



Sen. John G. Mulroe

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09800HB2250sam001

LRB098 07662 RLC 45675 a

1 AMENDMENT TO HOUSE BILL 2250

2 AMENDMENT NO. _____. Amend House Bill 2250 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Prevention of Tobacco Use by Minors and
5 Sale and Distribution of Tobacco Products Act is amended by
6 changing Section 2 and adding Section 1.5 as follows:

7 (720 ILCS 675/1.5 new)

8 Sec. 1.5. Distribution of alternative nicotine products to
9 persons under 18 years of age prohibited.

10 (a) For the purposes of this Section, "alternative nicotine
11 product" means a product or device not consisting of or
12 containing tobacco that provides for the ingestion into the
13 body of nicotine, whether by chewing, smoking, absorbing,
14 dissolving, inhaling, snorting, sniffing, or by any other
15 means. "Alternative nicotine product" excludes cigarettes,
16 smokeless tobacco, or other tobacco products as these terms are

1 defined in Section 1 of this Act and any product approved by
2 the United States Food and Drug Administration as a non-tobacco
3 product for sale as a tobacco cessation product, as a tobacco
4 dependence product, or for other medical purposes, and is being
5 marketed and sold solely for that approved purpose.

6 (b) A person, either directly or indirectly by an agent or
7 employee, or by a vending machine owned by the person or
8 located in the person's establishment, may not sell, offer for
9 sale, give, or furnish any alternative nicotine product, or any
10 cartridge or component of an alternative nicotine product, to a
11 person under 18 years of age.

12 (c) Before selling, offering for sale, giving, or
13 furnishing an alternative nicotine product, or any cartridge or
14 component of an alternative nicotine product, to another
15 person, the person selling, offering for sale, giving, or
16 furnishing the alternative nicotine product shall verify that
17 the person is at least 18 years of age by:

18 (1) examining from any person that appears to be under
19 27 years of age a government-issued photographic
20 identification that establishes the person is at least 18
21 years of age; or

22 (2) for sales made though the Internet or other remote
23 sales methods, performing an age verification through an
24 independent, third-party age verification service that
25 compares information available from public records to the
26 personal information entered by the person during the

1 ordering process that establishes the person is 18 years of
2 age or older.

3 (720 ILCS 675/2) (from Ch. 23, par. 2358)
4 Sec. 2. Penalties.

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

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

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

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

22 (e) Any second or subsequent violation not within the
23 12-month time period after the first violation is punishable as
24 provided for a first violation.

25 (f) If a minor is convicted of or placed on supervision for

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

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

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

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

1 (2) one-half shall be remitted to the State to be used
2 for enforcing this Act.
3 (Source: P.A. 96-179, eff. 8-10-09.)".