
11 products" means cigarettes, cigars, smokeless tobacco, or  
12 tobacco in any of its forms.

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

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

27 (e) Warning to persons under 19 years of age minors.  
28 Any person, firm, partnership, company or corporation  
29 operating a place of business where tobacco accessories and  
30 smoking herbs are sold or offered for sale shall post in a  
31 conspicuous place upon the premises a sign upon which there  
32 shall be imprinted the following statement, "SALE OF TOBACCO  
33 ACCESSORIES AND SMOKING HERBS TO PERSONS UNDER NINETEEN  
34 EIGHTEEN YEARS OF AGE OR THE MISREPRESENTATION OF AGE TO

1 PROCURE SUCH A SALE IS PROHIBITED BY LAW". The sign shall be  
2 printed on a white card in red letters at least one-half inch  
3 in height.

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

5 Section 99. Effective date. This Act takes effect  
6 January 1, 2002."