



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB2231

Introduced 2/7/2025, by Sen. Sue Rezin

SYNOPSIS AS INTRODUCED:

720 ILCS 675/1.6 new
720 ILCS 675/2

from Ch. 23, par. 2358

Amends the Prevention of Tobacco Use by Persons under 21 Years of Age and Sale and Distribution of Tobacco Products Act. Provides that before electronic cigarettes may be sold in the State, each manufacturer of such products shall register its electronic cigarette products with the Department of Revenue and shall submit an affidavit to the Department of Revenue. Describes the form of the affidavit. Provides that the information in the affidavit shall be compiled in a registry maintained by the Department of Revenue, updated daily, and made publicly available on the Department's website. Provides that the Department of Revenue, the Department of Public Health, the Attorney General, and local law enforcement agencies shall enforce these provisions by seizing electronic cigarette products that are not in compliance. Provides that the Department of Revenue shall adopt rules to enforce these provisions. Provides that a manufacturer who violates these provisions is guilty of a Class A misdemeanor. Effective immediately.

LRB104 10168 BDA 20240 b

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 Prevention of Tobacco Use by Persons under
5 21 Years of Age and Sale and Distribution of Tobacco Products
6 Act is amended by changing Section 2 and by adding Section 1.6
7 as follows:

8 (720 ILCS 675/1.6 new)

9 Sec. 1.6. Manufacturer requirements; electronic
10 cigarettes.

11 (a) Before electronic cigarettes may be sold in this State,
12 each manufacturer of such products shall register its
13 electronic cigarette products with the Department of Revenue
14 and shall submit an affidavit to the Department of Revenue in
15 substantially the following form:

16 ILLINOIS AFFIDAVIT FOR ATTESTATION OF ELECTRONIC CIGARETTES
17 PRODUCTS

18 Affiant hereby states and affirms that:

19 (1) (name of manufacturer)is the manufacturer
20 of an electronic cigarette product that is sold or
21 intended to be sold in this State, whether directly or
22 indirectly, or through a distributor, retailer, or similar
23 intermediary or intermediaries.

1 (2) (manufacturer representative)..... attests that
2 this product was available for purchase in the United
3 States as of (date available), and the manufacturer has
4 applied for a marketing order for the electronic cigarette
5 product by submitting a Premarket Tobacco Product
6 Application on or before (date of application), to the
7 United States Food and Drug Administration (FDA) or has
8 received a marketing order or other authorization for the
9 electronic cigarette product from the FDA pursuant to
10 Section 387j of Title 21 of the United States Code.

11 (3) (manufacturer) shall notify the Department
12 of Revenue within 30 days of any material change to the
13 attestation, including whether the FDA has issued or not
14 issued a market order or other authorization or has
15 ordered the manufacturer to remove the electronic
16 cigarette product, either temporarily or permanently, from
17 the United States market.

18 (4) (manufacturer)..... understands that it is
19 unlawful for any person, directly or indirectly, to
20 knowingly manufacture, distribute, sell, barter, or
21 furnish in this State any electronic cigarette product
22 that is not included in the directory. The Department of
23 Revenue is relying on information provided in the
24 aforesaid affidavit as to your authority to sell or
25 distribute these products in Illinois. If the Department
26 of Revenue is not advised in writing of authorization for

1 a product to be sold or distributed in Illinois so that it
2 may be placed in the directory, it will be deemed an
3 unlawful product.

4 Date:.....

5 (Company name)

6 Subscribed and sworn to before me thisday of20..

7 Notary Public.....

8 My Commission Expires:.....

9 Commission No.....

10 (b) The information described in subsection (a) shall be
11 compiled in a registry maintained by the Department of
12 Revenue, updated daily, and made publicly available on the
13 Department's website.

14 (c) The Department of Revenue, the Department of Public
15 Health, the Attorney General, and local law enforcement
16 agencies shall enforce the provisions of this Section by
17 seizing electronic cigarette products that are not in
18 compliance with this Section.

