



Sen. Jacqueline Y. Collins

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LRB095 11141 RLC 35064 a

1 AMENDMENT TO SENATE BILL 1701

2 AMENDMENT NO. _____. Amend Senate Bill 1701, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Tobacco Accessories and Smoking Herbs
6 Control Act is amended by changing Sections 2, 3, and 4 as
7 follows:

8 (720 ILCS 685/2) (from Ch. 23, par. 2358-2)

9 Sec. 2. Purpose.

10 (a) The sale and possession of marijuana, hashish, cocaine,
11 opium and their derivatives, is not only prohibited by Illinois
12 Law, but the use of these substances has been deemed injurious
13 to the health of the user.

14 It has further been determined by the Surgeon General of
15 the United States that the use of tobacco is hazardous to human
16 health.

1 The ready availability of smoking herbs to minors could
2 lead to the use of tobacco and illegal drugs.

3 It is in the best interests of the citizens of the State of
4 Illinois to seek to prohibit the spread of illegal drugs,
5 tobacco or smoking materials to minors. The prohibition of the
6 sale of tobacco and snuff accessories and smoking herbs to
7 minors would help to curb the usage of illegal drugs and
8 tobacco products, among our youth.

9 (b) The General Assembly finds and declares that there has
10 been a proliferation of flavored cigarettes and other tobacco
11 products in recent years. Many of these products have flavors
12 that are particularly attractive to children. These tobacco
13 products have included flavors such as various fruits, candy,
14 chocolate, vanilla, honey, other sweeteners, nut, mint, cocoa,
15 desserts, soft drinks, alcoholic beverages, herb and spice
16 flavorings or other flavorings that are attractive to youth.
17 According to survey evidence and public health experts,
18 children are more likely to choose flavored cigarettes and
19 other tobacco products, and thus the existence of these
20 products increases the incidence of tobacco use among children.
21 Moreover, the earlier that an individual begins using tobacco,
22 the more likely he or she will become addicted to tobacco
23 products and will continue to use tobacco products throughout
24 his or her lifetime. Accordingly, flavored tobacco products
25 result in increased tobacco use, increased addiction, a greater
26 incidence of smoking-related illnesses, increased health care

1 costs, and more smoking-related deaths. The General Assembly
2 therefore finds and declares that flavored tobacco products
3 present a significant threat to public health and to our
4 children, and that the sale of flavored tobacco products must
5 be restricted.

6 (Source: P.A. 82-487.)

7 (720 ILCS 685/3) (from Ch. 23, par. 2358-3)

8 Sec. 3. Definitions. The following definitions shall apply
9 to this Act:

10 (a) "Tobacco accessories" shall mean cigarette papers,
11 pipes, holders of smoking materials of all types, cigarette
12 rolling machines, and other items, designed primarily for the
13 smoking or ingestion of tobacco products or of substances made
14 illegal under any statute or of substances whose sale, gift,
15 barter, or exchange is made unlawful under this Act.

16 (b) "Smoking herbs" shall mean all substances of plant
17 origin and their derivatives, including but not limited to
18 broom, calea, California poppy, damiana, hops, ginseng,
19 lobelia, jimson weed and other members of the Datura genus,
20 passion flower and wild lettuce, which are processed or sold
21 primarily for use as smoking materials.

22 (c) "Bidi cigarette" means a product that contains tobacco
23 that is wrapped in temburni or tendu leaf or that is wrapped in
24 any other material identified by rules of the Department of
25 Public Health that is similar in appearance or characteristics

1 to the temburni or tendu leaf.

2 (d) "Characterizing flavor" means a distinguishable
3 flavor, taste, or aroma (other than tobacco or menthol for all
4 tobacco products and other than wintergreen and mint for
5 smokeless tobacco products and cigars) produced by the tobacco
6 product or its smoke either prior to or during consumption.

7 (Source: P.A. 91-734, eff. 1-1-01.)

8 (720 ILCS 685/4) (from Ch. 23, par. 2358-4)

9 Sec. 4. Offenses.

10 (a) Sale to minors. No person shall knowingly sell, barter,
11 exchange, deliver or give away or cause or permit or procure to
12 be sold, bartered, exchanged, delivered, or given away tobacco
13 accessories or smoking herbs to any person under 18 years of
14 age.

15 (a-5) Sale of bidi cigarettes. No person shall knowingly
16 sell, barter, exchange, deliver, or give away a bidi cigarette
17 to another person, nor shall a person cause or permit or
18 procure a bidi cigarette to be sold, bartered, exchanged,
19 delivered, or given away to another person.

20 (a-6) No person shall knowingly sell, distribute, or offer
21 for sale or distribution in this State or to any person in this
22 State any tobacco product or any component part thereof
23 (including but not limited to the tobacco, paper, or filter,
24 and any components for roll-your-own cigarettes), which
25 contains a constituent (including a smoke constituent) or

1 additive or artificial or natural flavoring that produces a
2 characterizing flavor. A public statement or claim by the
3 manufacturer, or by any person authorized or permitted by the
4 manufacturer to make public statements concerning the tobacco
5 product, that a tobacco product has or produces a flavor,
6 taste, or aroma (other than tobacco or menthol for all tobacco
7 products and other than wintergreen and mint for smokeless
8 tobacco products and cigars) shall constitute proof that the
9 tobacco product has a characterizing flavor.

10 (b) Sale of cigarette paper. No person shall knowingly
11 offer, sell, barter, exchange, deliver or give away cigarette
12 paper or cause, permit, or procure cigarette paper to be sold,
13 offered, bartered, exchanged, delivered, or given away except
14 from premises or an establishment where other tobacco products
15 are sold. For purposes of this Section, "tobacco products"
16 means cigarettes, cigars, smokeless tobacco, or tobacco in any
17 of its forms.

18 (c) Sale of cigarette paper from vending machines. No
19 person shall knowingly offer, sell, barter, exchange, deliver
20 or give away cigarette paper or cause, permit, or procure
21 cigarette paper to be sold, offered, bartered, exchanged,
22 delivered, or given away by use of a vending or coin-operated
23 machine or device. For purposes of this Section, "cigarette
24 paper" shall not include any paper that is incorporated into a
25 product to which a tax stamp must be affixed under the
26 Cigarette Tax Act or the Cigarette Use Tax Act.

1 (d) Use of identification cards. No person in the
2 furtherance or facilitation of obtaining smoking accessories
3 and smoking herbs shall display or use a false or forged
4 identification card or transfer, alter, or deface an
5 identification card.

6 (e) Warning to minors. Any person, firm, partnership,
7 company or corporation operating a place of business where
8 tobacco accessories and smoking herbs are sold or offered for
9 sale shall post in a conspicuous place upon the premises a sign
10 upon which there shall be imprinted the following statement,
11 "SALE OF TOBACCO ACCESSORIES AND SMOKING HERBS TO PERSONS UNDER
12 EIGHTEEN YEARS OF AGE OR THE MISREPRESENTATION OF AGE TO
13 PROCURE SUCH A SALE IS PROHIBITED BY LAW". The sign shall be
14 printed on a white card in red letters at least one-half inch
15 in height.

16 (Source: P.A. 91-734, eff. 1-1-01.)".