

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 Cigarette Tax Act is amended by changing
5 Section 24 as follows:

6 (35 ILCS 130/24) (from Ch. 120, par. 453.24)

7 (Text of Section before amendment by P.A. 98-1055)

8 Sec. 24. Punishment for sale or possession of packages of
9 contraband cigarettes.

10 (a) Possession or sale of 100 or less packages of
11 contraband cigarettes. With the exception of licensed
12 distributors, licensed secondary distributors, or licensed
13 transporters, as defined in Section 9c of this Act, any person
14 who has in his or her possession or sells 100 or less original
15 packages of contraband cigarettes is guilty of a Class A
16 misdemeanor.

17 (b) Possession or sale of more than 100 but less than 251
18 packages of contraband cigarettes. With the exception of
19 licensed distributors, licensed secondary distributors, or
20 licensed transporters, as defined in Section 9c of this Act,
21 any person who has in his or her possession or sells more than
22 100 but less than 251 original packages of contraband
23 cigarettes is guilty of a Class A misdemeanor for a first

1 offense and a Class 4 felony for each subsequent offense.

2 (c) Possession or sale of more than 250 but less than 1,001
3 packages of contraband cigarettes. With the exception of
4 licensed distributors, licensed secondary distributors, or
5 licensed transporters, as defined in Section 9c of this Act,
6 any person who has in his or her possession or sells more than
7 250 but less than 1,001 original packages of contraband
8 cigarettes is guilty of a Class 4 felony.

9 (d) Possession or sale of more than 1,000 packages of
10 contraband cigarettes. With the exception of licensed
11 distributors, licensed secondary distributors, or licensed
12 transporters, as defined in Section 9c of this Act, any person
13 who has in his or her possession or sells more than 1,000
14 original packages of contraband cigarettes is guilty of a Class
15 3 felony.

16 (e) Any person licensed as a distributor, secondary
17 distributor, or transporter, as defined in Section 9c of this
18 Act, who has in his or her possession or sells 100 or less
19 original packages of contraband cigarettes is guilty of a Class
20 A misdemeanor.

21 (f) Any person licensed as a distributor, secondary
22 distributor, or transporter, as defined in Section 9c of this
23 Act, who has in his or her possession or sells more than 100
24 original packages of contraband cigarettes is guilty of a Class
25 4 felony.

26 (g) Notwithstanding subsections (e) through (f), licensed

1 distributors and transporters, as defined in Section 9c of this
2 Act, may possess unstamped packages of cigarettes.
3 Notwithstanding subsections (e) through (f), licensed
4 distributors may possess cigarettes that bear a tax stamp of
5 another state or taxing jurisdiction. Notwithstanding
6 subsections (e) through (f), a licensed distributor or licensed
7 secondary distributor may possess contraband cigarettes
8 returned to the distributor or licensed secondary distributor
9 by a retailer if the distributor or licensed secondary
10 distributor immediately conducts an inventory of the
11 cigarettes being returned, the distributor or licensed
12 secondary distributor and the retailer returning the
13 contraband cigarettes sign the inventory, the distributor or
14 licensed secondary distributor provides a copy of the signed
15 inventory to the retailer, and the distributor retains the
16 inventory in its books and records and promptly notifies the
17 Department of Revenue.

18 (h) Notwithstanding subsections (a) through (d) of this
19 Section, a retailer unknowingly possessing contraband
20 cigarettes obtained from a licensed distributor or licensed
21 secondary distributor or knowingly possessing contraband
22 cigarettes obtained from a licensed distributor is not subject
23 to penalties under this Section if the retailer, within 48
24 hours after discovering that the cigarettes are contraband
25 cigarettes, excluding Saturdays, Sundays, and holidays: (i)
26 notifies the Department and the licensed distributor or

1 licensed secondary distributor from whom the cigarettes were
2 obtained, orally and in writing, that he or she possesses
3 contraband cigarettes obtained from a licensed distributor or
4 licensed secondary distributor; (ii) places the contraband
5 cigarettes in one or more containers and seals those
6 containers; and (iii) places on the containers the following or
7 similar language: "Contraband Cigarettes. Not For Sale." All
8 contraband cigarettes in the possession of a retailer remain
9 subject to forfeiture under the provisions of this Act.

