

1 AN ACT concerning local government.

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

4 Section 1. Short title. This Act may be cited as the  
5 Prohibition of Nicotine Sales Near Schools Act.

6 Section 5. Definitions. As used in this Act:

7 "Day care center" has the meaning given to that term in  
8 Section 2.09 of the Child Care Act of 1969. "Day care center"  
9 does not include day care homes, as defined in Section 2.18 of  
10 the Child Care Act of 1969, or group day care homes, as defined  
11 in Section 2.20 of the Child Care Act of 1969.

12 "Near" means within 500 feet as measured by a straight  
13 line from the nearest point of the property line of the parcel  
14 on which the school or day care center is located to the  
15 nearest point of the property line of the parcel on which the  
16 retailer is located.

17 "Nicotine-containing product" means any product containing  
18 any form of the chemical nicotine, including any salt or  
19 complex, regardless of whether the chemical is naturally or  
20 synthetically derived. "Nicotine-containing product" includes  
21 nicotine alkaloids and nicotine analogs and any substance that  
22 mimics or replicates the pharmacological effect of nicotine.

23 "School" means any (i) elementary or secondary educational

1 institution; (ii) charter school; (iii) vocational school;  
2 (iv) special education facility; (v) elementary or secondary  
3 educational agency, as defined in Section 10 of the P-20  
4 Longitudinal Education Data System Act; or (vi) nonpublic  
5 school, including any nonprofit, non-home-based, and nonpublic  
6 elementary or secondary school.

7 Section 10. County and municipal duties.

8 (a) Beginning January 1, 2027, a county or municipality  
9 may not permit the sale of nicotine-containing products near a  
10 school or day care center, unless (i) a county or municipality  
11 has adopted an ordinance or regulation that regulates the sale  
12 of nicotine-containing products near a school or day care  
13 center before January 1, 2027; (ii) the establishment selling  
14 nicotine-containing products is established before January 1,  
15 2027; or (iii) the establishment selling nicotine-containing  
16 products was not near a school or day care center when it was  
17 established.

18 (b) Any regulation or ordinance adopted by a county or  
19 municipality relating to the sale of nicotine-containing  
20 products within a specified distance of a school or daycare  
21 before January 1, 2027 may remain in effect and is not affected  
22 by this Act.

23 (c) This Section does not apply to establishments in  
24 existence before January 1, 2027. An establishment is  
25 considered in existence if the physical building remains in

1 the same location and is not not affected if the ownership of  
2 the physical building changes. This Section shall not be  
3 construed to require an establishment in existence after  
4 January 1, 2027 to relocate if a school or day care center is  
5 established or relocates near the establishment.

6 Section 15. Home rule. A home rule county or home rule  
7 municipality may not regulate the retail sale of  
8 nicotine-containing products near a school or day care center  
9 in a manner inconsistent with the requirements of this Act.  
10 This Section is a denial and limitation of home rule powers and  
11 functions under subsection (i) of Section 6 of Article VII of  
12 the Illinois Constitution.

13 Section 99. Effective date. This Act takes effect upon  
14 becoming law.