



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

SB3011

Introduced 1/27/2026, by Sen. Julie A. Morrison

#### SYNOPSIS AS INTRODUCED:

New Act

Creates the Prohibition of Nicotine Sales Near Schools Act. Provides that, by January 1, 2027 every municipality shall regulate, within its territorial limits, the retail sale of nicotine-containing products near schools and day care centers. Provides that, by January 1, 2027, every county shall regulate, within its territorial limits but outside of the territorial limits of any municipality, the retail sale of nicotine-containing products near schools and day care centers. Provides that, if a county or municipality does not comply with the Act by January 1, 2027, then the retail sale of nicotine-containing products near schools and day care centers within the county or municipality shall be governed by the Department of Revenue. Provides that, if a municipality or county fails to comply with the Act, then the Department of Revenue may not grant licenses for retailers that would permit the retail sale of nicotine-containing products near a school or day care center in the municipality or county. Provides that any establishment in existence before January 1, 2027 shall be able to keep or renew its retailer license that permits the establishment to sell nicotine containing products if the principal of the school or owner of the day care center located near the establishment has not indicated opposition to the issuance or renewal of the license in writing to the Department of Revenue. Limits home rule powers. Effective immediately.

LRB104 19382 RTM 32830 b

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 by 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 1,000 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 products" means any product  
18 containing any form of the chemical nicotine, including any  
19 salt or complex, regardless of whether the chemical is  
20 naturally or synthetically derived, and includes nicotine  
21 alkaloids and nicotine analogs and any substance that mimics  
22 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. Municipal and county duties.

8 (a) By January 1, 2027, every municipality shall regulate,  
9 within its territorial limits, the retail sale of  
10 nicotine-containing products near schools and day care  
11 centers.

12 (b) By January 1, 2027, every county shall regulate,  
13 within its territorial limits but outside of the territorial  
14 limits of any municipality, the retail sale of  
15 nicotine-containing products near schools and day care  
16 centers.

17 (c) If a county or municipality does not comply with this  
18 Section by January 1, 2027, then the retail sale of  
19 nicotine-containing products near schools and day care centers  
20 within that county or municipality shall be governed by  
21 Section 15.

22 (d) Municipalities and counties may enact more restrictive  
23 provisions than the provisions set forth in this Act.

24 Section 15. Regulation by the Department of Revenue. After

1 January 1, 2027, the Department of Revenue may not grant  
2 licenses for retailers that would permit the retail sale of  
3 nicotine-containing products near a school or day care center  
4 in (i) any municipality that has failed to comply with  
5 subsection (a) of Section 10 by January 1, 2027 and (ii) any  
6 territory within the limits of a county that has failed to  
7 comply with subsection (b) of Section 10. Notwithstanding this  
8 Section, any establishment in existence before January 1, 2027  
9 shall be able to keep or renew its retailer license that  
10 permits the establishment to sell nicotine containing products  
11 if the principal of the school or owner of the day care center  
12 located near the establishment has not indicated opposition to  
13 the issuance or renewal of the license in writing to the  
14 Department of Revenue.

15 Section 20. Home rule. A home rule county or home rule  
16 municipality may not regulate the retail sale of  
17 nicotine-containing products near a school or day care center  
18 in a manner less restrictive than the requirements of this  
19 Act. This Section is a denial and limitation of home rule  
20 powers and functions under subsection (i) of Section 6 of  
21 Article VII of the Illinois Constitution.

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