



Sen. Jacqueline Y. Collins

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09500HB1455sam001

LRB095 05038 RLC 35935 a

1 AMENDMENT TO HOUSE BILL 1455

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 1455 on page 3, by  
3 inserting immediately below line 16 the following:

4 "Section 10. 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

1 lead to the use of tobacco and illegal drugs.

2 It is in the best interests of the citizens of the State of  
3 Illinois to seek to prohibit the spread of illegal drugs,  
4 tobacco or smoking materials to minors. The prohibition of the  
5 sale of tobacco and snuff accessories and smoking herbs to  
6 minors would help to curb the usage of illegal drugs and  
7 tobacco products, among our youth.

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

1 cigarettes presents a significant threat to public health and  
2 to our children, and that the sale of flavored cigarettes must  
3 be restricted.

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

5 (720 ILCS 685/3) (from Ch. 23, par. 2358-3)

6 Sec. 3. Definitions. The following definitions shall apply  
7 to this Act:

8 (a) "Tobacco accessories" shall mean cigarette papers,  
9 pipes, holders of smoking materials of all types, cigarette  
10 rolling machines, and other items, designed primarily for the  
11 smoking or ingestion of tobacco products or of substances made  
12 illegal under any statute or of substances whose sale, gift,  
13 barter, or exchange is made unlawful under this Act.

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

20 (c) "Bidi cigarette" means a product that contains tobacco  
21 that is wrapped in temburni or tendu leaf or that is wrapped in  
22 any other material identified by rules of the Department of  
23 Public Health that is similar in appearance or characteristics  
24 to the temburni or tendu leaf.

25 (d) "Flavored cigarette" means any cigarette product, or

1 any component part thereof (including but not limited to the  
2 tobacco, paper, or filter, and any components for roll-your-own  
3 cigarettes), which contains a natural or artificial  
4 constituent or additive that causes such cigarette or its smoke  
5 to have a characterizing flavor other than tobacco or menthol.

6 (e) "Characterizing flavor" means a distinguishable  
7 flavor, taste, or aroma (other than tobacco or menthol)  
8 produced by the tobacco product or its smoke either prior to or  
9 during consumption.

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

11 (720 ILCS 685/4) (from Ch. 23, par. 2358-4)

12 Sec. 4. Offenses.

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

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

23 (a-6) No person shall knowingly sell, distribute, or offer  
24 for sale or distribution in this State or to any person in this  
25 State a flavored cigarette. A public statement or claim by the

1 manufacturer or by any person authorized or permitted by the  
2 manufacturer to make public statements concerning a cigarette,  
3 that the cigarette has or produces a flavor, taste, or aroma  
4 (other than tobacco or menthol) shall constitute proof that the  
5 cigarette has a characterizing flavor and is a flavored  
6 cigarette.

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

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

24 (d) Use of identification cards. No person in the  
25 furtherance or facilitation of obtaining smoking accessories  
26 and smoking herbs shall display or use a false or forged

1 identification card or transfer, alter, or deface an  
2 identification card.

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

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