10 (i) Notwithstanding any other provision of law, violations
11 of subsection (d) of Section 1 of the Prevention of Tobacco Use
12 by Minors and Sale and Distribution of Tobacco Products Act,
13 other than violations involving the sale or distribution of a
14 tobacco product to a minor under the age of 18, shall be
15 subject only to the penalties provided in subsection (g-5) of
16 Section 2 of that Act.

17 (Source: P.A. 96-782, eff. 1-1-10; 96-1027, eff. 7-12-10.)

18 (Text of Section after amendment by P.A. 98-1055)

19 Sec. 24. Punishment for sale or possession of packages of
20 contraband cigarettes.

21 (a) Possession or sale of 100 or less packages of
22 contraband cigarettes. With the exception of licensed
23 distributors, licensed secondary distributors, or licensed
24 transporters, as defined in Section 9c of this Act, any person
25 who has in his or her possession or sells 100 or less original

1 packages of contraband cigarettes is guilty of a Class A
2 misdemeanor and a Class 4 felony for each subsequent offense
3 occurring within 12 months of a prior offense.

4 (b) Possession or sale of more than 100 but less than 251
5 packages of contraband cigarettes. With the exception of
6 licensed distributors, licensed secondary distributors, or
7 licensed transporters, as defined in Section 9c of this Act,
8 any person who has in his or her possession or sells more than
9 100 but less than 251 original packages of contraband
10 cigarettes is guilty of a Class A misdemeanor for a first
11 offense and a Class 4 felony for each subsequent offense.

12 (c) Possession or sale of more than 250 but less than 1,001
13 packages of contraband cigarettes. With the exception of
14 licensed distributors, licensed secondary distributors, or
15 licensed transporters, as defined in Section 9c of this Act,
16 any person who has in his or her possession or sells more than
17 250 but less than 1,001 original packages of contraband
18 cigarettes is guilty of a Class 4 felony.

19 (d) Possession or sale of more than 1,000 packages of
20 contraband cigarettes. With the exception of licensed
21 distributors, licensed secondary distributors, or licensed
22 transporters, as defined in Section 9c of this Act, any person
23 who has in his or her possession or sells more than 1,000
24 original packages of contraband cigarettes is guilty of a Class
25 3 felony.

26 (e) Any person licensed as a distributor, secondary

1 distributor, or transporter, as defined in Section 9c of this
2 Act, who has in his or her possession or sells 100 or less
3 original packages of contraband cigarettes is guilty of a Class
4 A misdemeanor and a Class 4 felony for each subsequent offense
5 occurring within 12 months of a prior offense.

6 (f) Any person licensed as a distributor, secondary
7 distributor, or transporter, as defined in Section 9c of this
8 Act, who has in his or her possession or sells more than 100
9 original packages of contraband cigarettes is guilty of a Class
10 4 felony.

11 (g) Notwithstanding subsections (e) through (f), licensed
12 distributors and transporters, as defined in Section 9c of this
13 Act, may possess unstamped packages of cigarettes.
14 Notwithstanding subsections (e) through (f), licensed
15 distributors may possess cigarettes that bear a tax stamp of
16 another state or taxing jurisdiction. Notwithstanding
17 subsections (e) through (f), a licensed distributor or licensed
18 secondary distributor may possess contraband cigarettes
19 returned to the distributor or licensed secondary distributor
20 by a retailer if the distributor or licensed secondary
21 distributor immediately conducts an inventory of the
22 cigarettes being returned, the distributor or licensed
23 secondary distributor and the retailer returning the
24 contraband cigarettes sign the inventory, the distributor or
25 licensed secondary distributor provides a copy of the signed
26 inventory to the retailer, and the distributor retains the

1 inventory in its books and records and promptly notifies the
2 Department of Revenue.

3 (h) Notwithstanding subsections (a) through (d) of this
4 Section, a retailer unknowingly possessing contraband
5 cigarettes obtained from a licensed distributor or licensed
6 secondary distributor or knowingly possessing contraband
7 cigarettes obtained from a licensed distributor is not subject
8 to penalties under this Section if the retailer, within 48
9 hours after discovering that the cigarettes are contraband
10 cigarettes, excluding Saturdays, Sundays, and holidays: (i)
11 notifies the Department and the licensed distributor or
12 licensed secondary distributor from whom the cigarettes were
13 obtained, orally and in writing, that he or she possesses
14 contraband cigarettes obtained from a licensed distributor or
15 licensed secondary distributor; (ii) places the contraband
16 cigarettes in one or more containers and seals those
17 containers; and (iii) places on the containers the following or
18 similar language: "Contraband Cigarettes. Not For Sale." All
19 contraband cigarettes in the possession of a retailer remain
20 subject to forfeiture under the provisions of this Act.

