



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

SB3011

Introduced 2/18/2016, by Sen. John G. Mulroe - Melinda Bush

SYNOPSIS AS INTRODUCED:

35 ILCS 130/6	from Ch. 120, par. 453.6
35 ILCS 143/10-25	
235 ILCS 5/3-12	
235 ILCS 5/6-16.1	
705 ILCS 405/5-615	
705 ILCS 405/5-710	
720 ILCS 675/Act title	
720 ILCS 675/0.01	from Ch. 23, par. 2356.9
720 ILCS 675/1	from Ch. 23, par. 2357
720 ILCS 675/2	from Ch. 23, par. 2358
720 ILCS 675/1.5 rep.	
720 ILCS 677/5	
720 ILCS 677/10	
720 ILCS 677/15	
720 ILCS 680/Act title	
720 ILCS 680/3	from Ch. 23, par. 2358-23
720 ILCS 680/4	from Ch. 23, par. 2358-24

Amends the Prevention of Tobacco Use by Minors and Sale and Distribution of Tobacco Products, Act. Changes the name of the Act to the Prevention of Tobacco Use by Persons under 21 Years of Age and Sale and Distribution of Tobacco Products Act. Raises the age for whom tobacco products and electronic cigarettes may be sold to and possessed by from at least 18 years of age to at least 21 years of age. Defines "electronic cigarette". Repeals provisions concerning alternative nicotine products. Amends various other Acts to make conforming changes.

LRB099 17071 RLC 41429 b

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 Cigarette Tax Act is amended by changing
5 Section 6 as follows:

6 (35 ILCS 130/6) (from Ch. 120, par. 453.6)

7 Sec. 6. Revocation, cancellation, or suspension of
8 license. The Department may, after notice and hearing as
9 provided for by this Act, revoke, cancel or suspend the license
10 of any distributor, secondary distributor, or retailer for the
11 violation of any provision of this Act, or for noncompliance
12 with any provision herein contained, or for any noncompliance
13 with any lawful rule or regulation promulgated by the
14 Department under Section 8 of this Act, or because the licensee
15 is determined to be ineligible for a distributor's license for
16 any one or more of the reasons provided for in Section 4 of
17 this Act, or because the licensee is determined to be
18 ineligible for a secondary distributor's license for any one or
19 more of the reasons provided for in Section 4c of this Act, or
20 because the licensee is determined to be ineligible for a
21 retailer's license for any one or more of the reasons provided
22 for in Section 4g of this Act. However, no such license shall
23 be revoked, cancelled or suspended, except after a hearing by

1 the Department with notice to the distributor, secondary
2 distributor, or retailer, as aforesaid, and affording such
3 distributor, secondary distributor, or retailer a reasonable
4 opportunity to appear and defend, and any distributor,
5 secondary distributor, or retailer aggrieved by any decision of
6 the Department with respect thereto may have the determination
7 of the Department judicially reviewed, as herein provided.

8 The Department may revoke, cancel, or suspend the license
9 of any distributor for a violation of the Tobacco Product
10 Manufacturers' Escrow Enforcement Act as provided in Section 30
11 of that Act. The Department may revoke, cancel, or suspend the
12 license of any secondary distributor for a violation of
13 subsection (e) of Section 15 of the Tobacco Product
14 Manufacturers' Escrow Enforcement Act.

15 If the retailer has a training program that facilitates
16 compliance with minimum-age tobacco laws, the Department shall
17 suspend for 3 days the license of that retailer for a fourth or
18 subsequent violation of the Prevention of Tobacco Use by
19 Persons under 21 Years of Age ~~Minors~~ and Sale and Distribution
20 of Tobacco Products Act, as provided in subsection (a) of
21 Section 2 of that Act. For the purposes of this Section, any
22 violation of subsection (a) of Section 2 of the Prevention of
23 Tobacco Use by Persons under 21 Years of Age ~~Minors~~ and Sale
24 and Distribution of Tobacco Products Act occurring at the
25 retailer's licensed location during a 24-month period shall be
26 counted as a violation against the retailer.

1 If the retailer does not have a training program that
2 facilitates compliance with minimum-age tobacco laws, the
3 Department shall suspend for 3 days the license of that
4 retailer for a second violation of the Prevention of Tobacco
5 Use by Persons under 21 Years of Age ~~Minors~~ and Sale and
6 Distribution of Tobacco Products Act, as provided in subsection
7 (a-5) of Section 2 of that Act.

8 If the retailer does not have a training program that
9 facilitates compliance with minimum-age tobacco laws, the
10 Department shall suspend for 7 days the license of that
11 retailer for a third violation of the Prevention of Tobacco Use
12 by Persons under 21 Years of Age ~~Minors~~ and Sale and
13 Distribution of Tobacco Products Act, as provided in subsection
14 (a-5) of Section 2 of that Act.

15 If the retailer does not have a training program that
16 facilitates compliance with minimum-age tobacco laws, the
17 Department shall suspend for 30 days the license of a retailer
18 for a fourth or subsequent violation of the Prevention of
19 Tobacco Use by Persons under 21 Years of Age ~~Minors~~ and Sale
20 and Distribution of Tobacco Products Act, as provided in
21 subsection (a-5) of Section 2 of that Act.

22 A training program that facilitates compliance with
23 minimum-age tobacco laws must include at least the following
24 elements: (i) it must explain that only individuals displaying
25 valid identification demonstrating that they are 21 ~~18~~ years of
26 age or older shall be eligible to purchase cigarettes or

1 tobacco products and (ii) it must explain where a clerk can
2 check identification for a date of birth. The training may be
3 conducted electronically. Each retailer that has a training
4 program shall require each employee who completes the training
5 program to sign a form attesting that the employee has received
6 and completed tobacco training. The form shall be kept in the
7 employee's file and may be used to provide proof of training.

8 Any distributor, secondary distributor, or retailer
9 aggrieved by any decision of the Department under this Section
10 may, within 20 days after notice of the decision, protest and
11 request a hearing. Upon receiving a request for a hearing, the
12 Department shall give notice in writing to the distributor,
13 secondary distributor, or retailer requesting the hearing that
14 contains a statement of the charges preferred against the
15 distributor, secondary distributor, or retailer and that
16 states the time and place fixed for the hearing. The Department
17 shall hold the hearing in conformity with the provisions of
18 this Act and then issue its final administrative decision in
19 the matter to the distributor, secondary distributor, or
20 retailer. In the absence of a protest and request for a hearing
21 within 20 days, the Department's decision shall become final
22 without any further determination being made or notice given.

23 No license so revoked, as aforesaid, shall be reissued to
24 any such distributor, secondary distributor, or retailer
25 within a period of 6 months after the date of the final
26 determination of such revocation. No such license shall be

1 reissued at all so long as the person who would receive the
2 license is ineligible to receive a distributor's license under
3 this Act for any one or more of the reasons provided for in
4 Section 4 of this Act, is ineligible to receive a secondary
5 distributor's license under this Act for any one or more of the
6 reasons provided for in Section 4c of this Act, or is
7 determined to be ineligible for a retailer's license under the
8 Act for any one or more of the reasons provided for in Section
9 4g of this Act.

10 The Department upon complaint filed in the circuit court
11 may by injunction restrain any person who fails, or refuses, to
12 comply with any of the provisions of this Act from acting as a
13 distributor, secondary distributor, or retailer of cigarettes
14 in this State.

15 (Source: P.A. 98-1055, eff. 1-1-16; 99-192, eff. 1-1-16.)

16 Section 10. The Tobacco Products Tax Act of 1995 is amended
17 by changing Section 10-25 as follows:

18 (35 ILCS 143/10-25)

19 Sec. 10-25. License actions.

20 (a) The Department may, after notice and a hearing, revoke,
21 cancel, or suspend the license of any distributor or retailer
22 who violates any of the provisions of this Act. The notice
23 shall specify the alleged violation or violations upon which
24 the revocation, cancellation, or suspension proceeding is

1 based.

2 (b) The Department may revoke, cancel, or suspend the
3 license of any distributor for a violation of the Tobacco
4 Product Manufacturers' Escrow Enforcement Act as provided in
5 Section 20 of that Act.

6 (c) If the retailer has a training program that facilitates
7 compliance with minimum-age tobacco laws, the Department shall
8 suspend for 3 days the license of that retailer for a fourth or
9 subsequent violation of the Prevention of Tobacco Use by
10 Persons under 21 Years of Age ~~Minors~~ and Sale and Distribution
11 of Tobacco Products Act, as provided in subsection (a) of
12 Section 2 of that Act. For the purposes of this Section, any
13 violation of subsection (a) of Section 2 of the Prevention of
14 Tobacco Use by Persons under 21 Years of Age ~~Minors~~ and Sale
15 and Distribution of Tobacco Products Act occurring at the
16 retailer's licensed location, during a 24-month period, shall
17 be counted as a violation against the retailer.

