

AN ACT concerning health.

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

Section 5. The Preventing Youth Vaping Act is amended by changing Section 25 as follows:

(410 ILCS 86/25)

Sec. 25. Advertising.

(a) A manufacturer, distributor, or retailer may not advertise, market, or promote an electronic cigarette as a modified risk tobacco product unless it has been designated as a modified risk tobacco product by the United States Food and Drug Administration.

(b) A manufacturer, distributor, or retailer may not advertise, market, or promote or advertise an electronic cigarette as providing smoking cessation benefits to consumers unless it has approval from the United States Food and Drug Administration to market its electronic cigarette as a medical product for such purpose.

(c) A manufacturer, distributor, or retailer may not advertise, market, or promote an electronic cigarette in a manner that includes fraudulent or misleading terms or statements.

(d) A manufacturer, distributor, or retailer may not

advertise, market, or promote an electronic cigarette in a manner that:

(1) encourages persons under 21 years of age to use an electronic cigarette; ~~or~~

(2) is attractive to persons under 21 years of age, including, but not limited to, inclusion of the following:

(A) cartoons;

(B) an image, character, or phrase that is similar to one popularly used to advertise to children; or

(C) a video game, movie, video, or animated television show known to appeal primarily to persons under 21 years of age; or

(3) is likely to cause a parent, legal guardian, teacher, or other person to mistake the electronic cigarette for a product that is not a tobacco product.

(Source: P.A. 102-575, eff. 1-1-22.)