

1 AN ACT concerning health.

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

4 Section 5. The Preventing Youth Vaping Act is amended by
5 changing Section 25 as follows:

6 (410 ILCS 86/25)

7 Sec. 25. Advertising.

8 (a) A manufacturer, distributor, or retailer may not
9 advertise, market, or promote an electronic cigarette as a
10 modified risk tobacco product unless it has been designated as
11 a modified risk tobacco product by the United States Food and
12 Drug Administration.

13 (b) A manufacturer, distributor, or retailer may not
14 advertise, market, or promote or advertise an electronic
15 cigarette as providing smoking cessation benefits to consumers
16 unless it has approval from the United States Food and Drug
17 Administration to market its electronic cigarette as a medical
18 product for such purpose.

19 (c) A manufacturer, distributor, or retailer may not
20 advertise, market, or promote an electronic cigarette in a
21 manner that includes fraudulent or misleading terms or
22 statements.

23 (d) A manufacturer, distributor, or retailer may not

1 advertise, market, or promote an electronic cigarette in a
2 manner that:

3 (1) encourages persons under 21 years of age to use an
4 electronic cigarette; ~~or~~

5 (2) is attractive to persons under 21 years of age,
6 including, but not limited to, inclusion of the following:

7 (A) cartoons;

8 (B) an image, character, or phrase that is similar
9 to one popularly used to advertise to children; or

10 (C) a video game, movie, video, or animated
11 television show known to appeal primarily to persons
12 under 21 years of age; or

13 (3) is likely to cause a parent, legal guardian,
14 teacher, or other person to mistake the electronic
15 cigarette for a product that is not a tobacco product.

16 (Source: P.A. 102-575, eff. 1-1-22.)