

1 AN ACT concerning regulation.

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 Tobacco Products Compliance Act.

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

7 "Person" means any individual, corporation, partnership,
8 firm, organization or association.

9 "Tobacco product" means any product made or derived from
10 tobacco, any product containing tobacco, or any product
11 intended for or traditionally used with tobacco, including
12 papers, wraps, tubes, and filters. A product of a type that
13 has, in the past, been used in conjunction with tobacco or
14 nicotine use will be deemed a "tobacco product" regardless of
15 any labeling or descriptive language on such product stating
16 that the product is not intended for use with tobacco or for
17 non-tobacco use only or other similar language.

18 Section 10. Compliance reports. Any person who
19 manufactures any tobacco product in the State for distribution
20 or sale in the United States shall be required to provide
21 annually, by June 1, 2020 and by June 1 of each year
22 thereafter, a written certification, including supporting

1 evidence and documentation, of such person's compliance with
2 Sections 903, 904, 905, and 920 of the federal Family Smoking
3 Prevention and Tobacco Control Act to the Illinois Department
4 of Public Health. Such person will also be required to provide,
5 for each tobacco product manufactured, sold, or distributed by
6 the person (including all tobacco products manufactured in the
7 State by the person and all other tobacco products sold or
8 distributed by the person) written evidence and documentation
9 that each such tobacco product, as required by the Tobacco
10 Control Act, is one of the following: (i) "grandfathered" (that
11 is, first introduced into interstate commerce for commercial
12 distribution in the United States on or before February 15,
13 2007); (ii) "provisional" (that is, first introduced into
14 interstate commerce for commercial distribution in the United
15 States between February 15, 2007 and March 22, 2011, and for
16 which a substantial equivalence report was submitted to the FDA
17 by March 22, 2011); or (iii) determined to be "substantially
18 equivalent" (that is, is the subject of a marketing
19 authorization order from the FDA after review of a premarket
20 submission intended to demonstrate substantial equivalence).

21 Section 15. Private right of action. To enforce against a
22 violation of the Act or any rule adopted under this Act by any
23 local government or political subdivision as described in this
24 Act, any interested party may file suit in circuit court in the
25 county where the alleged violation occurred or where any person

1 who is a party to the action resides. Actions may be brought by
2 one or more persons for and on behalf of themselves and other
3 persons similarly situated. If the interested party prevails in
4 its enforcement action, it will be entitled to recover damages
5 of 3 times its attorney's fees and costs, and, in addition, the
6 court or other adjudicating body, at its discretion, may assess
7 punitive damages for any wanton or flagrant violation of the
8 law.

9 Section 20. Rulemaking. The Department of Public Health
10 shall adopt rules for the administration and enforcement of
11 this Act.

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