

SB3174



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB3174

Introduced 2/9/2010, by Sen. Terry Link

SYNOPSIS AS INTRODUCED:

720 ILCS 685/4
720 ILCS 685/5

from Ch. 23, par. 2358-4
from Ch. 23, par. 2358-5

Amends the Tobacco Accessories and Smoking Herbs Control Act. Provides that a product containing or delivering nicotine intended or expected for human consumption, or any part of such a product, that is not a tobacco product shall not be distributed or sold in the State or to consumers in the State unless it has been approved or otherwise certified for legal sale by the United States Food and Drug Administration as a tobacco use cessation, harm reduction, or modified-risk product, or for other medical purposes, and is being marketed and sold solely for that approved purpose. Establishes penalties for violations.

LRB096 20248 RLC 35831 b

A BILL FOR

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 4 and 5 as follows:

6 (720 ILCS 685/4) (from Ch. 23, par. 2358-4)

7 Sec. 4. Offenses.

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

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

18 (a-6) Nicotine delivery products. No product containing or
19 delivering nicotine intended or expected for human
20 consumption, or any part of such a product, that is not a
21 tobacco product as defined in Section 1 of the Prevention of
22 Tobacco Use by Minors Act (as amended by P.A. 96-179)/Sale and
23 Distribution of Tobacco Products Act (as amended by P.A.

1 96-446) shall be distributed or sold in this State or to
2 consumers in this State unless it has been approved or
3 otherwise certified for legal sale by the United States Food
4 and Drug Administration as a tobacco use cessation, harm
5 reduction, or modified-risk product, or for other medical
6 purposes, and is being marketed and sold solely for that
7 approved purpose.

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

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

25 (d) Use of identification cards. No person in the
26 furtherance or facilitation of obtaining smoking accessories

1 and smoking herbs shall display or use a false or forged
2 identification card or transfer, alter, or deface an
3 identification card.

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

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

15 (720 ILCS 685/5) (from Ch. 23, par. 2358-5)

16 Sec. 5. Penalty.

17 (a) Any person who shall knowingly violate, or shall
18 knowingly cause the violation of any provision of this Act
19 other than subsection (a-5) or (a-6) of Section 4 shall be
20 guilty of a Class C misdemeanor.

21 (b) Any person who knowingly violates or knowingly causes
22 the violation of subsection (a-5) or (a-6) of Section 4 is
23 guilty of a petty offense for which the offender may be fined
24 an amount as follows:

25 (1) For a first offense, not less than \$100 and not

1 more than \$500.

2 (2) For a second offense within a 2-year period, not
3 less than \$250 and not more than \$500.

4 (3) For a third or subsequent offense within a 2-year
5 period, not less than \$500 and not more than \$1,000.

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