



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB0603

Introduced 2/6/2009, by Rep. Karen A. Yarbrough - LaShawn K. Ford

SYNOPSIS AS INTRODUCED:

720 ILCS 685/2	from Ch. 23, par. 2358-2
720 ILCS 685/3	from Ch. 23, par. 2358-3
720 ILCS 685/4	from Ch. 23, par. 2358-4

Amends the Tobacco Accessories and Smoking Herbs Control Act. Provides that no person shall knowingly sell, distribute, or offer for sale or distribution in this State or to any person in this State a flavored cigarette.

LRB096 07354 RLC 17440 b

1 AN ACT concerning criminal law.

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

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

7 (720 ILCS 685/2) (from Ch. 23, par. 2358-2)

8 Sec. 2. Purpose.

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

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

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

18 It is in the best interests of the citizens of the State of
19 Illinois to seek to prohibit the spread of illegal drugs,
20 tobacco or smoking materials to minors. The prohibition of the
21 sale of tobacco and snuff accessories and smoking herbs to
22 minors would help to curb the usage of illegal drugs and
23 tobacco products, among our youth.

1 (b) The General Assembly finds and declares that there has
2 been a proliferation of flavored cigarettes in recent years.
3 Many of these products have flavors that are particularly
4 attractive to minors. These cigarettes have included flavors
5 such as various fruits, candy, chocolate, vanilla, honey, sugar
6 or sugar substitute, nut, mint, cocoa, desserts, soft drinks,
7 alcoholic beverages, herb and spice flavorings or other
8 flavorings that are attractive to minors. According to survey
9 evidence and public health experts, minors are more likely to
10 choose flavored cigarettes and thus the existence of these
11 products increases the incidence of cigarette use among minors.
12 Moreover, the earlier that an individual begins using tobacco,
13 the more likely he or she will become addicted to tobacco
14 products and will continue to use tobacco products throughout
15 his or her lifetime. Accordingly, flavored cigarettes result in
16 increased tobacco use, increased addiction, a greater
17 incidence of smoking-related illnesses, increased health care
18 costs, and more smoking-related deaths. The General Assembly
19 therefore finds and declares that the existence of flavored
20 cigarettes presents a significant threat to public health and
21 to minors, and that the sale of flavored cigarettes must be
22 restricted.

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

24 (720 ILCS 685/3) (from Ch. 23, par. 2358-3)

25 Sec. 3. Definitions. The following definitions shall apply

1 to this Act:

2 (a) "Tobacco accessories" shall mean cigarette papers,
3 pipes, holders of smoking materials of all types, cigarette
4 rolling machines, and other items, designed primarily for the
5 smoking or ingestion of tobacco products or of substances made
6 illegal under any statute or of substances whose sale, gift,
7 barter, or exchange is made unlawful under this Act.

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

14 (c) "Bidi cigarette" means a product that contains tobacco
15 that is wrapped in temburni or tendu leaf or that is wrapped in
16 any other material identified by rules of the Department of
17 Public Health that is similar in appearance or characteristics
18 to the temburni or tendu leaf.

19 (d) "Flavored cigarette" means any cigarette product, or
20 any component part thereof (including but not limited to the
21 tobacco, paper, or filter, and any components for roll-your-own
22 cigarettes), which contains a natural or artificial
23 constituent or additive that causes such cigarette or its smoke
24 to have a characterizing flavor other than tobacco or menthol.

25 (e) "Characterizing flavor" includes but is not limited to
26 any fruit, candy, chocolate, vanilla, honey, sugar or sugar

1 substitute, nut, mint, cocoa, dessert, soft drink, alcoholic
2 beverage, herb or spice flavoring, but does not include tobacco
3 or menthol. In no event shall a cigarette or any component part
4 thereof (including but not limited to the tobacco, paper, roll
5 or filter) be construed to have a characterizing flavor based
6 solely on the use of additives or flavorings, or the provision
7 of an ingredient list made available by any means.

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

9 (720 ILCS 685/4) (from Ch. 23, par. 2358-4)

10 Sec. 4. Offenses.

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

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

21 (a-6) No person shall knowingly sell, distribute, or offer
22 for sale or distribution in this State or to any person in this
23 State a flavored cigarette.

24 (b) Sale of cigarette paper. No person shall knowingly
25 offer, sell, barter, exchange, deliver or give away cigarette

1 paper or cause, permit, or procure cigarette paper to be sold,
2 offered, bartered, exchanged, delivered, or given away except
3 from premises or an establishment where other tobacco products
4 are sold. For purposes of this Section, "tobacco products"
5 means cigarettes, cigars, smokeless tobacco, or tobacco in any
6 of its forms.

7 (c) Sale of cigarette paper from vending machines. No
8 person shall knowingly offer, sell, barter, exchange, deliver
9 or give away cigarette paper or cause, permit, or procure
10 cigarette paper to be sold, offered, bartered, exchanged,
11 delivered, or given away by use of a vending or coin-operated
12 machine or device. For purposes of this Section, "cigarette
13 paper" shall not include any paper that is incorporated into a
14 product to which a tax stamp must be affixed under the
15 Cigarette Tax Act or the Cigarette Use Tax Act.

16 (d) Use of identification cards. No person in the
17 furtherance or facilitation of obtaining smoking accessories
18 and smoking herbs shall display or use a false or forged
19 identification card or transfer, alter, or deface an
20 identification card.

21 (e) Warning to minors. Any person, firm, partnership,
22 company or corporation operating a place of business where
23 tobacco accessories and smoking herbs are sold or offered for
24 sale shall post in a conspicuous place upon the premises a sign
25 upon which there shall be imprinted the following statement,
26 "SALE OF TOBACCO ACCESSORIES AND SMOKING HERBS TO PERSONS UNDER

1 EIGHTEEN YEARS OF AGE OR THE MISREPRESENTATION OF AGE TO
2 PROCURE SUCH A SALE IS PROHIBITED BY LAW". The sign shall be
3 printed on a white card in red letters at least one-half inch
4 in height.

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