

1 AN ACT in relation to tobacco products.

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 Display of Tobacco Products Act.

6 Section 5. Definitions. In this Act:

7 "Line of sight" means visible to a cashier or other  
8 employee.

9 "Age restricted area" means a signed designated area in a  
10 retail establishment to which minors under 18 years of age are  
11 not permitted access unless accompanied by a parent or legal  
12 guardian.

13 Section 10. Tobacco product displays. All single packs of  
14 cigarettes must be sold from behind the counter or in an age  
15 restricted area or in a sealed display case. Any other tobacco  
16 products must be sold in line of sight.

17 The restrictions described in this Section do not apply to  
18 a retail tobacco store that (i) derives at least 90% of its  
19 revenue from tobacco and tobacco related products; (ii) does  
20 not permit persons under the age of 18 to enter the premises  
21 unless accompanied by a parent or legal guardian; and (iii)  
22 posts a sign on the main entrance way stating that persons  
23 under the age of 18 are prohibited from entering unless  
24 accompanied by a parent or legal guardian.

25 Section 15. Vending machines. This Act does not prohibit  
26 the sale of tobacco products from vending machines if the  
27 location of the vending machines are in compliance with the  
28 provisions of Section 1 of the Sale of Tobacco to Minors Act.

29 Section 20. Sentence. A violation of this Act is a petty

1 offense for which the court shall impose a fine of not less  
2 than \$100 nor more than \$1,000.

3 Section 105. The Sale of Tobacco to Minors Act is amended  
4 by changing Section 1 as follows:

5 (720 ILCS 675/1) (from Ch. 23, par. 2357)

6 Sec. 1. Prohibition on sale of tobacco to minors; vending  
7 machines; lunch wagons.

8 (a) No minor under 18 years of age shall buy any cigar,  
9 cigarette, smokeless tobacco or tobacco in any of its forms. No  
10 person shall sell, buy for, distribute samples of or furnish  
11 any cigar, cigarette, smokeless tobacco or tobacco in any of  
12 its forms, to any minor under 18 years of age.

13 (a-5) No minor under 16 years of age may sell any cigar,  
14 cigarette, smokeless tobacco, or tobacco in any of its forms at  
15 a retail establishment selling tobacco products. This  
16 subsection does not apply to a sales clerk in a family-owned  
17 business which can prove that the sales clerk is in fact a son  
18 or daughter of the owner.

19 For the purpose of this Section, "smokeless tobacco" means  
20 any tobacco products that are suitable for dipping or chewing.

21 (b) Tobacco products listed above may be sold through a  
22 vending machine only in the following locations:

23 (1) Factories, businesses, offices, private clubs, and  
24 other places not open to the general public.

25 (2) Places to which minors under 18 years of age are  
26 not permitted access.

27 (3) Places where alcoholic beverages are sold and  
28 consumed on the premises.

29 (4) Places where the vending machine is under the  
30 direct supervision of the owner of the establishment or an  
31 employee over 18 years of age. The sale of tobacco products  
32 from a vending machine under direct supervision of the  
33 owner or an employee of the establishment is considered a  
34 sale of tobacco products by that person. As used in this

1 subdivision, "direct supervision" means that the owner or  
2 employee has an unimpeded line of sight to the vending  
3 machine.

4 (5) Places where the vending machine can only be  
5 operated by the owner or an employee over age 18 either  
6 directly or through a remote control device if the device  
7 is inaccessible to all customers.

8 (c) The sale or distribution at no charge of cigarettes  
9 from a lunch wagon engaging in any sales activity within 1,000  
10 feet of any public or private elementary or secondary school  
11 grounds is prohibited.

12 For the purpose of this Section, "lunch wagon" means a  
13 mobile vehicle designed and constructed to transport food and  
14 from which food is sold to the general public.

15 (Source: P.A. 93-284, eff. 1-1-04.)

16 Section 999. Effective date. This Act takes effect January  
17 1, 2005.