

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 Tobacco Accessories and Smoking Herbs  
5 Control Act is amended by changing Sections 4 and 5 as follows:

6 (720 ILCS 685/4) (from Ch. 23, par. 2358-4)

7 Sec. 4. Offenses.

8 (a) Sale to minors. No person shall knowingly sell, barter,  
9 exchange, deliver or give away or cause or permit or procure to  
10 be sold, bartered, exchanged, delivered, or given away tobacco  
11 accessories or smoking herbs to any person under 18 years of  
12 age.

13 (a-5) Sale of bidi cigarettes. No person shall knowingly  
14 sell, barter, exchange, deliver, or give away a bidi cigarette  
15 to another person, nor shall a person cause or permit or  
16 procure a bidi cigarette to be sold, bartered, exchanged,  
17 delivered, or given away to another person.

18 (a-6) Nicotine delivery products. No product containing or  
19 delivering nicotine intended or expected for human  
20 consumption, or any part of such a product, that is not a  
21 tobacco product as defined by 21 U.S.C. 321(rr) shall be  
22 distributed or sold in this State or to consumers in this State  
23 unless it has been approved or otherwise certified for legal

1 sale by the United States Food and Drug Administration for  
2 tobacco use cessation, harm reduction, or for other medical  
3 purposes, and is being marketed and sold solely for that  
4 approved purpose.

5 (b) Sale of cigarette paper. No person shall knowingly  
6 offer, sell, barter, exchange, deliver or give away cigarette  
7 paper or cause, permit, or procure cigarette paper to be sold,  
8 offered, bartered, exchanged, delivered, or given away except  
9 from premises or an establishment where other tobacco products  
10 are sold. For purposes of this Section, "tobacco products"  
11 means cigarettes, cigars, smokeless tobacco, or tobacco in any  
12 of its forms.

13 (c) Sale of cigarette paper from vending machines. No  
14 person shall knowingly offer, sell, barter, exchange, deliver  
15 or give away cigarette paper or cause, permit, or procure  
16 cigarette paper to be sold, offered, bartered, exchanged,  
17 delivered, or given away by use of a vending or coin-operated  
18 machine or device. For purposes of this Section, "cigarette  
19 paper" shall not include any paper that is incorporated into a  
20 product to which a tax stamp must be affixed under the  
21 Cigarette Tax Act or the Cigarette Use Tax Act.

22 (d) Use of identification cards. No person in the  
23 furtherance or facilitation of obtaining smoking accessories  
24 and smoking herbs shall display or use a false or forged  
25 identification card or transfer, alter, or deface an  
26 identification card.

1 (e) Warning to minors. Any person, firm, partnership,  
2 company or corporation operating a place of business where  
3 tobacco accessories and smoking herbs are sold or offered for  
4 sale shall post in a conspicuous place upon the premises a sign  
5 upon which there shall be imprinted the following statement,  
6 "SALE OF TOBACCO ACCESSORIES AND SMOKING HERBS TO PERSONS UNDER  
7 EIGHTEEN YEARS OF AGE OR THE MISREPRESENTATION OF AGE TO  
8 PROCURE SUCH A SALE IS PROHIBITED BY LAW". The sign shall be  
9 printed on a white card in red letters at least one-half inch  
10 in height.

11 (Source: P.A. 91-734, eff. 1-1-01.)

12 (720 ILCS 685/5) (from Ch. 23, par. 2358-5)

13 Sec. 5. Penalty.

14 (a) Any person who shall knowingly violate, or shall  
15 knowingly cause the violation of any provision of this Act  
16 other than subsection (a-5) or (a-6) of Section 4 shall be  
17 guilty of a Class C misdemeanor.

18 (b) Any person who knowingly violates or knowingly causes  
19 the violation of subsection (a-5) or (a-6) of Section 4 is  
20 guilty of a petty offense for which the offender may be fined  
21 an amount as follows:

22 (1) For a first offense, not less than \$100 and not  
23 more than \$500.

24 (2) For a second offense within a 2-year period, not  
25 less than \$250 and not more than \$500.

1           (3) For a third or subsequent offense within a 2-year  
2           period, not less than \$500 and not more than \$1,000.

3           (Source: P.A. 91-734, eff. 1-1-01.)