



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

HB4120

by Rep. Margaret Croke

#### SYNOPSIS AS INTRODUCED:

New Act

Creates the Whipped Cream Charger Sales Restriction Act. Provides that no person, corporation, partnership, limited liability company, firm, or any other business entity doing business in the State shall sell or offer for sale a whipped cream charger to any person under the age of 21. Provides that any person, corporation, partnership, limited liability company, firm, or other business entity doing business in the State selling, offering for sale, or distributing whipped cream chargers shall require proof of legal age prior to allowing an individual to purchase or receive a shipment of whipped cream chargers. Provides that identification is not required of any individual who reasonably appears to be at least 25 years of age. Provides that an individual's appearance shall not constitute a defense in any proceeding alleging the sale or distribution of whipped cream chargers to an individual under 21 years of age. Provides that the Attorney General may impose a civil penalty after notice to the person, corporation, partnership, limited liability company, firm, or any other business accused of violating the Act and an opportunity for that person to be heard in the matter. Provides that the Attorney General may file a civil action in the circuit court to recover any penalty imposed under the Act. Provides that any person, corporation, partnership, limited liability company, firm, or any other business entity that violates the Act shall be subject to a civil penalty of not more than \$250 for an initial offense and not more than \$500 for the second and each subsequent offense.

LRB103 33340 SPS 63151 b

1 AN ACT concerning business.

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 Whipped Cream Charger Sales Restriction Act.

6 Section 5. Definition. As used in this Act, "whipped cream  
7 charger" means a steel cylinder or cartridge filled with  
8 nitrous oxide that is used as a whipping agent in a whipped  
9 cream dispenser. "Whipped cream charger" does not include  
10 disposable cans or canisters of whipped cream.

11 Section 10. Sales restrictions.

12 (a) No person, corporation, partnership, limited liability  
13 company, firm, or any other business entity doing business in  
14 this State shall sell or offer for sale a whipped cream charger  
15 to any person under the age of 21.

16 (b) Any person, corporation, partnership, limited  
17 liability company, firm, or other business entity doing  
18 business in this State selling, offering for sale, or  
19 distributing whipped cream chargers shall require proof of  
20 legal age prior to allowing an individual to purchase or  
21 receive a shipment of whipped cream chargers. Identification  
22 is not required of any individual who reasonably appears to be

1 at least 25 years of age. An individual's appearance shall not  
2 constitute a defense in any proceeding alleging the sale or  
3 distribution of whipped cream chargers to an individual under  
4 21 years of age.

5 Section 15. Enforcement.

6 (a) The Attorney General may impose a civil penalty after  
7 notice to the person, corporation, partnership, limited  
8 liability company, firm, or any other business accused of  
9 violating this Act and an opportunity for that person to be  
10 heard in the matter. The Attorney General may file a civil  
11 action in the circuit court to recover any penalty imposed  
12 under this Act.

13 (b) Any person, corporation, partnership, limited  
14 liability company, firm, or any other business entity that  
15 violates the provisions of this Act shall be subject to a civil  
16 penalty of not more than \$250 for an initial offense and not  
17 more than \$500 for the second and each subsequent offense.