



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

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.