18 If the retailer does not have a training program that
19 facilitates compliance with minimum-age tobacco laws, the
20 Department shall suspend for 3 days the license of that
21 retailer for a second violation of the Prevention of Tobacco
22 Use by Persons under 21 Years of Age ~~Minors~~ and Sale and
23 Distribution of Tobacco Products Act, as provided in subsection
24 (a-5) of Section 2 of that Act.

25 If the retailer does not have a training program that
26 facilitates compliance with minimum-age tobacco laws, the

1 Department shall suspend for 7 days the license of that
2 retailer for a third violation of the Prevention of Tobacco Use
3 by Persons under 21 Years of Age ~~Minors~~ and Sale and
4 Distribution of Tobacco Products Act, as provided in subsection
5 (a-5) of Section 2 of that Act.

6 If the retailer does not have a training program that
7 facilitates compliance with minimum-age tobacco laws, the
8 Department shall suspend for 30 days the license of a retailer
9 for a fourth or subsequent violation of the Prevention of
10 Tobacco Use by Persons under 21 Years of Age ~~Minors~~ and Sale
11 and Distribution of Tobacco Products Act, as provided in
12 subsection (a-5) of Section 2 of that Act.

13 A training program that facilitates compliance with
14 minimum-age tobacco laws must include at least the following
15 elements: (i) it must explain that only individuals displaying
16 valid identification demonstrating that they are 21 ~~18~~ years of
17 age or older shall be eligible to purchase cigarettes or
18 tobacco products and (ii) it must explain where a clerk can
19 check identification for a date of birth. The training may be
20 conducted electronically. Each retailer that has a training
21 program shall require each employee who completes the training
22 program to sign a form attesting that the employee has received
23 and completed tobacco training. The form shall be kept in the
24 employee's file and may be used to provide proof of training.

25 (d) The Department may, by application to any circuit
26 court, obtain an injunction restraining any person who engages

1 in business as a distributor of tobacco products without a
2 license (either because his or her license has been revoked,
3 canceled, or suspended or because of a failure to obtain a
4 license in the first instance) from engaging in that business
5 until that person, as if that person were a new applicant for a
6 license, complies with all of the conditions, restrictions, and
7 requirements of Section 10-20 of this Act and qualifies for and
8 obtains a license. Refusal or neglect to obey the order of the
9 court may result in punishment for contempt.

10 (Source: P.A. 98-1055, eff. 1-1-16; 99-192, eff. 1-1-16.)

11 Section 15. The Liquor Control Act of 1934 is amended by
12 changing Sections 3-12 and 6-16.1 as follows:

13 (235 ILCS 5/3-12)

14 Sec. 3-12. Powers and duties of State Commission.

15 (a) The State commission shall have the following powers,
16 functions, and duties:

17 (1) To receive applications and to issue licenses to
18 manufacturers, foreign importers, importing distributors,
19 distributors, non-resident dealers, on premise consumption
20 retailers, off premise sale retailers, special event
21 retailer licensees, special use permit licenses, auction
22 liquor licenses, brew pubs, caterer retailers,
23 non-beverage users, railroads, including owners and
24 lessees of sleeping, dining and cafe cars, airplanes,

1 boats, brokers, and wine maker's premises licensees in
2 accordance with the provisions of this Act, and to suspend
3 or revoke such licenses upon the State commission's
4 determination, upon notice after hearing, that a licensee
5 has violated any provision of this Act or any rule or
6 regulation issued pursuant thereto and in effect for 30
7 days prior to such violation. Except in the case of an
8 action taken pursuant to a violation of Section 6-3, 6-5,
9 or 6-9, any action by the State Commission to suspend or
10 revoke a licensee's license may be limited to the license
11 for the specific premises where the violation occurred.

12 In lieu of suspending or revoking a license, the
13 commission may impose a fine, upon the State commission's
14 determination and notice after hearing, that a licensee has
15 violated any provision of this Act or any rule or
16 regulation issued pursuant thereto and in effect for 30
17 days prior to such violation.

18 For the purpose of this paragraph (1), when determining
19 multiple violations for the sale of alcohol to a person
20 under the age of 21, a second or subsequent violation for
21 the sale of alcohol to a person under the age of 21 shall
22 only be considered if it was committed within 5 years after
23 the date when a prior violation for the sale of alcohol to
24 a person under the age of 21 was committed.

25 The fine imposed under this paragraph may not exceed
26 \$500 for each violation. Each day that the activity, which

1 gave rise to the original fine, continues is a separate
2 violation. The maximum fine that may be levied against any
3 licensee, for the period of the license, shall not exceed
4 \$20,000. The maximum penalty that may be imposed on a
5 licensee for selling a bottle of alcoholic liquor with a
6 foreign object in it or serving from a bottle of alcoholic
7 liquor with a foreign object in it shall be the destruction
8 of that bottle of alcoholic liquor for the first 10 bottles
9 so sold or served from by the licensee. For the eleventh
10 bottle of alcoholic liquor and for each third bottle
11 thereafter sold or served from by the licensee with a
12 foreign object in it, the maximum penalty that may be
13 imposed on the licensee is the destruction of the bottle of
14 alcoholic liquor and a fine of up to \$50.

15 (2) To adopt such rules and regulations consistent with
16 the provisions of this Act which shall be necessary to
17 carry on its functions and duties to the end that the
18 health, safety and welfare of the People of the State of
19 Illinois shall be protected and temperance in the
20 consumption of alcoholic liquors shall be fostered and
21 promoted and to distribute copies of such rules and
22 regulations to all licensees affected thereby.

23 (3) To call upon other administrative departments of
24 the State, county and municipal governments, county and
25 city police departments and upon prosecuting officers for
26 such information and assistance as it deems necessary in

1 the performance of its duties.

2 (4) To recommend to local commissioners rules and
3 regulations, not inconsistent with the law, for the
4 distribution and sale of alcoholic liquors throughout the
5 State.

6 (5) To inspect, or cause to be inspected, any premises
7 in this State where alcoholic liquors are manufactured,
8 distributed, warehoused, or sold. Nothing in this Act
9 authorizes an agent of the Commission to inspect private
10 areas within the premises without reasonable suspicion or a
11 warrant during an inspection. "Private areas" include, but
12 are not limited to, safes, personal property, and closed
13 desks.

14 (5.1) Upon receipt of a complaint or upon having
15 knowledge that any person is engaged in business as a
16 manufacturer, importing distributor, distributor, or
17 retailer without a license or valid license, to notify the
18 local liquor authority, file a complaint with the State's
19 Attorney's Office of the county where the incident
20 occurred, or initiate an investigation with the
21 appropriate law enforcement officials.

22 (5.2) To issue a cease and desist notice to persons
23 shipping alcoholic liquor into this State from a point
24 outside of this State if the shipment is in violation of
25 this Act.

26 (5.3) To receive complaints from licensees, local

1 officials, law enforcement agencies, organizations, and
2 persons stating that any licensee has been or is violating
3 any provision of this Act or the rules and regulations
4 issued pursuant to this Act. Such complaints shall be in
5 writing, signed and sworn to by the person making the
6 complaint, and shall state with specificity the facts in
7 relation to the alleged violation. If the Commission has
8 reasonable grounds to believe that the complaint
9 substantially alleges a violation of this Act or rules and
10 regulations adopted pursuant to this Act, it shall conduct
11 an investigation. If, after conducting an investigation,
12 the Commission is satisfied that the alleged violation did
13 occur, it shall proceed with disciplinary action against
14 the licensee as provided in this Act.

15 (6) To hear and determine appeals from orders of a
16 local commission in accordance with the provisions of this
17 Act, as hereinafter set forth. Hearings under this
18 subsection shall be held in Springfield or Chicago, at
19 whichever location is the more convenient for the majority
20 of persons who are parties to the hearing.

21 (7) The commission shall establish uniform systems of
22 accounts to be kept by all retail licensees having more
23 than 4 employees, and for this purpose the commission may
24 classify all retail licensees having more than 4 employees
25 and establish a uniform system of accounts for each class
26 and prescribe the manner in which such accounts shall be

1 kept. The commission may also prescribe the forms of
2 accounts to be kept by all retail licensees having more
3 than 4 employees, including but not limited to accounts of
4 earnings and expenses and any distribution, payment, or
5 other distribution of earnings or assets, and any other
6 forms, records and memoranda which in the judgment of the
7 commission may be necessary or appropriate to carry out any
8 of the provisions of this Act, including but not limited to
9 such forms, records and memoranda as will readily and
10 accurately disclose at all times the beneficial ownership
11 of such retail licensed business. The accounts, forms,
12 records and memoranda shall be available at all reasonable
13 times for inspection by authorized representatives of the
14 State commission or by any local liquor control
15 commissioner or his or her authorized representative. The
16 commission, may, from time to time, alter, amend or repeal,
17 in whole or in part, any uniform system of accounts, or the
18 form and manner of keeping accounts.