21 Any retailer who knowingly possesses packages of
22 cigarettes with a counterfeit stamp with intent to sell is
23 guilty of a Class 2 felony. Any retailer who knowingly
24 possesses unstamped packages of cigarettes with intent to sell
25 is guilty of a Class 4 felony. A retailer shall not be liable
26 for unknowingly possessing, selling, or distributing to

1 consumers cigarettes that contain an old stamp if the correct
2 tax was collected at the point of sale and the cigarettes were
3 obtained from a distributor licensed under this Act.

4 (i) Notwithstanding any other provision of law, violations
5 of subsection (d) of Section 1 of the Prevention of Tobacco Use
6 by Minors and Sale and Distribution of Tobacco Products Act,
7 other than violations involving the sale or distribution of a
8 tobacco product to a minor under the age of 18, shall be
9 subject only to the penalties provided in subsection (g-5) of
10 Section 2 of that Act.

11 (Source: P.A. 98-1055, eff. 1-1-16.)

12 Section 10. The Cigarette Use Tax Act is amended by
13 changing Section 30 as follows:

14 (35 ILCS 135/30) (from Ch. 120, par. 453.60)

15 (Text of Section before amendment by P.A. 98-1055)

16 Sec. 30. Punishment for sale or possession of unstamped
17 packages of cigarettes, other than by a licensed distributor or
18 transporter.

19 (a) Possession or sale of more than 9 but less than 101
20 unstamped packages of cigarettes. With the exception of
21 licensed distributors, licensed secondary distributors, or
22 licensed transporters, as defined in Section 9c of the
23 Cigarette Tax Act, any person who has in his or her possession
24 or sells more than 9 but less than 101 original packages of

1 contraband cigarettes is guilty of a Class A misdemeanor.

2 (b) Possession or sale of more than 100 but less than 251
3 unstamped packages of cigarettes. With the exception of
4 licensed distributors, licensed secondary distributors, or
5 licensed transporters, as defined in Section 9c of the
6 Cigarette Tax Act, any person who has in his or her possession
7 or sells more than 100 but less than 251 original packages of
8 contraband cigarettes is guilty of a Class A misdemeanor for
9 the first offense and a Class 4 felony for each subsequent
10 offense.

11 (c) Possession or sale of more than 250 but less than 1,001
12 unstamped packages of cigarettes. With the exception of
13 licensed distributors, licensed secondary distributors, or
14 licensed transporters, as defined in Section 9c of the
15 Cigarette Tax Act, any person who has in his or her possession
16 or sells more than 250 but less than 1,001 original packages of
17 contraband cigarettes is guilty of a Class 4 felony.

18 (d) Possession or sale of more than 1,000 contraband
19 packages of cigarettes. With the exception of licensed
20 distributors, licensed secondary distributors, or licensed
21 transporters, as defined in Section 9c of the Cigarette Tax
22 Act, any person who has in his or her possession or sells, more
23 than 1,000 original packages of contraband cigarettes is guilty
24 of a Class 3 felony.

25 (e) Any person licensed as a distributor, secondary
26 distributor, or transporter, as defined in Section 9c of the

1 Cigarette Tax Act, who has in his or her possession or sells
2 100 or less original packages of contraband cigarettes is
3 guilty of a Class A misdemeanor.

4 (f) Any person licensed as a distributor, secondary
5 distributor, or transporter, as defined in Section 9c of the
6 Cigarette Tax Act, who has in his or her possession or sells
7 more than 100 original packages of contraband cigarettes is
8 guilty of a Class 4 felony.

