

1 AN ACT concerning tobacco.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Sale of Tobacco to Minors Act is amended
5 by changing the title of the Act and Sections 0.01 and 1 as
6 follows:

7 (720 ILCS 675/Act title)

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

13 (720 ILCS 675/0.01) (from Ch. 23, par. 2356.9)

14 Sec. 0.01. Short title. This Act may be cited as the
15 Sale of Tobacco to Underage Persons ~~Miners~~ Act.

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

17 (720 ILCS 675/1) (from Ch. 23, par. 2357)

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

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

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

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

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

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

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

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

21 The provisions of this Section do not apply in the case
22 of a person under 19 years of age who is in active military
23 service with the armed forces of the United States.

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

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

28 (720 ILCS 680/Act title)

29 An Act to prohibit the sale or distribution of smokeless
30 tobacco products to persons under 19 ~~18~~ years of age.

31 (720 ILCS 680/3) (from Ch. 23, par. 2358-23)

1 Sec. 3. No person shall sell any smokeless tobacco
2 product to any person under the age of 19 unless the person
3 under the age of 19 is in active military service with the
4 armed forces of the United States ~~18~~. Any person who
5 violates this Section shall be guilty of a business offense
6 punishable by a fine of not more than \$50 for each violation.
7 (Source: P.A. 85-465.)

8 (720 ILCS 680/4) (from Ch. 23, par. 2358-24)

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

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

27 (720 ILCS 685/Act title)

28 An Act providing protection for the public health and
29 safety by prohibiting the sale or delivery of tobacco
30 accessories or smoking herbs to persons under 19 years of age
31 minors.

1 (720 ILCS 685/2) (from Ch. 23, par. 2358-2)

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

6 It has further been determined by the Surgeon General of
7 the United States that the use of tobacco is hazardous to
8 human health.

9 The ready availability of smoking herbs to persons under
10 19 years of age minors could lead to the use of tobacco and
11 illegal drugs.

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

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

20 (720 ILCS 685/4) (from Ch. 23, par. 2358-4)

21 Sec. 4. Offenses.

22 (a) Sale to persons under 19 years of age minors. No
23 person shall knowingly sell, barter, exchange, deliver or
24 give away or cause or permit or procure to be sold, bartered,
25 exchanged, delivered, or given away tobacco accessories or
26 smoking herbs to any person under 19 ~~18~~ years of age unless
27 the person under 19 years of age is in active military
28 service with the armed forces of the United States.

29 (a-5) Sale of bidi cigarettes. No person shall knowingly
30 sell, barter, exchange, deliver, or give away a bidi
31 cigarette to another person, nor shall a person cause or
32 permit or procure a bidi cigarette to be sold, bartered,
33 exchanged, delivered, or given away to another person.

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

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

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

23 (e) Warning to persons under 19 years of age minors.
24 Any person, firm, partnership, company or corporation
25 operating a place of business where tobacco accessories and
26 smoking herbs are sold or offered for sale shall post in a
27 conspicuous place upon the premises a sign upon which there
28 shall be imprinted the following statement, "SALE OF TOBACCO
29 ACCESSORIES AND SMOKING HERBS TO PERSONS UNDER NINETEEN
30 EIGHTEEN YEARS OF AGE (UNLESS IN ACTIVE MILITARY SERVICE WITH
31 THE ARMED FORCES OF THE UNITED STATES) OR THE
32 MISREPRESENTATION OF AGE TO PROCURE SUCH A SALE IS PROHIBITED
33 BY LAW". The sign shall be printed on a white card in red
34 letters at least one-half inch in height.

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

2 Section 99. Effective date. This Act takes effect

3 January 1, 2003.