19 (8) In the conduct of any hearing authorized to be held
20 by the commission, to appoint, at the commission's
21 discretion, hearing officers to conduct hearings involving
22 complex issues or issues that will require a protracted
23 period of time to resolve, to examine, or cause to be
24 examined, under oath, any licensee, and to examine or cause
25 to be examined the books and records of such licensee; to
26 hear testimony and take proof material for its information

1 in the discharge of its duties hereunder; to administer or
2 cause to be administered oaths; for any such purpose to
3 issue subpoena or subpoenas to require the attendance of
4 witnesses and the production of books, which shall be
5 effective in any part of this State, and to adopt rules to
6 implement its powers under this paragraph (8).

7 Any Circuit Court may by order duly entered, require
8 the attendance of witnesses and the production of relevant
9 books subpoenaed by the State commission and the court may
10 compel obedience to its order by proceedings for contempt.

11 (9) To investigate the administration of laws in
12 relation to alcoholic liquors in this and other states and
13 any foreign countries, and to recommend from time to time
14 to the Governor and through him or her to the legislature
15 of this State, such amendments to this Act, if any, as it
16 may think desirable and as will serve to further the
17 general broad purposes contained in Section 1-2 hereof.

18 (10) To adopt such rules and regulations consistent
19 with the provisions of this Act which shall be necessary
20 for the control, sale or disposition of alcoholic liquor
21 damaged as a result of an accident, wreck, flood, fire or
22 other similar occurrence.

23 (11) To develop industry educational programs related
24 to responsible serving and selling, particularly in the
25 areas of overserving consumers and illegal underage
26 purchasing and consumption of alcoholic beverages.

1 (11.1) To license persons providing education and
2 training to alcohol beverage sellers and servers for
3 mandatory and non-mandatory training under the Beverage
4 Alcohol Sellers and Servers Education and Training
5 (BASSET) programs and to develop and administer a public
6 awareness program in Illinois to reduce or eliminate the
7 illegal purchase and consumption of alcoholic beverage
8 products by persons under the age of 21. Application for a
9 license shall be made on forms provided by the State
10 Commission.

11 (12) To develop and maintain a repository of license
12 and regulatory information.

13 (13) (Blank). ~~On or before January 15, 1994, the~~
14 ~~Commission shall issue a written report to the Governor and~~
15 ~~General Assembly that is to be based on a comprehensive~~
16 ~~study of the impact on and implications for the State of~~
17 ~~Illinois of Section 1926 of the Federal ADAMHA~~
18 ~~Reorganization Act of 1992 (Public Law 102 321). This study~~
19 ~~shall address the extent to which Illinois currently~~
20 ~~complies with the provisions of P.L. 102 321 and the rules~~
21 ~~promulgated pursuant thereto.~~

22 ~~As part of its report, the Commission shall provide the~~
23 ~~following essential information:~~

24 ~~(i) the number of retail distributors of tobacco~~
25 ~~products, by type and geographic area, in the State;~~

26 ~~(ii) the number of reported citations and~~

1 ~~successful convictions, categorized by type and~~
2 ~~location of retail distributor, for violation of the~~
3 ~~Prevention of Tobacco Use by Minors and Sale and~~
4 ~~Distribution of Tobacco Products Act and the Smokeless~~
5 ~~Tobacco Limitation Act;~~

6 ~~(iii) the extent and nature of organized~~
7 ~~educational and governmental activities that are~~
8 ~~intended to promote, encourage or otherwise secure~~
9 ~~compliance with any Illinois laws that prohibit the~~
10 ~~sale or distribution of tobacco products to minors; and~~

11 ~~(iv) the level of access and availability of~~
12 ~~tobacco products to individuals under the age of 18.~~

13 ~~To obtain the data necessary to comply with the~~
14 ~~provisions of P.L. 102-321 and the requirements of this~~
15 ~~report, the Commission shall conduct random, unannounced~~
16 ~~inspections of a geographically and scientifically~~
17 ~~representative sample of the State's retail tobacco~~
18 ~~distributors.~~

19 ~~The Commission shall consult with the Department of~~
20 ~~Public Health, the Department of Human Services, the~~
21 ~~Illinois State Police and any other executive branch~~
22 ~~agency, and private organizations that may have~~
23 ~~information relevant to this report.~~

24 ~~The Commission may contract with the Food and Drug~~
25 ~~Administration of the U.S. Department of Health and Human~~
26 ~~Services to conduct unannounced investigations of Illinois~~

~~tobacco vendors to determine compliance with federal laws relating to the illegal sale of cigarettes and smokeless tobacco products to persons under the age of 18.~~

(14) On or before April 30, 2008 and every 2 years thereafter, the Commission shall present a written report to the Governor and the General Assembly that shall be based on a study of the impact of this amendatory Act of the 95th General Assembly on the business of soliciting, selling, and shipping wine from inside and outside of this State directly to residents of this State. As part of its report, the Commission shall provide all of the following information:

(A) The amount of State excise and sales tax revenues generated.

(B) The amount of licensing fees received.

(C) The number of cases of wine shipped from inside and outside of this State directly to residents of this State.

(D) The number of alcohol compliance operations conducted.

(E) The number of winery shipper's licenses issued.

(F) The number of each of the following: reported violations; cease and desist notices issued by the Commission; notices of violations issued by the Commission and to the Department of Revenue; and

1 notices and complaints of violations to law
2 enforcement officials, including, without limitation,
3 the Illinois Attorney General and the U.S. Department
4 of Treasury's Alcohol and Tobacco Tax and Trade Bureau.

5 (15) As a means to reduce the underage consumption of
6 alcoholic liquors, the Commission shall conduct alcohol
7 compliance operations to investigate whether businesses
8 that are soliciting, selling, and shipping wine from inside
9 or outside of this State directly to residents of this
10 State are licensed by this State or are selling or
11 attempting to sell wine to persons under 21 years of age in
12 violation of this Act.

13 (16) The Commission shall, in addition to notifying any
14 appropriate law enforcement agency, submit notices of
15 complaints or violations of Sections 6-29 and 6-29.1 by
16 persons who do not hold a winery shipper's license under
17 this amendatory Act to the Illinois Attorney General and to
18 the U.S. Department of Treasury's Alcohol and Tobacco Tax
19 and Trade Bureau.

20 (17) (A) A person licensed to make wine under the laws
21 of another state who has a winery shipper's license under
22 this amendatory Act and annually produces less than 25,000
23 gallons of wine or a person who has a first-class or
24 second-class wine manufacturer's license, a first-class or
25 second-class wine-maker's license, or a limited wine
26 manufacturer's license under this Act and annually

1 produces less than 25,000 gallons of wine may make
2 application to the Commission for a self-distribution
3 exemption to allow the sale of not more than 5,000 gallons
4 of the exemption holder's wine to retail licensees per
5 year.

6 (B) In the application, which shall be sworn under
7 penalty of perjury, such person shall state (1) the
8 date it was established; (2) its volume of production
9 and sales for each year since its establishment; (3)
10 its efforts to establish distributor relationships;
11 (4) that a self-distribution exemption is necessary to
12 facilitate the marketing of its wine; and (5) that it
13 will comply with the liquor and revenue laws of the
14 United States, this State, and any other state where it
15 is licensed.

16 (C) The Commission shall approve the application
17 for a self-distribution exemption if such person: (1)
18 is in compliance with State revenue and liquor laws;
19 (2) is not a member of any affiliated group that
20 produces more than 25,000 gallons of wine per annum or
21 produces any other alcoholic liquor; (3) will not
22 annually produce for sale more than 25,000 gallons of
23 wine; and (4) will not annually sell more than 5,000
24 gallons of its wine to retail licensees.

25 (D) A self-distribution exemption holder shall
26 annually certify to the Commission its production of

1 wine in the previous 12 months and its anticipated
2 production and sales for the next 12 months. The
3 Commission may fine, suspend, or revoke a
4 self-distribution exemption after a hearing if it
5 finds that the exemption holder has made a material
6 misrepresentation in its application, violated a
7 revenue or liquor law of Illinois, exceeded production
8 of 25,000 gallons of wine in any calendar year, or
9 become part of an affiliated group producing more than
10 25,000 gallons of wine or any other alcoholic liquor.

11 (E) Except in hearings for violations of this Act
12 or amendatory Act or a bona fide investigation by duly
13 sworn law enforcement officials, the Commission, or
14 its agents, the Commission shall maintain the
15 production and sales information of a
16 self-distribution exemption holder as confidential and
17 shall not release such information to any person.

18 (F) The Commission shall issue regulations
19 governing self-distribution exemptions consistent with
20 this Section and this Act.

21 (G) Nothing in this subsection (17) shall prohibit
22 a self-distribution exemption holder from entering
23 into or simultaneously having a distribution agreement
24 with a licensed Illinois distributor.