9 (g) Notwithstanding subsections (e) through (f), licensed
10 distributors and transporters, as defined in Section 9c of the
11 Cigarette Tax Act, may possess unstamped packages of
12 cigarettes. Notwithstanding subsections (e) through (f),
13 licensed distributors may possess cigarettes that bear a tax
14 stamp of another state or taxing jurisdiction. Notwithstanding
15 subsections (e) through (f), a licensed distributor or licensed
16 secondary distributor may possess contraband cigarettes
17 returned to the distributor or licensed secondary distributor
18 by a retailer if the distributor or licensed secondary
19 distributor immediately conducts an inventory of the
20 cigarettes being returned, the distributor or licensed
21 secondary distributor and the retailer returning the
22 contraband cigarettes sign the inventory, the distributor or
23 licensed secondary distributor provides a copy of the signed
24 inventory to the retailer, and the distributor or licensed
25 secondary distributor retains the inventory in its books and
26 records and promptly notifies the Department of Revenue.

1 (h) Notwithstanding subsections (a) through (d) of this
2 Section, a retailer unknowingly possessing contraband
3 cigarettes obtained from a licensed distributor or licensed
4 secondary distributor or knowingly possessing contraband
5 cigarettes obtained from a licensed distributor or licensed
6 secondary distributor is not subject to penalties under this
7 Section if the retailer, within 48 hours after discovering that
8 the cigarettes are contraband cigarettes, excluding Saturdays,
9 Sundays, and holidays: (i) notifies the Department and the
10 licensed distributor or licensed secondary distributor from
11 whom the cigarettes were obtained, orally and in writing, that
12 he or she possesses contraband cigarettes obtained from a
13 licensed distributor or licensed secondary distributor; (ii)
14 places the contraband cigarettes in one or more containers and
15 seals those containers; and (iii) places on the containers the
16 following or similar language: "Contraband Cigarettes. Not For
17 Sale." All contraband cigarettes in the possession of a
18 retailer remain subject to forfeiture under the provisions of
19 this Act.

20 (i) Notwithstanding any other provision of law, violations
21 of subsection (d) of Section 1 of the Prevention of Tobacco Use
22 by Minors and Sale and Distribution of Tobacco Products Act,
23 other than violations involving the sale or distribution of a
24 tobacco product to a minor under the age of 18, shall be
25 subject only to the penalties provided in subsection (g-5) of
26 Section 2 of that Act.

1 (Source: P.A. 96-782, eff. 1-1-10; 96-1027, eff. 7-12-10.)

2 (Text of Section after amendment by P.A. 98-1055)

3 Sec. 30. Punishment for sale or possession of unstamped
4 packages of cigarettes, other than by a licensed distributor or
5 transporter.

6 (a) Possession or sale of more than 9 but less than 101
7 unstamped packages of cigarettes. With the exception of
8 licensed distributors, licensed secondary distributors, or
9 licensed transporters, as defined in Section 9c of the
10 Cigarette Tax Act, any person who has in his or her possession
11 or sells more than 9 but less than 101 original packages of
12 contraband cigarettes is guilty of a Class A misdemeanor and a
13 Class 4 felony for each subsequent offense occurring within 12
14 months of a prior offense.

15 (b) Possession or sale of more than 100 but less than 251
16 unstamped packages of cigarettes. With the exception of
17 licensed distributors, licensed secondary distributors, or
18 licensed transporters, as defined in Section 9c of the
19 Cigarette Tax Act, any person who has in his or her possession
20 or sells more than 100 but less than 251 original packages of
21 contraband cigarettes is guilty of a Class A misdemeanor for
22 the first offense and a Class 4 felony for each subsequent
23 offense.

24 (c) Possession or sale of more than 250 but less than 1,001
25 unstamped packages of cigarettes. With the exception of

1 licensed distributors, licensed secondary distributors, or
2 licensed transporters, as defined in Section 9c of the
3 Cigarette Tax Act, any person who has in his or her possession
4 or sells more than 250 but less than 1,001 original packages of
5 contraband cigarettes is guilty of a Class 4 felony.

6 (d) Possession or sale of more than 1,000 contraband
7 packages of cigarettes. With the exception of licensed
8 distributors, licensed secondary distributors, or licensed
9 transporters, as defined in Section 9c of the Cigarette Tax
10 Act, any person who has in his or her possession or sells, more
11 than 1,000 original packages of contraband cigarettes is guilty
12 of a Class 3 felony.

