



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB1756

Introduced 2/15/2013, by Sen. John G. Mulroe

SYNOPSIS AS INTRODUCED:

720 ILCS 675/1.5 new
720 ILCS 675/2

from Ch. 23, par. 2358

Amends the Prevention of Tobacco Use by Minors and Sale and Distribution of Tobacco Products Act. Provides that a person, either directly or indirectly by an agent or employee, or by a vending machine owned by the person or located in the person's establishment, may not sell, offer for sale, give, or furnish any alternative nicotine product, or any cartridge or component of an alternative nicotine product, to a person under 18 years of age. Provides that before selling, offering for sale, giving, or furnishing an alternative nicotine product, or any cartridge or component of an alternative nicotine product, to another person, the person selling, offering for sale, giving, or furnishing the alternative nicotine product shall verify that the person is at least 18 years of age by: (1) examining from any person that appears to be under 27 years of age a government-issued photographic identification that establishes the person is at least 18 years of age or (2) for sales made though the Internet or other remote sales methods, performing an age verification through an independent, third-party age verification service that compares information available from public records to the personal information entered by the person during the ordering process that establishes the person is 18 years of age or older. Establishes penalties.

LRB098 05213 RLC 40473 b

1 AN ACT concerning criminal law.

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

4 Section 5. The Prevention of Tobacco Use by Minors and Sale
5 and Distribution of Tobacco Products Act is amended by changing
6 Section 2 and adding Section 1.5 as follows:

7 (720 ILCS 675/1.5 new)

8 Sec. 1.5. Distribution of alternative nicotine products to
9 persons under 18 years of age prohibited.

10 (a) For the purposes of this Section, "alternative nicotine
11 product" means a product or device not consisting of or
12 containing tobacco that provides for the ingestion into the
13 body of nicotine, whether by chewing, smoking, absorbing,
14 dissolving, inhaling, snorting, sniffing, or by any other
15 means. "Alternative nicotine product" excludes cigarettes,
16 smokeless tobacco, or other tobacco products as these terms are
17 defined in Section 1 of this Act and any product approved by
18 the United States Food and Drug Administration as a non-tobacco
19 product for sale as a tobacco cessation product, as a tobacco
20 dependence product, or for other medical purposes, and is being
21 marketed and sold solely for that approved purpose.

22 (b) A person, either directly or indirectly by an agent or
23 employee, or by a vending machine owned by the person or

1 located in the person's establishment, may not sell, offer for
2 sale, give, or furnish any alternative nicotine product, or any
3 cartridge or component of an alternative nicotine product, to a
4 person under 18 years of age.

5 (c) Before selling, offering for sale, giving, or
6 furnishing an alternative nicotine product, or any cartridge or
7 component of an alternative nicotine product, to another
8 person, the person selling, offering for sale, giving, or
9 furnishing the alternative nicotine product shall verify that
10 the person is at least 18 years of age by:

11 (1) examining from any person that appears to be under
12 27 years of age a government-issued photographic
13 identification that establishes the person is at least 18
14 years of age or

15 (2) for sales made though the Internet or other remote
16 sales methods, performing an age verification through an
17 independent, third-party age verification service that
18 compares information available from public records to the
19 personal information entered by the person during the
20 ordering process that establishes the person is 18 years of
21 age or older.

22 (720 ILCS 675/2) (from Ch. 23, par. 2358)

23 Sec. 2. Penalties.

24 (a) Any person who violates subsection (a), (a-5), or (a-6)
25 of Section 1 or Section 1.5 of this Act is guilty of a petty

1 offense and for the first offense shall be fined \$200, \$400 for
2 the second offense in a 12-month period, and \$600 for the third
3 or any subsequent offense in a 12-month period.

4 (b) If a minor violates subsection (a-7) of Section 1 he or
5 she is guilty of a petty offense and the court may impose a
6 sentence of 15 hours of community service or a fine of \$25 for
7 a first violation.

8 (c) A second violation by a minor of subsection (a-7) of
9 Section 1 that occurs within 12 months after the first
10 violation is punishable by a fine of \$50 and 25 hours of
11 community service.

12 (d) A third or subsequent violation by a minor of
13 subsection (a-7) of Section 1 that occurs within 12 months
14 after the first violation is punishable by a \$100 fine and 30
15 hours of community service.

16 (e) Any second or subsequent violation not within the
17 12-month time period after the first violation is punishable as
18 provided for a first violation.

19 (f) If a minor is convicted of or placed on supervision for
20 a violation of subsection (a-7) of Section 1, the court may, in
21 its discretion, and upon recommendation by the State's
22 Attorney, order that minor and his or her parents or legal
23 guardian to attend a smoker's education or youth diversion
24 program if that program is available in the jurisdiction where
25 the offender resides. Attendance at a smoker's education or
26 youth diversion program shall be time-credited against any

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

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

14 (h) All moneys collected as fines for violations of
15 subsection (a), (a-5), (a-6), or (a-7) of Section 1 shall be
16 distributed in the following manner:

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

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

22 (Source: P.A. 96-179, eff. 8-10-09.)