25 (H) It is the intent of this subsection (17) to
26 promote and continue orderly markets. The General

1 Assembly finds that in order to preserve Illinois'
2 regulatory distribution system it is necessary to
3 create an exception for smaller makers of wine as their
4 wines are frequently adjusted in varietals, mixes,
5 vintages, and taste to find and create market niches
6 sometimes too small for distributor or importing
7 distributor business strategies. Limited
8 self-distribution rights will afford and allow smaller
9 makers of wine access to the marketplace in order to
10 develop a customer base without impairing the
11 integrity of the 3-tier system.

12 (18) (A) A class 1 brewer licensee, who must also be
13 either a licensed brewer or licensed non-resident dealer
14 and annually manufacture less than 930,000 gallons of beer,
15 may make application to the State Commission for a
16 self-distribution exemption to allow the sale of not more
17 than 232,500 gallons of the exemption holder's beer to
18 retail licensees per year.

19 (B) In the application, which shall be sworn under
20 penalty of perjury, the class 1 brewer licensee shall
21 state (1) the date it was established; (2) its volume
22 of beer manufactured and sold for each year since its
23 establishment; (3) its efforts to establish
24 distributor relationships; (4) that a
25 self-distribution exemption is necessary to facilitate
26 the marketing of its beer; and (5) that it will comply

1 with the alcoholic beverage and revenue laws of the
2 United States, this State, and any other state where it
3 is licensed.

4 (C) Any application submitted shall be posted on
5 the State Commission's website at least 45 days prior
6 to action by the State Commission. The State Commission
7 shall approve the application for a self-distribution
8 exemption if the class 1 brewer licensee: (1) is in
9 compliance with the State, revenue, and alcoholic
10 beverage laws; (2) is not a member of any affiliated
11 group that manufactures more than 930,000 gallons of
12 beer per annum or produces any other alcoholic
13 beverages; (3) shall not annually manufacture for sale
14 more than 930,000 gallons of beer; (4) shall not
15 annually sell more than 232,500 gallons of its beer to
16 retail licensees; and (5) has relinquished any brew pub
17 license held by the licensee, including any ownership
18 interest it held in the licensed brew pub.

19 (D) A self-distribution exemption holder shall
20 annually certify to the State Commission its
21 manufacture of beer during the previous 12 months and
22 its anticipated manufacture and sales of beer for the
23 next 12 months. The State Commission may fine, suspend,
24 or revoke a self-distribution exemption after a
25 hearing if it finds that the exemption holder has made
26 a material misrepresentation in its application,

1 violated a revenue or alcoholic beverage law of
2 Illinois, exceeded the manufacture of 930,000 gallons
3 of beer in any calendar year or became part of an
4 affiliated group manufacturing more than 930,000
5 gallons of beer or any other alcoholic beverage.

6 (E) The State Commission shall issue rules and
7 regulations governing self-distribution exemptions
8 consistent with this Act.

9 (F) Nothing in this paragraph (18) shall prohibit a
10 self-distribution exemption holder from entering into
11 or simultaneously having a distribution agreement with
12 a licensed Illinois importing distributor or a
13 distributor. If a self-distribution exemption holder
14 enters into a distribution agreement and has assigned
15 distribution rights to an importing distributor or
16 distributor, then the self-distribution exemption
17 holder's distribution rights in the assigned
18 territories shall cease in a reasonable time not to
19 exceed 60 days.

20 (G) It is the intent of this paragraph (18) to
21 promote and continue orderly markets. The General
22 Assembly finds that in order to preserve Illinois'
23 regulatory distribution system, it is necessary to
24 create an exception for smaller manufacturers in order
25 to afford and allow such smaller manufacturers of beer
26 access to the marketplace in order to develop a

1 customer base without impairing the integrity of the
2 3-tier system.

3 (b) On or before April 30, 1999, the Commission shall
4 present a written report to the Governor and the General
5 Assembly that shall be based on a study of the impact of this
6 amendatory Act of 1998 on the business of soliciting, selling,
7 and shipping alcoholic liquor from outside of this State
8 directly to residents of this State.

9 As part of its report, the Commission shall provide the
10 following information:

11 (i) the amount of State excise and sales tax revenues
12 generated as a result of this amendatory Act of 1998;

13 (ii) the amount of licensing fees received as a result
14 of this amendatory Act of 1998;

15 (iii) the number of reported violations, the number of
16 cease and desist notices issued by the Commission, the
17 number of notices of violations issued to the Department of
18 Revenue, and the number of notices and complaints of
19 violations to law enforcement officials.

20 (Source: P.A. 98-401, eff. 8-16-13; 98-939, eff. 7-1-15;
21 98-941, eff. 1-1-15; 99-78, eff. 7-20-15; 99-448, eff.
22 8-24-15.)

23 (235 ILCS 5/6-16.1)

24 Sec. 6-16.1. Enforcement actions.

25 (a) A licensee or an officer, associate, member,

1 representative, agent, or employee of a licensee may sell,
2 give, or deliver alcoholic liquor to a person under the age of
3 21 years or authorize the sale, gift, or delivery of alcoholic
4 liquor to a person under the age of 21 years pursuant to a plan
5 or action to investigate, patrol, or otherwise conduct a "sting
6 operation" or enforcement action against a person employed by
7 the licensee or on any licensed premises if the licensee or
8 officer, associate, member, representative, agent, or employee
9 of the licensee provides written notice, at least 14 days
10 before the "sting operation" or enforcement action, unless
11 governing body of the municipality or county having
12 jurisdiction sets a shorter period by ordinance, to the law
13 enforcement agency having jurisdiction, the local liquor
14 control commissioner, or both. Notice provided under this
15 Section shall be valid for a "sting operation" or enforcement
16 action conducted within 60 days of the provision of that
17 notice, unless the governing body of the municipality or county
18 having jurisdiction sets a shorter period by ordinance.

19 (b) A local liquor control commission or unit of local
20 government that conducts alcohol and tobacco compliance
21 operations shall establish a policy and standards for alcohol
22 and tobacco compliance operations to investigate whether a
23 licensee is furnishing (1) alcoholic liquor to persons under 21
24 years of age in violation of this Act or (2) tobacco to persons
25 in violation of the Prevention of Tobacco Use by Persons under
26 21 Years of Age ~~Minors~~ and Sale and Distribution of Tobacco

1 Products Act.

2 (c) The Illinois Law Enforcement Training Standards Board
3 shall develop a model policy and guidelines for the operation
4 of alcohol and tobacco compliance checks by local law
5 enforcement officers. The Illinois Law Enforcement Training
6 Standards Board shall also require the supervising officers of
7 such compliance checks to have met a minimum training standard
8 as determined by the Board. The Board shall have the right to
9 waive any training based on current written policies and
10 procedures for alcohol and tobacco compliance check operations
11 and in-service training already administered by the local law
12 enforcement agency, department, or office.

13 (d) The provisions of subsections (b) and (c) do not apply
14 to a home rule unit with more than 2,000,000 inhabitants.

15 (e) A home rule unit, other than a home rule unit with more
16 than 2,000,000 inhabitants, may not regulate enforcement
17 actions in a manner inconsistent with the regulation of
18 enforcement actions under this Section. This subsection (e) is
19 a limitation under subsection (i) of Section 6 of Article VII
20 of the Illinois Constitution on the concurrent exercise by home
21 rule units of powers and functions exercised by the State.

22 (f) A licensee who is the subject of an enforcement action
23 or "sting operation" under this Section and is found, pursuant
24 to the enforcement action, to be in compliance with this Act
25 shall be notified by the enforcement agency action that no
26 violation was found within 30 days after the finding.

1 (Source: P.A. 96-179, eff. 8-10-09; 96-446, eff. 1-1-10;
2 96-1000, eff. 7-2-10.)

3 Section 20. The Juvenile Court Act of 1987 is amended by
4 changing Sections 5-615 and 5-710 as follows:

5 (705 ILCS 405/5-615)

6 Sec. 5-615. Continuance under supervision.

7 (1) The court may enter an order of continuance under
8 supervision for an offense other than first degree murder, a
9 Class X felony or a forcible felony:

10 (a) upon an admission or stipulation by the appropriate
11 respondent or minor respondent of the facts supporting the
12 petition and before the court makes a finding of
13 delinquency, and in the absence of objection made in open
14 court by the minor, his or her parent, guardian, or legal
15 custodian, the minor's attorney or the State's Attorney; or

16 (b) upon a finding of delinquency and after considering
17 the circumstances of the offense and the history,
18 character, and condition of the minor, if the court is of
19 the opinion that:

20 (i) the minor is not likely to commit further
21 crimes;

22 (ii) the minor and the public would be best served
23 if the minor were not to receive a criminal record; and

24 (iii) in the best interests of justice an order of

1 continuance under supervision is more appropriate than
2 a sentence otherwise permitted under this Act.

3 (2) (Blank).

