



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB3589

Introduced 2/5/2026, by Sen. Mary Edly-Allen

SYNOPSIS AS INTRODUCED:

55 ILCS 5/5-1195 new
65 ILCS 5/11-42-18 new

Amends the Counties Code and the Illinois Municipal Code. Provides that, by January 1, 2027, every county and municipality shall create a process by which a resident can report a business, including a retail tobacco store, that the resident has reason to believe is committing an offense of unlawful manufacture or delivery of nitrous oxide. Provides that, by January 1, 2027, every county and municipality shall adopt regulations to ensure that a business, including a retail tobacco store, is not selling nitrous oxide to consumers, with the intent to breathe, inhale, or ingest for the purpose of causing a condition of intoxication, elation, euphoria, dizziness, stupefaction, or dulling of the senses or for the purpose of, in any manner, changing, distorting, or disturbing the audio, visual, or mental processes. Provides that the regulations required by the provision shall outline how the municipality or county shall regulate a business when the municipality or county obtains actual knowledge that a business, including a retail tobacco store, committed an offense of unlawful manufacture or delivery of nitrous oxide. Limits home rule powers. Effective immediately.

LRB104 20589 RTM 34079 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 5. The Counties Code is amended by adding Section
5 5-1195 as follows:

6 (55 ILCS 5/5-1195 new)

7 Sec. 5-1195. Municipal and county duties.

8 (a) By January 1, 2027, every county shall create a
9 process by which a resident can report a business, including a
10 retail tobacco store, within its territorial limits but
11 outside of the territorial limits of any municipality, that
12 the resident has reason to believe is committing an offense
13 under Section 24.5-10 of the Criminal Code of 2012.

14 (b) By January 1, 2027, every county shall adopt
15 regulations to ensure that a business, including a retail
16 tobacco store, is not selling nitrous oxide to consumers, with
17 the intent to breathe, inhale, or ingest for the purpose of
18 causing a condition of intoxication, elation, euphoria,
19 dizziness, stupefaction, or dulling of the senses or for the
20 purpose of, in any manner, changing, distorting, or disturbing
21 the audio, visual, or mental processes.

22 (c) The regulations required by subsection (b) shall
23 outline how the county shall regulate a business when the

1 county obtains actual knowledge that a business, including a
2 retail tobacco store, committed an offense under Section
3 24.5-10 of the Criminal Code of 2012.

4 (d) A home rule county or home rule municipality may not
5 regulate the retail sale of nitrous oxide in a manner
6 inconsistent with this Act. This Section is a denial and
7 limitation of home rule powers and functions under subsection
8 (i) of Section 6 of Article VII of the Illinois Constitution.

9 Section 10. The Illinois Municipal Code is amended by
10 adding Section 11-42-18 as follows:

11 (65 ILCS 5/11-42-18 new)

12 Sec. 11-42-18. Municipal and county duties.

13 (a) By January 1, 2027, every municipality shall create a
14 process by which a resident can report a business, including a
15 retail tobacco store, within the municipality's territorial
16 limits, that the resident has reason to believe is committing
17 an offense under Section 24.5-10 of the Criminal Code of 2012.

18 (b) By January 1, 2027, every municipality shall adopt
19 regulations to ensure that a business, including a retail
20 tobacco store, is not selling nitrous oxide to consumers, with
21 the intent to breathe, inhale, or ingest for the purpose of
22 causing a condition of intoxication, elation, euphoria,
23 dizziness, stupefaction, or dulling of the senses or for the
24 purpose of, in any manner, changing, distorting, or disturbing

1 the audio, visual, or mental processes.

2 (c) The regulations required by subsection (b) shall
3 outline how the municipality shall regulate a business when
4 the municipality obtains actual knowledge that a business,
5 including a retail tobacco store, committed an offense under
6 Section 24.5-10 of the Criminal Code of 2012.

7 (d) A home rule municipality may not regulate the retail
8 sale of nitrous oxide in a manner inconsistent with this
9 Section. This Section is a denial and limitation of home rule
10 powers and functions under subsection (i) of Section 6 of
11 Article VII of the Illinois Constitution.

12 Section 99. Effective date. This Act takes effect upon
13 becoming law.