

1 AN ACT in relation to criminal law.

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

4 Section 5. The Tobacco Accessories and Smoking Herbs
5 Control Act is amended by changing the title of the Act and
6 Sections 2 and 4 as follows:

7 (720 ILCS 685/Act title)

8 An Act providing protection for the public health and
9 safety by prohibiting the sale or delivery of tobacco
10 accessories or smoking herbs to minors and to prohibit the
11 sale of certain other tobacco products and accessories.

12 (720 ILCS 685/2) (from Ch. 23, par. 2358-2)

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

17 It has further been determined by the Surgeon General of
18 the United States that the use of tobacco is hazardous to
19 human health.

20 The ready availability of smoking herbs to minors could
21 lead to the use of tobacco and illegal drugs.

22 The sale of cigarette wrapping paper or wrapping leaf
23 that is, or is held out to be, impregnated or scented with,
24 or aged or dipped in, alcoholic liquor or honey or which is
25 fruit-flavored or scented or which is chocolate or vanilla
26 flavored or scented promotes the illegal use of cannabis and
27 other controlled substances.

28 It is in the best interests of the citizens of the State
29 of Illinois to seek to prohibit the spread of illegal drugs,
30 tobacco or smoking materials to minors. The prohibition of

1 the sale of tobacco and snuff accessories and smoking herbs
2 to minors would help to curb the usage of illegal drugs and
3 tobacco products, among our youth.

4 It is also in the best interests of the citizens of the
5 State of Illinois to prohibit the sale of cigarette wrapping
6 paper or wrapping leaf that is, or is held out to be,
7 impregnated or scented with, or aged or dipped in, alcoholic
8 liquor or honey or which is fruit-flavored or scented or
9 which is chocolate or vanilla flavored or scented.

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

11 (720 ILCS 685/4) (from Ch. 23, par. 2358-4)

12 Sec. 4. Offenses.

13 (a) Sale to minors. No person shall knowingly sell,
14 barter, exchange, deliver or give away or cause or permit or
15 procure to be sold, bartered, exchanged, delivered, or given
16 away tobacco accessories or smoking herbs to any person under
17 18 years of age.

18 (a-5) Sale of bidi cigarettes. No person shall knowingly
19 sell, barter, exchange, deliver, or give away a bidi
20 cigarette to another person, nor shall a person cause or
21 permit or procure a bidi cigarette to be sold, bartered,
22 exchanged, delivered, or given away to another person.

23 (a-6) Sale of dipped cigarette wrapping paper or
24 wrapping leaf. No person shall knowingly sell, barter,
25 exchange, deliver, or give away or cause or permit to be
26 sold, bartered, exchanged, delivered, or given away to any
27 other person any cigarette wrapping paper or wrapping leaf
28 that is, or is held out to be, impregnated or scented with,
29 or aged or dipped in, alcoholic liquor or honey, or which is
30 fruit-flavored or scented or vanilla or chocolate flavored or
31 scented or which contains any combination of alcoholic
32 liquor, honey fruit, vanilla, or chocolate flavor or scent.

33 (b) Sale of cigarette paper. No person shall knowingly

1 offer, sell, barter, exchange, deliver or give away cigarette
2 paper or cause, permit, or procure cigarette paper to be
3 sold, offered, bartered, exchanged, delivered, or given away
4 except from premises or an establishment where other tobacco
5 products are sold. For purposes of this Section, "tobacco
6 products" means cigarettes, cigars, smokeless tobacco, or
7 tobacco in any of its forms.

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

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

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

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