4 (3) Nothing in this Section limits the power of the court
5 to order a continuance of the hearing for the production of
6 additional evidence or for any other proper reason.

7 (4) When a hearing where a minor is alleged to be a
8 delinquent is continued pursuant to this Section, the period of
9 continuance under supervision may not exceed 24 months. The
10 court may terminate a continuance under supervision at any time
11 if warranted by the conduct of the minor and the ends of
12 justice or vacate the finding of delinquency or both.

13 (5) When a hearing where a minor is alleged to be
14 delinquent is continued pursuant to this Section, the court
15 may, as conditions of the continuance under supervision,
16 require the minor to do any of the following:

17 (a) not violate any criminal statute of any
18 jurisdiction;

19 (b) make a report to and appear in person before any
20 person or agency as directed by the court;

21 (c) work or pursue a course of study or vocational
22 training;

23 (d) undergo medical or psychotherapeutic treatment
24 rendered by a therapist licensed under the provisions of
25 the Medical Practice Act of 1987, the Clinical Psychologist
26 Licensing Act, or the Clinical Social Work and Social Work

1 Practice Act, or an entity licensed by the Department of
2 Human Services as a successor to the Department of
3 Alcoholism and Substance Abuse, for the provision of drug
4 addiction and alcoholism treatment;

5 (e) attend or reside in a facility established for the
6 instruction or residence of persons on probation;

7 (f) support his or her dependents, if any;

8 (g) pay costs;

9 (h) refrain from possessing a firearm or other
10 dangerous weapon, or an automobile;

11 (i) permit the probation officer to visit him or her at
12 his or her home or elsewhere;

13 (j) reside with his or her parents or in a foster home;

14 (k) attend school;

15 (k-5) with the consent of the superintendent of the
16 facility, attend an educational program at a facility other
17 than the school in which the offense was committed if he or
18 she committed a crime of violence as defined in Section 2
19 of the Crime Victims Compensation Act in a school, on the
20 real property comprising a school, or within 1,000 feet of
21 the real property comprising a school;

22 (l) attend a non-residential program for youth;

23 (m) contribute to his or her own support at home or in
24 a foster home;

25 (n) perform some reasonable public or community
26 service;

1 (o) make restitution to the victim, in the same manner
2 and under the same conditions as provided in subsection (4)
3 of Section 5-710, except that the "sentencing hearing"
4 referred to in that Section shall be the adjudicatory
5 hearing for purposes of this Section;

6 (p) comply with curfew requirements as designated by
7 the court;

8 (q) refrain from entering into a designated geographic
9 area except upon terms as the court finds appropriate. The
10 terms may include consideration of the purpose of the
11 entry, the time of day, other persons accompanying the
12 minor, and advance approval by a probation officer;

13 (r) refrain from having any contact, directly or
14 indirectly, with certain specified persons or particular
15 types of persons, including but not limited to members of
16 street gangs and drug users or dealers;

17 (r-5) undergo a medical or other procedure to have a
18 tattoo symbolizing allegiance to a street gang removed from
19 his or her body;

20 (s) refrain from having in his or her body the presence
21 of any illicit drug prohibited by the Cannabis Control Act,
22 the Illinois Controlled Substances Act, or the
23 Methamphetamine Control and Community Protection Act,
24 unless prescribed by a physician, and submit samples of his
25 or her blood or urine or both for tests to determine the
26 presence of any illicit drug; or

1 (t) comply with any other conditions as may be ordered
2 by the court.

3 (6) A minor whose case is continued under supervision under
4 subsection (5) shall be given a certificate setting forth the
5 conditions imposed by the court. Those conditions may be
6 reduced, enlarged, or modified by the court on motion of the
7 probation officer or on its own motion, or that of the State's
8 Attorney, or, at the request of the minor after notice and
9 hearing.

10 (7) If a petition is filed charging a violation of a
11 condition of the continuance under supervision, the court shall
12 conduct a hearing. If the court finds that a condition of
13 supervision has not been fulfilled, the court may proceed to
14 findings, adjudication, and disposition or adjudication and
15 disposition. The filing of a petition for violation of a
16 condition of the continuance under supervision shall toll the
17 period of continuance under supervision until the final
18 determination of the charge, and the term of the continuance
19 under supervision shall not run until the hearing and
20 disposition of the petition for violation; provided where the
21 petition alleges conduct that does not constitute a criminal
22 offense, the hearing must be held within 30 days of the filing
23 of the petition unless a delay shall continue the tolling of
24 the period of continuance under supervision for the period of
25 the delay.

26 (8) When a hearing in which a minor is alleged to be a

1 delinquent for reasons that include a violation of Section
2 21-1.3 of the Criminal Code of 1961 or the Criminal Code of
3 2012 is continued under this Section, the court shall, as a
4 condition of the continuance under supervision, require the
5 minor to perform community service for not less than 30 and not
6 more than 120 hours, if community service is available in the
7 jurisdiction. The community service shall include, but need not
8 be limited to, the cleanup and repair of the damage that was
9 caused by the alleged violation or similar damage to property
10 located in the municipality or county in which the alleged
11 violation occurred. The condition may be in addition to any
12 other condition.

13 (8.5) When a hearing in which a minor is alleged to be a
14 delinquent for reasons that include a violation of Section 3.02
15 or Section 3.03 of the Humane Care for Animals Act or paragraph
16 (d) of subsection (1) of Section 21-1 of the Criminal Code of
17 1961 or paragraph (4) of subsection (a) of Section 21-1 or the
18 Criminal Code of 2012 is continued under this Section, the
19 court shall, as a condition of the continuance under
20 supervision, require the minor to undergo medical or
21 psychiatric treatment rendered by a psychiatrist or
22 psychological treatment rendered by a clinical psychologist.
23 The condition may be in addition to any other condition.

24 (9) When a hearing in which a minor is alleged to be a
25 delinquent is continued under this Section, the court, before
26 continuing the case, shall make a finding whether the offense

1 alleged to have been committed either: (i) was related to or in
2 furtherance of the activities of an organized gang or was
3 motivated by the minor's membership in or allegiance to an
4 organized gang, or (ii) is a violation of paragraph (13) of
5 subsection (a) of Section 12-2 or paragraph (2) of subsection
6 (c) of Section 12-2 of the Criminal Code of 1961 or the
7 Criminal Code of 2012, a violation of any Section of Article 24
8 of the Criminal Code of 1961 or the Criminal Code of 2012, or a
9 violation of any statute that involved the unlawful use of a
10 firearm. If the court determines the question in the
11 affirmative the court shall, as a condition of the continuance
12 under supervision and as part of or in addition to any other
13 condition of the supervision, require the minor to perform
14 community service for not less than 30 hours, provided that
15 community service is available in the jurisdiction and is
16 funded and approved by the county board of the county where the
17 offense was committed. The community service shall include, but
18 need not be limited to, the cleanup and repair of any damage
19 caused by an alleged violation of Section 21-1.3 of the
20 Criminal Code of 1961 or the Criminal Code of 2012 and similar
21 damage to property located in the municipality or county in
22 which the alleged violation occurred. When possible and
23 reasonable, the community service shall be performed in the
24 minor's neighborhood. For the purposes of this Section,
25 "organized gang" has the meaning ascribed to it in Section 10
26 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

1 (10) The court shall impose upon a minor placed on
2 supervision, as a condition of the supervision, a fee of \$50
3 for each month of supervision ordered by the court, unless
4 after determining the inability of the minor placed on
5 supervision to pay the fee, the court assesses a lesser amount.
6 The court may not impose the fee on a minor who is made a ward
7 of the State under this Act while the minor is in placement.
8 The fee shall be imposed only upon a minor who is actively
9 supervised by the probation and court services department. A
10 court may order the parent, guardian, or legal custodian of the
11 minor to pay some or all of the fee on the minor's behalf.

12 (11) If a minor is placed on supervision for a violation of
13 subsection (a-7) of Section 1 of the Prevention of Tobacco Use
14 by Persons under 21 Years of Age and Sale and Distribution of
15 Tobacco Products ~~Minors~~ Act, the court may, in its discretion,
16 and upon recommendation by the State's Attorney, order that
17 minor and his or her parents or legal guardian to attend a
18 smoker's education or youth diversion program as defined in
19 that Act if that program is available in the jurisdiction where
20 the offender resides. Attendance at a smoker's education or
21 youth diversion program shall be time-credited against any
22 community service time imposed for any first violation of
23 subsection (a-7) of Section 1 of that Act. In addition to any
24 other penalty that the court may impose for a violation of
25 subsection (a-7) of Section 1 of that Act, the court, upon
26 request by the State's Attorney, may in its discretion require

1 the offender to remit a fee for his or her attendance at a
2 smoker's education or youth diversion program.

3 For purposes of this Section, "smoker's education program"
4 or "youth diversion program" includes, but is not limited to, a
5 seminar designed to educate a person on the physical and
6 psychological effects of smoking tobacco products and the
7 health consequences of smoking tobacco products that can be
8 conducted with a locality's youth diversion program.

