



Adopted in House Comm. on Mar 04, 2004

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LRB093 18119 RLC 48398 a

1 AMENDMENT TO HOUSE BILL 4302

2 AMENDMENT NO. _____. Amend House Bill 4302 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Display of Tobacco Products Act.

6 Section 5. Definitions. In this Act:

7 "Line of sight" means visible to a cashier or other
8 employee, whether directly or by means of mirrors or monitors.

9 "Age restricted area" means a signed designated area in a
10 retail establishment to which minors under 18 years of age are
11 not permitted access.

12 Section 10. Tobacco product displays. All single packs of
13 cigarettes must be sold from behind the counter or in an age
14 restricted area or in a sealed display case. Any other tobacco
15 products must be sold in line of sight.

16 The restrictions described in this Section do not apply to
17 a retail tobacco store that (i) derives at least 90% of its
18 revenue from tobacco and tobacco related products; (ii) does
19 not permit persons under the age of 18 to enter the premises;
20 and (iii) posts a sign on the main entrance way stating that
21 persons under the age of 18 are prohibited from entering.

22 Section 15. Vending machines. This Act does not prohibit

1 the sale of tobacco products from vending machines if the
2 location of the vending machines are in compliance with the
3 provisions of Section 1 of the Sale of Tobacco to Minors Act.

4 Section 20. Sentence. A violation of this Act is a petty
5 offense for which the court shall impose a fine of not less
6 than \$100 nor more than \$1,000.

7 Section 105. The Sale of Tobacco to Minors Act is amended
8 by changing Section 1 as follows:

9 (720 ILCS 675/1) (from Ch. 23, par. 2357)

10 Sec. 1. Prohibition on sale of tobacco to minors; vending
11 machines; lunch wagons.

12 (a) No minor under 18 years of age shall buy any cigar,
13 cigarette, smokeless tobacco or tobacco in any of its forms. No
14 person shall sell, buy for, distribute samples of or furnish
15 any cigar, cigarette, smokeless tobacco or tobacco in any of
16 its forms, to any minor under 18 years of age.

17 (a-5) No minor under 16 years of age may sell any cigar,
18 cigarette, smokeless tobacco, or tobacco in any of its forms at
19 a retail establishment selling tobacco products. This
20 subsection does not apply to a sales clerk in a family-owned
21 business which can prove that the sales clerk is in fact a son
22 or daughter of the owner.

23 For the purpose of this Section, "smokeless tobacco" means
24 any tobacco products that are suitable for dipping or chewing.

25 (b) Tobacco products listed above may be sold through a
26 vending machine only in the following locations:

27 (1) Factories, businesses, offices, private clubs, and
28 other places not open to the general public.

29 (2) Places to which minors under 18 years of age are
30 not permitted access.

31 (3) Places where alcoholic beverages are sold and

1 consumed on the premises.

2 (4) Places where the vending machine is under the
3 direct supervision of the owner of the establishment or an
4 employee over 18 years of age. The sale of tobacco products
5 from a vending machine under direct supervision of the
6 owner or an employee of the establishment is considered a
7 sale of tobacco products by that person. As used in this
8 subdivision, "direct supervision" means that the owner or
9 employee has an unimpeded line of sight to the vending
10 machine.

11 (5) Places where the vending machine can only be
12 operated by the owner or an employee over age 18 either
13 directly or through a remote control device if the device
14 is inaccessible to all customers.

15 (c) The sale or distribution at no charge of cigarettes
16 from a lunch wagon engaging in any sales activity within 1,000
17 feet of any public or private elementary or secondary school
18 grounds is prohibited.

19 For the purpose of this Section, "lunch wagon" means a
20 mobile vehicle designed and constructed to transport food and
21 from which food is sold to the general public.

22 (Source: P.A. 93-284, eff. 1-1-04.)

23 Section 999. Effective date. This Act takes effect January
24 1, 2005."