



Rep. Kathleen Willis

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1 AMENDMENT TO SENATE BILL 32

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 32 by replacing  
3 everything after the enacting clause with the following:

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

7 (720 ILCS 675/1.5)

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

1 defined in Section 1 of this Act and any product approved by  
2 the United States Food and Drug Administration as a non-tobacco  
3 product for sale as a tobacco cessation product, as a tobacco  
4 dependence product, or for other medical purposes, and is being  
5 marketed and sold solely for that approved purpose.

6 (b) A person, either directly or indirectly by an agent or  
7 employee, or by a vending machine owned by the person or  
8 located in the person's establishment, may not sell, offer for  
9 sale, give, or furnish any alternative nicotine product, or any  
10 cartridge or component of an alternative nicotine product, to a  
11 person under 18 years of age.

12 (c) Before selling, offering for sale, giving, or  
13 furnishing an alternative nicotine product, or any cartridge or  
14 component of an alternative nicotine product, to another  
15 person, the person selling, offering for sale, giving, or  
16 furnishing the alternative nicotine product shall verify that  
17 the person is at least 18 years of age by:

18 (1) examining from any person that appears to be under  
19 27 years of age a government-issued photographic  
20 identification that establishes the person is at least 18  
21 years of age or

22 (2) for sales made though the Internet or other remote  
23 sales methods, performing an age verification through an  
24 independent, third-party age verification service that  
25 compares information available from public records to the  
26 personal information entered by the person during the

1 ordering process that establishes the person is 18 years of  
2 age or older.

3 (d) A person under 18 years of age shall not possess an  
4 alternative nicotine product.

5 (Source: P.A. 98-350, eff. 1-1-14.)

6 (720 ILCS 675/2) (from Ch. 23, par. 2358)

7 (Text of Section after amendment by P.A. 98-1055)

8 Sec. 2. Penalties.

9 (a) Any person who violates subsection (a) or (a-5) of  
10 Section 1 or subsection (b) or (c) of Section 1.5 of this Act  
11 is guilty of a petty offense. For the first offense in a  
12 24-month period, the person shall be fined \$200 if his or her  
13 employer has a training program that facilitates compliance  
14 with minimum-age tobacco laws. For the second offense in a  
15 24-month period, the person shall be fined \$400 if his or her  
16 employer has a training program that facilitates compliance  
17 with minimum-age tobacco laws. For the third offense in a  
18 24-month period, the person shall be fined \$600 if his or her  
19 employer has a training program that facilitates compliance  
20 with minimum-age tobacco laws. For the fourth or subsequent  
21 offense in a 24-month period, the person shall be fined \$800 if  
22 his or her employer has a training program that facilitates  
23 compliance with minimum-age tobacco laws. For the purposes of  
24 this subsection, the 24-month period shall begin with the  
25 person's first violation of the Act. The penalties in this

1 subsection are in addition to any other penalties prescribed  
2 under the Cigarette Tax Act and the Tobacco Products Tax Act of  
3 1995.

4 (a-5) Any retailer ~~person~~ who violates subsection (a) or  
5 (a-5) of Section 1 or subsection (b) or (c) of Section 1.5 of  
6 this Act is guilty of a petty offense. For the first offense,  
7 the retailer shall be fined \$200 if it does not have a training  
8 program that facilitates compliance with minimum-age tobacco  
9 laws. For the second offense, the retailer shall be fined \$400  
10 if it does not have a training program that facilitates  
11 compliance with minimum-age tobacco laws. For the third  
12 offense, the retailer shall be fined \$600 if it does not have a  
13 training program that facilitates compliance with minimum-age  
14 tobacco laws. For the fourth or subsequent offense in a  
15 24-month period, the retailer shall be fined \$800 if it does  
16 not have a training program that facilitates compliance with  
17 minimum-age tobacco laws. For the purposes of this subsection,  
18 the 24-month period shall begin with the person's first  
19 violation of the Act. The penalties in this subsection are in  
20 addition to any other penalties prescribed under the Cigarette  
21 Tax Act and the Tobacco Products Tax Act of 1995.

22 (a-6) For the purpose of this Act, a training program that  
23 facilitates compliance with minimum-age tobacco laws must  
24 include at least the following elements: (i) it must explain  
25 that only individuals displaying valid identification  
26 demonstrating that they are 18 years of age or older shall be

1 eligible to purchase cigarettes or tobacco products; (ii) it  
2 must explain where a clerk can check identification for a date  
3 of birth; and (iii) it must explain the penalties that a clerk  
4 and retailer are subject to for violations of the Prevention of  
5 Tobacco Use by Minors and Sale and Distribution of Tobacco  
6 Products Act.

7 (b) If a minor violates subsection (a-7) of Section 1 or  
8 subsection (d) of Section 1.5 he or she is guilty of a petty  
9 offense and the court may impose a sentence of 25 hours of  
10 community service and a fine of \$50 for a first violation. If a  
11 minor violates subsection (a-6) of Section 1, he or she is  
12 guilty of a Class A misdemeanor.

13 (c) A second violation by a minor of subsection (a-7) of  
14 Section 1 or subsection (d) of Section 1.5 that occurs within  
15 12 months after the first violation is punishable by a fine of  
16 \$75 and 50 hours of community service.

17 (d) A third or subsequent violation by a minor of  
18 subsection (a-7) of Section 1 or subsection (d) of Section 1.5  
19 that occurs within 12 months after the first violation is  
20 punishable by a \$200 fine and 50 hours of community service.

21 (e) Any second or subsequent violation not within the  
22 12-month time period after the first violation is punishable as  
23 provided for a first violation.

24 (f) If a minor is convicted of or placed on supervision for  
25 a violation of subsection (a-6) or (a-7) of Section 1 or  
26 subsection (d) of Section 1.5, the court may, in its

1 discretion, and upon recommendation by the State's Attorney,  
2 order that minor and his or her parents or legal guardian to  
3 attend a smoker's education or youth diversion program if that  
4 program is available in the jurisdiction where the offender  
5 resides. Attendance at a smoker's education or youth diversion  
6 program shall be time-credited against any community service  
7 time imposed for any first violation of subsection (a-7) of  
8 Section 1. In addition to any other penalty that the court may  
9 impose for a violation of subsection (a-7) of Section 1 or  
10 subsection (d) of Section 1.5, the court, upon request by the  
11 State's Attorney, may in its discretion require the offender to  
12 remit a fee for his or her attendance at a smoker's education  
13 or youth diversion program.

14 (g) For purposes of this Section, "smoker's education  
15 program" or "youth diversion program" includes, but is not  
16 limited to, a seminar designed to educate a person on the  
17 physical and psychological effects of smoking tobacco products  
18 and alternative nicotine products and the health consequences  
19 of smoking tobacco products and alternative nicotine products  
20 that can be conducted with a locality's youth diversion  
21 program.

22 (h) All moneys collected as fines for violations of  
23 subsection (a), (a-5), (a-6), or (a-7) of Section 1 and  
24 subsection (b), (c), or (d) of Section 1.5 shall be distributed  
25 in the following manner:

26 (1) one-half of each fine shall be distributed to the

1 unit of local government or other entity that successfully  
2 prosecuted the offender; and

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

5 Any violation of subsection (a) or (a-5) of Section 1 or  
6 subsection (b) or (c) of Section 1.5 shall be reported to the  
7 Department of Revenue within 7 business days.

8 (Source: P.A. 98-350, eff. 1-1-14; 98-1055, eff. 1-1-16.)".