9 In addition to any other penalty that the court may impose
10 under this subsection (11):

11 (a) If a minor violates subsection (a-7) of Section 1
12 of the Prevention of Tobacco Use by Persons under 21 Years
13 of Age and Sale and Distribution of Tobacco Products ~~Minors~~
14 Act, the court may impose a sentence of 15 hours of
15 community service or a fine of \$25 for a first violation.

16 (b) A second violation by a minor of subsection (a-7)
17 of Section 1 of that Act that occurs within 12 months after
18 the first violation is punishable by a fine of \$50 and 25
19 hours of community service.

20 (c) A third or subsequent violation by a minor of
21 subsection (a-7) of Section 1 of that Act that occurs
22 within 12 months after the first violation is punishable by
23 a \$100 fine and 30 hours of community service.

24 (d) Any second or subsequent violation not within the
25 12-month time period after the first violation is
26 punishable as provided for a first violation.

1 (Source: P.A. 97-1150, eff. 1-25-13; 98-62, eff. 1-1-14.)

2 (705 ILCS 405/5-710)

3 Sec. 5-710. Kinds of sentencing orders.

4 (1) The following kinds of sentencing orders may be made in
5 respect of wards of the court:

6 (a) Except as provided in Sections 5-805, 5-810, 5-815,
7 a minor who is found guilty under Section 5-620 may be:

8 (i) put on probation or conditional discharge and
9 released to his or her parents, guardian or legal
10 custodian, provided, however, that any such minor who
11 is not committed to the Department of Juvenile Justice
12 under this subsection and who is found to be a
13 delinquent for an offense which is first degree murder,
14 a Class X felony, or a forcible felony shall be placed
15 on probation;

16 (ii) placed in accordance with Section 5-740, with
17 or without also being put on probation or conditional
18 discharge;

19 (iii) required to undergo a substance abuse
20 assessment conducted by a licensed provider and
21 participate in the indicated clinical level of care;

22 (iv) on and after the effective date of this
23 amendatory Act of the 98th General Assembly and before
24 January 1, 2017, placed in the guardianship of the
25 Department of Children and Family Services, but only if

1 the delinquent minor is under 16 years of age or,
2 pursuant to Article II of this Act, a minor for whom an
3 independent basis of abuse, neglect, or dependency
4 exists. On and after January 1, 2017, placed in the
5 guardianship of the Department of Children and Family
6 Services, but only if the delinquent minor is under 15
7 years of age or, pursuant to Article II of this Act, a
8 minor for whom an independent basis of abuse, neglect,
9 or dependency exists. An independent basis exists when
10 the allegations or adjudication of abuse, neglect, or
11 dependency do not arise from the same facts, incident,
12 or circumstances which give rise to a charge or
13 adjudication of delinquency;

14 (v) placed in detention for a period not to exceed
15 30 days, either as the exclusive order of disposition
16 or, where appropriate, in conjunction with any other
17 order of disposition issued under this paragraph,
18 provided that any such detention shall be in a juvenile
19 detention home and the minor so detained shall be 10
20 years of age or older. However, the 30-day limitation
21 may be extended by further order of the court for a
22 minor under age 15 committed to the Department of
23 Children and Family Services if the court finds that
24 the minor is a danger to himself or others. The minor
25 shall be given credit on the sentencing order of
26 detention for time spent in detention under Sections

1 5-501, 5-601, 5-710, or 5-720 of this Article as a
2 result of the offense for which the sentencing order
3 was imposed. The court may grant credit on a sentencing
4 order of detention entered under a violation of
5 probation or violation of conditional discharge under
6 Section 5-720 of this Article for time spent in
7 detention before the filing of the petition alleging
8 the violation. A minor shall not be deprived of credit
9 for time spent in detention before the filing of a
10 violation of probation or conditional discharge
11 alleging the same or related act or acts. The
12 limitation that the minor shall only be placed in a
13 juvenile detention home does not apply as follows:

14 Persons 18 years of age and older who have a
15 petition of delinquency filed against them may be
16 confined in an adult detention facility. In making a
17 determination whether to confine a person 18 years of
18 age or older who has a petition of delinquency filed
19 against the person, these factors, among other
20 matters, shall be considered:

21 (A) the age of the person;

22 (B) any previous delinquent or criminal
23 history of the person;

24 (C) any previous abuse or neglect history of
25 the person;

26 (D) any mental health history of the person;

1 and

2 (E) any educational history of the person;

3 (vi) ordered partially or completely emancipated
4 in accordance with the provisions of the Emancipation
5 of Minors Act;

6 (vii) subject to having his or her driver's license
7 or driving privileges suspended for such time as
8 determined by the court but only until he or she
9 attains 18 years of age;

10 (viii) put on probation or conditional discharge
11 and placed in detention under Section 3-6039 of the
12 Counties Code for a period not to exceed the period of
13 incarceration permitted by law for adults found guilty
14 of the same offense or offenses for which the minor was
15 adjudicated delinquent, and in any event no longer than
16 upon attainment of age 21; this subdivision (viii)
17 notwithstanding any contrary provision of the law;

18 (ix) ordered to undergo a medical or other
19 procedure to have a tattoo symbolizing allegiance to a
20 street gang removed from his or her body; or

21 (x) placed in electronic home detention under Part
22 7A of this Article.

23 (b) A minor found to be guilty may be committed to the
24 Department of Juvenile Justice under Section 5-750 if the
25 minor is at least 13 years and under 20 years of age,
26 provided that the commitment to the Department of Juvenile

1 Justice shall be made only if a term of imprisonment in the
2 penitentiary system of the Department of Corrections is
3 permitted by law for adults found guilty of the offense for
4 which the minor was adjudicated delinquent. The court shall
5 include in the sentencing order any pre-custody credits the
6 minor is entitled to under Section 5-4.5-100 of the Unified
7 Code of Corrections. The time during which a minor is in
8 custody before being released upon the request of a parent,
9 guardian or legal custodian shall also be considered as
10 time spent in custody.

11 (c) When a minor is found to be guilty for an offense
12 which is a violation of the Illinois Controlled Substances
13 Act, the Cannabis Control Act, or the Methamphetamine
14 Control and Community Protection Act and made a ward of the
15 court, the court may enter a disposition order requiring
16 the minor to undergo assessment, counseling or treatment in
17 a substance abuse program approved by the Department of
18 Human Services.

19 (2) Any sentencing order other than commitment to the
20 Department of Juvenile Justice may provide for protective
21 supervision under Section 5-725 and may include an order of
22 protection under Section 5-730.

23 (3) Unless the sentencing order expressly so provides, it
24 does not operate to close proceedings on the pending petition,
25 but is subject to modification until final closing and
26 discharge of the proceedings under Section 5-750.

1 (4) In addition to any other sentence, the court may order
2 any minor found to be delinquent to make restitution, in
3 monetary or non-monetary form, under the terms and conditions
4 of Section 5-5-6 of the Unified Code of Corrections, except
5 that the "presentencing hearing" referred to in that Section
6 shall be the sentencing hearing for purposes of this Section.
7 The parent, guardian or legal custodian of the minor may be
8 ordered by the court to pay some or all of the restitution on
9 the minor's behalf, pursuant to the Parental Responsibility
10 Law. The State's Attorney is authorized to act on behalf of any
11 victim in seeking restitution in proceedings under this
12 Section, up to the maximum amount allowed in Section 5 of the
13 Parental Responsibility Law.

14 (5) Any sentencing order where the minor is committed or
15 placed in accordance with Section 5-740 shall provide for the
16 parents or guardian of the estate of the minor to pay to the
17 legal custodian or guardian of the person of the minor such
18 sums as are determined by the custodian or guardian of the
19 person of the minor as necessary for the minor's needs. The
20 payments may not exceed the maximum amounts provided for by
21 Section 9.1 of the Children and Family Services Act.

22 (6) Whenever the sentencing order requires the minor to
23 attend school or participate in a program of training, the
24 truant officer or designated school official shall regularly
25 report to the court if the minor is a chronic or habitual
26 truant under Section 26-2a of the School Code. Notwithstanding

1 any other provision of this Act, in instances in which
2 educational services are to be provided to a minor in a
3 residential facility where the minor has been placed by the
4 court, costs incurred in the provision of those educational
5 services must be allocated based on the requirements of the
6 School Code.

7 (7) In no event shall a guilty minor be committed to the
8 Department of Juvenile Justice for a period of time in excess
9 of that period for which an adult could be committed for the
10 same act. The court shall include in the sentencing order a
11 limitation on the period of confinement not to exceed the
12 maximum period of imprisonment the court could impose under
13 Article V of the Unified Code of Corrections.

14 (7.5) In no event shall a guilty minor be committed to the
15 Department of Juvenile Justice or placed in detention when the
16 act for which the minor was adjudicated delinquent would not be
17 illegal if committed by an adult.