19 (d) The Department of Revenue shall adopt rules to enforce
20 this Section.

21 (720 ILCS 675/2) (from Ch. 23, par. 2358)

22 Sec. 2. Penalties.

23 (a) Any person who violates subsection (a), (a-5),
24 (a-5.1), (a-5.2), (a-8), (b), or (d) of Section 1 of this Act
25 is guilty of a petty offense. For the first offense in a

1 24-month period, the person shall be fined \$200 if his or her
2 employer has a training program that facilitates compliance
3 with minimum-age tobacco laws. For the second offense in a
4 24-month period, the person shall be fined \$400 if his or her
5 employer has a training program that facilitates compliance
6 with minimum-age tobacco laws. For the third offense in a
7 24-month period, the person shall be fined \$600 if his or her
8 employer has a training program that facilitates compliance
9 with minimum-age tobacco laws. For the fourth or subsequent
10 offense in a 24-month period, the person shall be fined \$800 if
11 his or her employer has a training program that facilitates
12 compliance with minimum-age tobacco laws. For the purposes of
13 this subsection, the 24-month period shall begin with the
14 person's first violation of the Act. The penalties in this
15 subsection are in addition to any other penalties prescribed
16 under the Cigarette Tax Act and the Tobacco Products Tax Act of
17 1995.

18 (a-5) Any retailer who violates subsection (a), (a-5),
19 (a-5.1), (a-5.2), (a-8), (b), or (d) of Section 1 of this Act
20 is guilty of a petty offense. For the first offense in a
21 24-month period, the retailer shall be fined \$200 if it does
22 not have a training program that facilitates compliance with
23 minimum-age tobacco laws. For the second offense in a 24-month
24 period, the retailer shall be fined \$400 if it does not have a
25 training program that facilitates compliance with minimum-age
26 tobacco laws. For the third offense within a 24-month period,

1 the retailer shall be fined \$600 if it does not have a training
2 program that facilitates compliance with minimum-age tobacco
3 laws. For the fourth or subsequent offense in a 24-month
4 period, the retailer shall be fined \$800 if it does not have a
5 training program that facilitates compliance with minimum-age
6 tobacco laws. For the purposes of this subsection, the
7 24-month period shall begin with the person's first violation
8 of the Act. The penalties in this subsection are in addition to
9 any other penalties prescribed under the Cigarette Tax Act and
10 the Tobacco Products Tax Act of 1995.

11 (a-6) For the purpose of this Act, a training program that
12 facilitates compliance with minimum-age tobacco laws must
13 include at least the following elements: (i) it must explain
14 that only individuals displaying valid identification
15 demonstrating that they are 21 years of age or older shall be
16 eligible to purchase tobacco products, electronic cigarettes,
17 or alternative nicotine products and (ii) it must explain
18 where a clerk can check identification for a date of birth. The
19 training may be conducted electronically. Each retailer that
20 has a training program shall require each employee who
21 completes the training program to sign a form attesting that
22 the employee has received and completed tobacco training. The
23 form shall be kept in the employee's file and may be used to
24 provide proof of training.

25 (a-7) A manufacturer who violates Section 1.6 is guilty of
26 a Class A misdemeanor.

1 (b) If a person under 21 years of age violates subsection
2 (a-6) of Section 1, he or she is guilty of a Class A
3 misdemeanor.

4 (c) (Blank).

5 (d) (Blank).

6 (e) (Blank).

7 (f) (Blank).

8 (g) (Blank).

9 (h) All moneys collected as fines for violations of
10 subsection (a), (a-5), (a-5.1), (a-6), (a-7) (a-8), (b), or
11 (d) of Section 1 shall be distributed in the following manner:

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

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

17 Any violation of subsection (a) or (a-5) of Section 1 or
18 Section 1.6 shall be reported to the Department of Revenue
19 within 7 business days.

20 (Source: P.A. 102-558, eff. 8-20-21; 103-937, eff. 1-1-25.)

21 Section 99. Effective date. This Act takes effect upon
22 becoming law.