

1 AN ACT in relation to criminal law.

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

4 Section 5. The Sale of Tobacco to Minors Act is amended  
5 by changing Section 1 and adding Section 3 as follows:

6 (720 ILCS 675/1) (from Ch. 23, par. 2357)

7 Sec. 1. No minor under 18 years of age shall buy any  
8 cigar, cigarette, smokeless tobacco or tobacco in any of its  
9 forms. No person shall sell, buy for, distribute samples of  
10 or furnish any cigar, cigarette, smokeless tobacco or tobacco  
11 in any of its forms, to any minor under 18 years of age.  
12 Sales prohibited under this Section include sales using the  
13 Internet.

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

17 Tobacco products listed above may be sold through a  
18 vending machine only in the following locations:

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

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

23 (3) Places where alcoholic beverages are sold and  
24 consumed on the premises.

25 (4) Places where the vending machine is under the  
26 direct supervision of the owner of the establishment or  
27 an employee over 18 years of age. The sale of tobacco  
28 products from a vending machine under direct supervision  
29 of the owner or an employee of the establishment is  
30 considered a sale of tobacco products by that person. As  
31 used in this subdivision, "direct supervision" means that

1 the owner or employee has an unimpeded line of sight to  
2 the vending machine.

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

7 (Source: P.A. 89-181, eff. 7-19-95.)

8 (720 ILCS 675/3 new)

9 Sec. 3. Sale using Internet; injunctive relief. If the  
10 State's Attorney has reasonable cause to believe that a  
11 person is engaged in, or has engaged in, any act involving  
12 the sale of a tobacco product using the Internet that would  
13 constitute a violation of Section 1, the State's Attorney may  
14 bring a civil action for injunctive relief against the  
15 person, as the State's Attorney determines to be necessary to  
16 restrain the person from engaging, or continuing to engage,  
17 in the violation. The State's Attorney may bring an action  
18 under this Section only in the county in which the recipient  
19 of the tobacco product resides or is found. This Section  
20 applies only to sales of tobacco products made on or after  
21 the effective date of this amendatory Act of the 92nd General  
22 Assembly.

23 Section 10. The Smokeless Tobacco Limitation Act is  
24 amended by changing Section 3 and adding Section 5 as  
25 follows:

26 (720 ILCS 680/3) (from Ch. 23, par. 2358-23)

27 Sec. 3. No person shall sell any smokeless tobacco  
28 product to any person under the age of 18. Sales prohibited  
29 under this Section include sales using the Internet. Any  
30 person who violates this Section shall be guilty of a  
31 business offense punishable by a fine of not more than \$50

1 for each violation.

2 (Source: P.A. 85-465.)

3 (720 ILCS 680/5 new)

4 Sec. 5. Sale using Internet; injunctive relief. If the  
5 State's Attorney has reasonable cause to believe that a  
6 person is engaged in, or has engaged in, any act involving  
7 the sale of a smokeless tobacco product using the Internet  
8 that would constitute a violation of Section 3, the State's  
9 Attorney may bring a civil action for injunctive relief  
10 against the person, as the State's Attorney determines to be  
11 necessary to restrain the person from engaging, or continuing  
12 to engage, in the violation. The State's Attorney may bring  
13 an action under this Section only in the county in which the  
14 recipient of the smokeless tobacco product resides or is  
15 found. This Section applies only to sales of smokeless  
16 tobacco products made on or after the effective date of this  
17 amendatory Act of the 92nd General Assembly.

18 Section 15. The Tobacco Accessories and Smoking Herbs  
19 Control Act is amended by changing Section 4 and adding  
20 Section 6 as follows:

21 (720 ILCS 685/4) (from Ch. 23, par. 2358-4)

22 Sec. 4. Offenses.

23 (a) Sale to minors. No person shall knowingly sell,  
24 barter, exchange, deliver or give away or cause or permit or  
25 procure to be sold, bartered, exchanged, delivered, or given  
26 away tobacco accessories or smoking herbs to any person under  
27 18 years of age.

28 (a-5) Sale of bidi cigarettes. No person shall knowingly  
29 sell, barter, exchange, deliver, or give away a bidi  
30 cigarette to another person, nor shall a person cause or  
31 permit or procure a bidi cigarette to be sold, bartered,

1 exchanged, delivered, or given away to another person.

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

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

19 (c-5) Sales to minors prohibited under this Section  
20 include sales using the Internet.

21 (d) Use of identification cards. No person in the  
22 furtherance or facilitation of obtaining smoking accessories  
23 and smoking herbs shall display or use a false or forged  
24 identification card or transfer, alter, or deface an  
25 identification card.

26 (e) Warning to minors. Any person, firm, partnership,  
27 company or corporation operating a place of business where  
28 tobacco accessories and smoking herbs are sold or offered for  
29 sale shall post in a conspicuous place upon the premises a  
30 sign upon which there shall be imprinted the following  
31 statement, "SALE OF TOBACCO ACCESSORIES AND SMOKING HERBS TO  
32 PERSONS UNDER EIGHTEEN YEARS OF AGE OR THE MISREPRESENTATION  
33 OF AGE TO PROCURE SUCH A SALE IS PROHIBITED BY LAW". The  
34 sign shall be printed on a white card in red letters at least

1 one-half inch in height.

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

3 (720 ILCS 685/6 new)

4 Sec. 6. Sale using Internet; injunctive relief. If the  
5 State's Attorney has reasonable cause to believe that a  
6 person is engaged in, or has engaged in, any act involving  
7 the sale of an item using the Internet that would constitute  
8 a violation of Section 4, the State's Attorney may bring a  
9 civil action for injunctive relief against the person, as the  
10 State's Attorney determines to be necessary to restrain the  
11 person from engaging, or continuing to engage, in the  
12 violation. The State's Attorney may bring an action under  
13 this Section only in the county in which the recipient of the  
14 item resides or is found. This Section applies only to sales  
15 of items made on or after the effective date of this  
16 amendatory Act of the 92nd General Assembly.

17 Section 99. Effective date. This Act takes effect upon  
18 becoming law.