13 (e) Any person licensed as a distributor, secondary
14 distributor, or transporter, as defined in Section 9c of the
15 Cigarette Tax Act, who has in his or her possession or sells
16 100 or less original packages of contraband cigarettes is
17 guilty of a Class A misdemeanor and a Class 4 felony for each
18 subsequent offense occurring within 12 months of a prior
19 offense.

20 (f) Any person licensed as a distributor, secondary
21 distributor, or transporter, as defined in Section 9c of the
22 Cigarette Tax Act, who has in his or her possession or sells
23 more than 100 original packages of contraband cigarettes is
24 guilty of a Class 4 felony.

25 (g) Notwithstanding subsections (e) through (f), licensed
26 distributors and transporters, as defined in Section 9c of the

1 Cigarette Tax Act, may possess unstamped packages of
2 cigarettes. Notwithstanding subsections (e) through (f),
3 licensed distributors may possess cigarettes that bear a tax
4 stamp of another state or taxing jurisdiction. Notwithstanding
5 subsections (e) through (f), a licensed distributor or licensed
6 secondary distributor may possess contraband cigarettes
7 returned to the distributor or licensed secondary distributor
8 by a retailer if the distributor or licensed secondary
9 distributor immediately conducts an inventory of the
10 cigarettes being returned, the distributor or licensed
11 secondary distributor and the retailer returning the
12 contraband cigarettes sign the inventory, the distributor or
13 licensed secondary distributor provides a copy of the signed
14 inventory to the retailer, and the distributor or licensed
15 secondary distributor retains the inventory in its books and
16 records and promptly notifies the Department of Revenue.

17 (h) Notwithstanding subsections (a) through (d) of this
18 Section, a retailer unknowingly possessing contraband
19 cigarettes obtained from a licensed distributor or licensed
20 secondary distributor or knowingly possessing contraband
21 cigarettes obtained from a licensed distributor or licensed
22 secondary distributor is not subject to penalties under this
23 Section if the retailer, within 48 hours after discovering that
24 the cigarettes are contraband cigarettes, excluding Saturdays,
25 Sundays, and holidays: (i) notifies the Department and the
26 licensed distributor or licensed secondary distributor from

1 whom the cigarettes were obtained, orally and in writing, that
2 he or she possesses contraband cigarettes obtained from a
3 licensed distributor or licensed secondary distributor; (ii)
4 places the contraband cigarettes in one or more containers and
5 seals those containers; and (iii) places on the containers the
6 following or similar language: "Contraband Cigarettes. Not For
7 Sale." All contraband cigarettes in the possession of a
8 retailer remain subject to forfeiture under the provisions of
9 this Act.

10 Any retailer who knowingly possesses packages of
11 cigarettes with a counterfeit stamp with intent to sell is
12 guilty of a Class 2 felony. Any retailer who knowingly
13 possesses unstamped packages of cigarettes with intent to sell
14 is guilty of a Class 4 felony. A retailer shall not be liable
15 for unknowingly possessing, selling, or distributing to
16 consumers cigarettes that contain an old stamp if the correct
17 tax was collected at the point of sale and the cigarettes were
18 obtained from a distributor licensed under this Act.

19 (i) Notwithstanding any other provision of law, violations
20 of subsection (d) of Section 1 of the Prevention of Tobacco Use
21 by Minors and Sale and Distribution of Tobacco Products Act,
22 other than violations involving the sale or distribution of a
23 tobacco product to a minor under the age of 18, shall be
24 subject only to the penalties provided in subsection (g-5) of
25 Section 2 of that Act.

26 (Source: P.A. 98-1055, eff. 1-1-16.)

1 Section 15. The Prevention of Tobacco Use by Minors and
2 Sale and Distribution of Tobacco Products Act is amended by
3 changing Section 2 as follows:

4 (720 ILCS 675/2) (from Ch. 23, par. 2358)

5 (Text of Section before amendment by P.A. 98-1055)

6 Sec. 2. Penalties.

7 (a) Any person who violates subsection (a), (a-5), or (a-6)
8 of Section 1 or Section 1.5 of this Act is guilty of a petty
9 offense and for the first offense shall be fined \$200, \$400 for
10 the second offense in a 12-month period, and \$600 for the third
11 or any subsequent offense in a 12-month period.

