



Sen. Julie A. Morrison

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10400SB2393sam002

LRB104 10129 RTM 35192 a

1 AMENDMENT TO SENATE BILL 2393

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2393 by replacing  
3 everything after the enacting clause with the following:

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

6 Section 5. Definitions. As used in this Act:

7 "Day care center" has the meaning given to that term in  
8 Section 2.09 of the Child Care Act of 1969. "Day care center"  
9 does not include day care homes, as defined in Section 2.18 of  
10 the Child Care Act of 1969, or group day care homes, as defined  
11 in Section 2.20 of the Child Care Act of 1969.

12 "Near" means within 500 feet as measured by a straight  
13 line from the nearest point of the property line of the parcel  
14 on which the school or day care center is located to the  
15 nearest point of the property line of the parcel on which the  
16 retailer is located.

1 "Nicotine-containing product" means any product containing  
2 any form of the chemical nicotine, including any salt or  
3 complex, regardless of whether the chemical is naturally or  
4 synthetically derived. "Nicotine-containing product" includes  
5 nicotine alkaloids and nicotine analogs and any substance that  
6 mimics or replicates the pharmacological effect of nicotine.

7 "School" means any (i) elementary or secondary educational  
8 institution; (ii) charter school; (iii) vocational school;  
9 (iv) special education facility; (v) elementary or secondary  
10 educational agency, as defined in Section 10 of the P-20  
11 Longitudinal Education Data System Act; or (vi) nonpublic  
12 school, including any nonprofit, non-home-based, and nonpublic  
13 elementary or secondary school.

14 Section 10. County and municipal duties.

15 (a) Beginning January 1, 2027, a county or municipality  
16 may not permit the sale of nicotine-containing products near a  
17 school or day care center, unless (i) a county or municipality  
18 has adopted an ordinance or regulation that regulates the sale  
19 of nicotine-containing products near a school or day care  
20 center before January 1, 2027; (ii) the establishment selling  
21 nicotine-containing products is established before January 1,  
22 2027; or (iii) the establishment selling nicotine-containing  
23 products was not near a school or day care center when it was  
24 established.

25 (b) Any regulation or ordinance adopted by a county or

1 municipality relating to the sale of nicotine-containing  
2 products within a specified distance of a school or daycare  
3 before January 1, 2027 may remain in effect and is not affected  
4 by this Act.

5 (c) This Section does not apply to establishments in  
6 existence before January 1, 2027. An establishment is  
7 considered in existence if the physical building remains in  
8 the same location and is not not affected if the ownership of  
9 the physical building changes. This Section shall not be  
10 construed to require an establishment in existence after  
11 January 1, 2027 to relocate if a school or day care center is  
12 established or relocates near the establishment.

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

20 Section 99. Effective date. This Act takes effect upon  
21 becoming law."