18 (8) A minor found to be guilty for reasons that include a
19 violation of Section 21-1.3 of the Criminal Code of 1961 or the
20 Criminal Code of 2012 shall be ordered to perform community
21 service for not less than 30 and not more than 120 hours, if
22 community service is available in the jurisdiction. The
23 community service shall include, but need not be limited to,
24 the cleanup and repair of the damage that was caused by the
25 violation or similar damage to property located in the
26 municipality or county in which the violation occurred. The

1 order may be in addition to any other order authorized by this
2 Section.

3 (8.5) A minor found to be guilty for reasons that include a
4 violation of Section 3.02 or Section 3.03 of the Humane Care
5 for Animals Act or paragraph (d) of subsection (1) of Section
6 21-1 of the Criminal Code of 1961 or paragraph (4) of
7 subsection (a) of Section 21-1 of the Criminal Code of 2012
8 shall be ordered to undergo medical or psychiatric treatment
9 rendered by a psychiatrist or psychological treatment rendered
10 by a clinical psychologist. The order may be in addition to any
11 other order authorized by this Section.

12 (9) In addition to any other sentencing order, the court
13 shall order any minor found to be guilty for an act which would
14 constitute, predatory criminal sexual assault of a child,
15 aggravated criminal sexual assault, criminal sexual assault,
16 aggravated criminal sexual abuse, or criminal sexual abuse if
17 committed by an adult to undergo medical testing to determine
18 whether the defendant has any sexually transmissible disease
19 including a test for infection with human immunodeficiency
20 virus (HIV) or any other identified causative agency of
21 acquired immunodeficiency syndrome (AIDS). Any medical test
22 shall be performed only by appropriately licensed medical
23 practitioners and may include an analysis of any bodily fluids
24 as well as an examination of the minor's person. Except as
25 otherwise provided by law, the results of the test shall be
26 kept strictly confidential by all medical personnel involved in

1 the testing and must be personally delivered in a sealed
2 envelope to the judge of the court in which the sentencing
3 order was entered for the judge's inspection in camera. Acting
4 in accordance with the best interests of the victim and the
5 public, the judge shall have the discretion to determine to
6 whom the results of the testing may be revealed. The court
7 shall notify the minor of the results of the test for infection
8 with the human immunodeficiency virus (HIV). The court shall
9 also notify the victim if requested by the victim, and if the
10 victim is under the age of 15 and if requested by the victim's
11 parents or legal guardian, the court shall notify the victim's
12 parents or the legal guardian, of the results of the test for
13 infection with the human immunodeficiency virus (HIV). The
14 court shall provide information on the availability of HIV
15 testing and counseling at the Department of Public Health
16 facilities to all parties to whom the results of the testing
17 are revealed. The court shall order that the cost of any test
18 shall be paid by the county and may be taxed as costs against
19 the minor.

20 (10) When a court finds a minor to be guilty the court
21 shall, before entering a sentencing order under this Section,
22 make a finding whether the offense committed either: (a) was
23 related to or in furtherance of the criminal activities of an
24 organized gang or was motivated by the minor's membership in or
25 allegiance to an organized gang, or (b) involved a violation of
26 subsection (a) of Section 12-7.1 of the Criminal Code of 1961

1 or the Criminal Code of 2012, a violation of any Section of
2 Article 24 of the Criminal Code of 1961 or the Criminal Code of
3 2012, or a violation of any statute that involved the wrongful
4 use of a firearm. If the court determines the question in the
5 affirmative, and the court does not commit the minor to the
6 Department of Juvenile Justice, the court shall order the minor
7 to perform community service for not less than 30 hours nor
8 more than 120 hours, provided that community service is
9 available in the jurisdiction and is funded and approved by the
10 county board of the county where the offense was committed. The
11 community service shall include, but need not be limited to,
12 the cleanup and repair of any damage caused by a violation of
13 Section 21-1.3 of the Criminal Code of 1961 or the Criminal
14 Code of 2012 and similar damage to property located in the
15 municipality or county in which the violation occurred. When
16 possible and reasonable, the community service shall be
17 performed in the minor's neighborhood. This order shall be in
18 addition to any other order authorized by this Section except
19 for an order to place the minor in the custody of the
20 Department of Juvenile Justice. For the purposes of this
21 Section, "organized gang" has the meaning ascribed to it in
22 Section 10 of the Illinois Streetgang Terrorism Omnibus
23 Prevention Act.

24 (11) If the court determines that the offense was committed
25 in furtherance of the criminal activities of an organized gang,
26 as provided in subsection (10), and that the offense involved

1 the operation or use of a motor vehicle or the use of a
2 driver's license or permit, the court shall notify the
3 Secretary of State of that determination and of the period for
4 which the minor shall be denied driving privileges. If, at the
5 time of the determination, the minor does not hold a driver's
6 license or permit, the court shall provide that the minor shall
7 not be issued a driver's license or permit until his or her
8 18th birthday. If the minor holds a driver's license or permit
9 at the time of the determination, the court shall provide that
10 the minor's driver's license or permit shall be revoked until
11 his or her 21st birthday, or until a later date or occurrence
12 determined by the court. If the minor holds a driver's license
13 at the time of the determination, the court may direct the
14 Secretary of State to issue the minor a judicial driving
15 permit, also known as a JDP. The JDP shall be subject to the
16 same terms as a JDP issued under Section 6-206.1 of the
17 Illinois Vehicle Code, except that the court may direct that
18 the JDP be effective immediately.

19 (12) If a minor is found to be guilty of a violation of
20 subsection (a-7) of Section 1 of the Prevention of Tobacco Use
21 by Persons under 21 Years of Age and Sale and Distribution of
22 Tobacco Products ~~Minors~~ Act, the court may, in its discretion,
23 and upon recommendation by the State's Attorney, order that
24 minor and his or her parents or legal guardian to attend a
25 smoker's education or youth diversion program as defined in
26 that Act if that program is available in the jurisdiction where

1 the offender resides. Attendance at a smoker's education or
2 youth diversion program shall be time-credited against any
3 community service time imposed for any first violation of
4 subsection (a-7) of Section 1 of that Act. In addition to any
5 other penalty that the court may impose for a violation of
6 subsection (a-7) of Section 1 of that Act, the court, upon
7 request by the State's Attorney, may in its discretion require
8 the offender to remit a fee for his or her attendance at a
9 smoker's education or youth diversion program.

10 For purposes of this Section, "smoker's education program"
11 or "youth diversion program" includes, but is not limited to, a
12 seminar designed to educate a person on the physical and
13 psychological effects of smoking tobacco products and the
14 health consequences of smoking tobacco products that can be
15 conducted with a locality's youth diversion program.

16 In addition to any other penalty that the court may impose
17 under this subsection (12):

18 (a) If a minor violates subsection (a-7) of Section 1
19 of the Prevention of Tobacco Use by Persons under 21 Years
20 of Age and Sale and Distribution of Tobacco Products ~~Minors~~
21 Act, the court may impose a sentence of 15 hours of
22 community service or a fine of \$25 for a first violation.

23 (b) A second violation by a minor of subsection (a-7)
24 of Section 1 of that Act that occurs within 12 months after
25 the first violation is punishable by a fine of \$50 and 25
26 hours of community service.

1 (c) A third or subsequent violation by a minor of
2 subsection (a-7) of Section 1 of that Act that occurs
3 within 12 months after the first violation is punishable by
4 a \$100 fine and 30 hours of community service.

5 (d) Any second or subsequent violation not within the
6 12-month time period after the first violation is
7 punishable as provided for a first violation.

8 (Source: P.A. 98-536, eff. 8-23-13; 98-803, eff. 1-1-15;
9 99-268, eff. 1-1-16.)

10 Section 25. The Prevention of Tobacco Use by Minors and
11 Sale and Distribution of Tobacco Products Act is amended by
12 changing the title of the Act and Sections 0.01, 1, and 2 as
13 follows:

14 (720 ILCS 675/Act title)

15 An Act to prohibit persons under 21 years of age ~~minors~~
16 from buying, selling, or possessing tobacco in any of its
17 forms, to prohibit selling, giving or furnishing tobacco, in
18 any of its forms, to persons under 21 years of age ~~minors~~, and
19 to prohibit the distribution of tobacco samples and providing
20 penalties therefor.

21 (720 ILCS 675/0.01) (from Ch. 23, par. 2356.9)

22 Sec. 0.01. Short title. This Act may be cited as the
23 Prevention of Tobacco Use by Persons under 21 Years of Age

1 ~~Minors~~ and Sale and Distribution of Tobacco Products Act.

2 (Source: P.A. 96-179, eff. 8-10-09; 96-446, eff. 1-1-10;
3 96-1000, eff. 7-2-10.)