12 (b) If a minor violates subsection (a-7) of Section 1 he or
13 she is guilty of a petty offense and the court may impose a
14 sentence of 15 hours of community service or a fine of \$25 for
15 a first violation.

16 (c) A second violation by a minor of subsection (a-7) of
17 Section 1 that occurs within 12 months after the first
18 violation is punishable by a fine of \$50 and 25 hours of
19 community service.

20 (d) A third or subsequent violation by a minor of
21 subsection (a-7) of Section 1 that occurs within 12 months
22 after the first violation is punishable by a \$100 fine and 30
23 hours of community service.

24 (e) Any second or subsequent violation not within the

1 12-month time period after the first violation is punishable as
2 provided for a first violation.

3 (f) If a minor is convicted of or placed on supervision for
4 a violation of subsection (a-7) of Section 1, the court may, in
5 its discretion, and upon recommendation by the State's
6 Attorney, order that minor and his or her parents or legal
7 guardian to attend a smoker's education or youth diversion
8 program if that program is available in the jurisdiction where
9 the offender resides. Attendance at a smoker's education or
10 youth diversion program shall be time-credited against any
11 community service time imposed for any first violation of
12 subsection (a-7) of Section 1. In addition to any other penalty
13 that the court may impose for a violation of subsection (a-7)
14 of Section 1, the court, upon request by the State's Attorney,
15 may in its discretion require the offender to remit a fee for
16 his or her attendance at a smoker's education or youth
17 diversion program.

18 (g) For purposes of this Section, "smoker's education
19 program" or "youth diversion program" includes, but is not
20 limited to, a seminar designed to educate a person on the
21 physical and psychological effects of smoking tobacco products
22 and the health consequences of smoking tobacco products that
23 can be conducted with a locality's youth diversion program.

24 (g-5) A violation of subsection (d) of Section 1 of this
25 Act, other than a violation involving the sale or distribution
26 of a tobacco product to a minor under the age of 18, is a petty

1 offense punishable by a fine of not more than \$50 for each
2 violation. Such a violation may be satisfied without a court
3 appearance by a written plea of guilty and payment of all
4 applicable fines, penalties, and costs.

5 (h) All moneys collected as fines for violations of
6 subsection (a), (a-5), (a-6), or (a-7) of Section 1 shall be
7 distributed in the following manner:

8 (1) one-half of each fine shall be distributed to the
9 unit of local government or other entity that successfully
10 prosecuted the offender; and

11 (2) one-half shall be remitted to the State to be used
12 for enforcing this Act.

13 (Source: P.A. 98-350, eff. 1-1-14.)

14 (Text of Section after amendment by P.A. 98-1055)

15 Sec. 2. Penalties.

16 (a) Any person who violates subsection (a) or (a-5) of
17 Section 1 or Section 1.5 of this Act is guilty of a petty
18 offense. For the first offense in a 24-month period, the person
19 shall be fined \$200 if his or her employer has a training
20 program that facilitates compliance with minimum-age tobacco
21 laws. For the second offense in a 24-month period, the person
22 shall be fined \$400 if his or her employer has a training
23 program that facilitates compliance with minimum-age tobacco
24 laws. For the third offense in a 24-month period, the person
25 shall be fined \$600 if his or her employer has a training

1 program that facilitates compliance with minimum-age tobacco
2 laws. For the fourth or subsequent offense in a 24-month
3 period, the person shall be fined \$800 if his or her employer
4 has a training program that facilitates compliance with
5 minimum-age tobacco laws. For the purposes of this subsection,
6 the 24-month period shall begin with the person's first
7 violation of the Act. The penalties in this subsection are in
8 addition to any other penalties prescribed under the Cigarette
9 Tax Act and the Tobacco Products Tax Act of 1995.

