

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.)