

**SB2393**



**104TH GENERAL ASSEMBLY**

**State of Illinois**

**2025 and 2026**

**SB2393**

Introduced 2/7/2025, by Sen. Julie A. Morrison

**SYNOPSIS AS INTRODUCED:**

New Act

Creates the Prohibition of Nicotine Sales Near Schools Act. Provides that, by January 1, 2026, every municipality shall regulate within its territorial limits, the retail sale of nicotine-containing products near schools and day care centers. Provides that, by January 1, 2026, every county shall regulate, within its territorial limits but outside of the territorial limits of any municipality, the retail sale of nicotine-containing products near schools and day care centers. Provides that if a county or municipality does not adopt regulations governing the retail sale of nicotine-containing products near a school or day care center before January 1, 2026, then the Department of Revenue is prohibited from granting licenses for distributors or retailers that would permit the retail sale of nicotine-containing products within 1,000 feet of a school or day care center in the municipality and the territorial limits of a county that are outside of the territorial limits of any municipality. Limits home rule powers. Effective immediately.

LRB104 10129 RTM 20201 b

**A BILL FOR**

1           AN ACT concerning local government.

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

4           Section 1. Short title. This Act may be cited as the  
5           Prohibition of Nicotine Sales Near Schools Act.

6           Section 5. Municipal and county duties.

7           (a) By January 1, 2026, every municipality shall regulate,  
8           within its territorial limits, the retail sale of  
9           nicotine-containing products near schools and day care  
10          centers.

11          (b) By January 1, 2026, every county shall regulate,  
12          within its territorial limits but outside of the territorial  
13          limits of any municipality, the retail sale of  
14          nicotine-containing products near schools and day care  
15          centers.

16          (c) If a county or municipality does not comply with this  
17          Section by January 1, 2026, then the retail sale of  
18          nicotine-containing products near schools and day care centers  
19          within that county or municipality shall be governed by  
20          Section 10.

21          Section 10. Regulation by the Department of Revenue. After  
22          January 1, 2026, the Department of Revenue is prohibited from

1 granting licenses for distributors or retailers that would  
2 permit the retail sale of nicotine-containing products within  
3 1,000 feet of a school or day care center in (i) any  
4 municipality that has failed to comply with subsection (a) of  
5 Section 5 by January 1, 2026 and (ii) any territory within the  
6 limits of a county that has failed to comply with subsection  
7 (b) of Section 5. Notwithstanding any other provisions of this  
8 Section, any establishment in existence before January 1, 2026  
9 shall be able to keep or renew its retailer or distributor  
10 license if the principal of the school or owner of the day care  
11 center located within 1,000 feet of the establishment has not  
12 indicated opposition to the issuance or renewal of the license  
13 in writing to the Department of Revenue.

14 Section 15. Home rule preemption. A home rule county or  
15 home rule municipality may not regulate the retail sale of  
16 products containing nicotine near a school or day care center  
17 in a manner inconsistent with this Act. This Section is a  
18 denial and limitation of home rule powers and functions under  
19 subsection (i) of Section 6 of Article VII of the Illinois  
20 Constitution.

21 Section 999. Effective date. This Act takes effect upon  
22 becoming law.