10 (a-5) Any person who violates subsection (a) or (a-5) of
11 Section 1 or Section 1.5 of this Act is guilty of a petty
12 offense. For the first offense, the retailer shall be fined
13 \$200 if it does not have a training program that facilitates
14 compliance with minimum-age tobacco laws. For the second
15 offense, the retailer shall be fined \$400 if it does not have a
16 training program that facilitates compliance with minimum-age
17 tobacco laws. For the third offense, the retailer shall be
18 fined \$600 if it does not have a training program that
19 facilitates compliance with minimum-age tobacco laws. For the
20 fourth or subsequent offense in a 24-month period, the retailer
21 shall be fined \$800 if it does not have a training program that
22 facilitates compliance with minimum-age tobacco laws. For the
23 purposes of this subsection, the 24-month period shall begin
24 with the person's first violation of the Act. The penalties in
25 this subsection are in addition to any other penalties
26 prescribed under the Cigarette Tax Act and the Tobacco Products

1 Tax Act of 1995.

2 (a-6) For the purpose of this Act, a training program that
3 facilitates compliance with minimum-age tobacco laws must
4 include at least the following elements: (i) it must explain
5 that only individuals displaying valid identification
6 demonstrating that they are 18 years of age or older shall be
7 eligible to purchase cigarettes or tobacco products; (ii) it
8 must explain where a clerk can check identification for a date
9 of birth; and (iii) it must explain the penalties that a clerk
10 and retailer are subject to for violations of the Prevention of
11 Tobacco Use by Minors and Sale and Distribution of Tobacco
12 Products Act.

13 (b) If a minor violates subsection (a-7) of Section 1 he or
14 she is guilty of a petty offense and the court may impose a
15 sentence of 25 hours of community service and a fine of \$50 for
16 a first violation. If a minor violates subsection (a-6) of
17 Section 1, he or she is guilty of a Class A misdemeanor.

18 (c) A second violation by a minor of subsection (a-7) of
19 Section 1 that occurs within 12 months after the first
20 violation is punishable by a fine of \$75 and 50 hours of
21 community service.

22 (d) A third or subsequent violation by a minor of
23 subsection (a-7) of Section 1 that occurs within 12 months
24 after the first violation is punishable by a \$200 fine and 50
25 hours of community service.

26 (e) Any second or subsequent violation not within the

1 12-month time period after the first violation is punishable as
2 provided for a first violation.

3 (f) If a minor is convicted of or placed on supervision for
4 a violation of subsection (a-6) or (a-7) of Section 1, the
5 court may, in its discretion, and upon recommendation by the
6 State's Attorney, order that minor and his or her parents or
7 legal guardian to attend a smoker's education or youth
8 diversion program if that program is available in the
9 jurisdiction where the offender resides. Attendance at a
10 smoker's education or youth diversion program shall be
11 time-credited against any community service time imposed for
12 any first violation of subsection (a-7) of Section 1. In
13 addition to any other penalty that the court may impose for a
14 violation of subsection (a-7) of Section 1, the court, upon
15 request by the State's Attorney, may in its discretion require
16 the offender to remit a fee for his or her attendance at a
17 smoker's education or youth diversion program.

18 (g) For purposes of this Section, "smoker's education
19 program" or "youth diversion program" includes, but is not
20 limited to, a seminar designed to educate a person on the
21 physical and psychological effects of smoking tobacco products
22 and the health consequences of smoking tobacco products that
23 can be conducted with a locality's youth diversion program.

24 (g-5) A violation of subsection (d) of Section 1 of this
25 Act, other than a violation involving the sale or distribution
26 of a tobacco product to a minor under the age of 18, is a petty

1 offense punishable by a fine of not more than \$50 for each
2 violation. Such a violation may be satisfied without a court
3 appearance by a written plea of guilty and payment of all
4 applicable fines, penalties, and costs.

5 (h) All moneys collected as fines for violations of
6 subsection (a), (a-5), (a-6), or (a-7) of Section 1 shall be
7 distributed in the following manner:

8 (1) one-half of each fine shall be distributed to the
9 unit of local government or other entity that successfully
10 prosecuted the offender; and

11 (2) one-half shall be remitted to the State to be used
12 for enforcing this Act.

13 Any violation of subsection (a) or (a-5) of Section 1 or
14 Section 1.5 shall be reported to the Department of Revenue
15 within 7 business days.

16 (Source: P.A. 98-350, eff. 1-1-14; 98-1055, eff. 1-1-16.)

17 Section 95. No acceleration or delay. Where this Act makes
18 changes in a statute that is represented in this Act by text
19 that is not yet or no longer in effect (for example, a Section
20 represented by multiple versions), the use of that text does
21 not accelerate or delay the taking effect of (i) the changes
22 made by this Act or (ii) provisions derived from any other
23 Public Act.