4 (720 ILCS 675/1) (from Ch. 23, par. 2357)

5 Sec. 1. Prohibition on sale to and possession of tobacco
6 products and electronic cigarettes by underage persons ~~by~~
7 ~~minors~~; prohibition on the distribution of tobacco product
8 samples and electronic cigarette samples to any person; use of
9 identification cards; vending machines; lunch wagons;
10 out-of-package sales.

11 (a) No person ~~minor~~ under 21 ~~18~~ years of age shall buy any
12 tobacco product or electronic cigarette. No person shall sell,
13 buy for, distribute samples of or furnish any tobacco product
14 or any electronic cigarette to any person ~~minor~~ under 21 ~~18~~
15 years of age.

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

22 (a-5.1) Before selling, offering for sale, giving, or
23 furnishing a tobacco product or electronic cigarette, to
24 another person, the person selling, offering for sale, giving,
25 or furnishing the tobacco product or electronic cigarette shall

1 verify that the person is at least 21 years of age by:

2 (1) examining from any person that appears to be under
3 30 years of age a government-issued photographic
4 identification that establishes the person to be 21 years
5 of age or older; or

6 (2) for sales of electronic cigarettes made through the
7 Internet or other remote sales methods, performing an age
8 verification through an independent, third party age
9 verification service that compares information available
10 from public records to the personal information entered by
11 the person during the ordering process that establishes the
12 person is 21 years of age or older.

13 (a-6) No person ~~minor~~ under 21 ~~18~~ years of age in the
14 furtherance or facilitation of obtaining any tobacco product or
15 electronic cigarette shall display or use a false or forged
16 identification card or transfer, alter, or deface an
17 identification card.

18 (a-7) Except as otherwise provided in this Act, no person
19 ~~No minor~~ under 21 ~~18~~ years of age shall possess any tobacco
20 product or electronic cigarette ~~cigar, cigarette, smokeless~~
21 ~~tobacco, or tobacco in any of its forms.~~

22 (a-8) A person shall not distribute without charge samples
23 of any tobacco product or electronic cigarette to any other
24 person, regardless of age:

25 (1) within a retail establishment selling tobacco
26 products, unless the retailer has verified the purchaser's

1 age with a government issued identification;

2 (2) from a lunch wagon; or

3 (3) on a public way as a promotion or advertisement of
4 a tobacco manufacturer, ~~or~~ tobacco product, or electronic
5 cigarette.

6 This subsection (a-8) does not apply to the distribution of
7 a tobacco product sample in any adult-only facility.

8 (a-9) For the purpose of this Section:

9 "Adult-only facility means a facility or restricted
10 area (whether open-air or enclosed) where the operator
11 ensures or has a reasonable basis to believe (such as by
12 checking identification as required under State law, or by
13 checking the identification of any person appearing to be
14 under the age of 30 ~~27~~) that no person under legal age is
15 present. A facility or restricted area need not be
16 permanently restricted to persons under 21 years of legal
17 age to constitute an adult-only facility, provided that the
18 operator ensures or has a reasonable basis to believe that
19 no person under 21 years of legal age is present during the
20 event or time period in question.

21 "Electronic cigarette" means:

22 (1) any device that employs a battery or other
23 mechanism to heat a solution or substance to produce a
24 vapor or aerosol intended for inhalation;

25 (2) any cartridge or container of a solution or
26 substance intended to be used with or in the device or to

1 refill the device; or
2 (3) any solution or substance, whether or not it
3 contains nicotine intended for use in the device.
4 "Electronic cigarette" includes, but is not limited to, any
5 electronic nicotine delivery system, electronic cigar,
6 electronic cigarillo, electronic pipe, electronic hookah,
7 vape pen, or similar product or device, and any components
8 or parts that can be used to build the product or device.
9 "Electronic cigarette" excludes cigarettes as defined in
10 Section 1 of the Cigarette Tax Act and tobacco products as
11 defined in Section 10-5 of the Tobacco Products Tax Act of
12 1995. "Electronic cigarette" does not include any asthma
13 inhaler or any product that has been approved by the United
14 States Food and Drug Administration for tobacco cessation,
15 nicotine cessation, or other therapeutic product approved
16 for use under the Compassionate Use of Medical Cannabis
17 Pilot Program Act.

18 "Lunch wagon" means a mobile vehicle designed and
19 constructed to transport food and from which food is sold
20 to the general public.

21 ~~"Smokeless tobacco" means any tobacco products that~~
22 ~~are suitable for dipping or chewing.~~

23 "Tobacco product" means any product containing or made
24 from tobacco that is intended for human consumption,
25 whether smoked, heated, chewed, absorbed, dissolved,
26 inhaled, snorted, sniffed, or ingested by any other means,

1 including, but not limited to, cigarettes, cigars, little
2 cigars, chewing tobacco, pipe tobacco, snuff, and snus.
3 "Tobacco product" includes any component, part, or
4 accessory of a tobacco product, whether or not sold
5 separately. "Tobacco product" does not include any product
6 that has been approved by the United States Food and Drug
7 Administration for sale as a tobacco cessation product or
8 for other therapeutic purposes in which the product is
9 marketed and sold solely for the an approved purpose ~~means~~
10 ~~any cigar, cigarette, smokeless tobacco, or tobacco in any~~
11 ~~of its forms.~~

12 (b) Tobacco products and electronic cigarettes ~~listed in~~
13 ~~this Section~~ may be sold through a vending machine only if such
14 tobacco products and electronic cigarettes are not placed
15 together with any non-tobacco product, other than matches, in
16 the vending machine and the vending machine is in any of the
17 following locations:

18 (1) (Blank).

19 (2) Places to which persons ~~minors~~ under 21 ~~18~~ years of
20 age are not permitted access at any time.

21 (3) Places where alcoholic beverages are sold and
22 consumed on the premises and vending machine operation is
23 under the direct supervision of the owner or manager.

24 (4) (Blank).

25 (5) (Blank). ~~Places where the vending machine can only~~
26 ~~be operated by the owner or an employee over age 18 either~~

1 ~~directly or through a remote control device if the device~~
2 ~~is inaccessible to all customers.~~

3 (c) (Blank).

4 (d) The sale or distribution by any person of a tobacco
5 product in this Section, including but not limited to a single
6 or loose cigarette, that is not contained within a sealed
7 container, pack, or package as provided by the manufacturer,
8 which container, pack, or package bears the health warning
9 required by federal law, is prohibited.

10 (e) It is not a violation of this Act for a person under 21
11 ~~18~~ years of age to purchase or possess a tobacco product ~~cigar,~~
12 ~~cigarette, smokeless tobacco~~ or electronic cigarette ~~tobacco~~
13 ~~in any of its forms~~ if the person under the age of 21 ~~18~~
14 purchases or is given the ~~cigar, cigarette, smokeless tobacco~~
15 ~~or~~ tobacco product or electronic cigarette in any of its forms
16 from a retail seller of tobacco products or electronic
17 cigarettes or an employee of the retail seller pursuant to a
18 plan or action to investigate, patrol, or otherwise conduct a
19 "sting operation" or enforcement action against a retail seller
20 of tobacco products or electronic cigarettes or a person
21 employed by the retail seller of tobacco products or electronic
22 cigarettes or on any premises authorized to sell tobacco
23 products or electronic cigarettes to determine if tobacco
24 products or electronic cigarettes are being sold or given to
25 persons under 21 ~~18~~ years of age if the "sting operation" or
26 enforcement action is approved by, conducted by, or conducted

1 on behalf of the Department of State Police, the county
2 sheriff, a municipal police department, the Department of
3 Revenue, the Department of Public Health, or a local health
4 department. The results of any sting operation or enforcement
5 action, including the name of the clerk, shall be provided to
6 the retail seller within 7 business days.

7 (Source: P.A. 98-1055, eff. 1-1-16.)

8 (720 ILCS 675/2) (from Ch. 23, par. 2358)

9 (Text of Section before amendment by P.A. 99-496)

10 Sec. 2. Penalties.

11 (a) Any person who violates subsection (a) or (a-5) of
12 Section 1 or Section 1.5 of this Act is guilty of a petty
13 offense. For the first offense in a 24-month period, the person
14 shall be fined \$200 if his or her employer has a training
15 program that facilitates compliance with minimum-age tobacco
16 laws. For the second offense in a 24-month period, the person
17 shall be fined \$400 if his or her employer has a training
18 program that facilitates compliance with minimum-age tobacco
19 laws. For the third offense in a 24-month period, the person
20 shall be fined \$600 if his or her employer has a training
21 program that facilitates compliance with minimum-age tobacco
22 laws. For the fourth or subsequent offense in a 24-month
23 period, the person shall be fined \$800 if his or her employer
24 has a training program that facilitates compliance with
25 minimum-age tobacco laws. For the purposes of this subsection,

1 the 24-month period shall begin with the person's first
2 violation of the Act. The penalties in this subsection are in
3 addition to any other penalties prescribed under the Cigarette
4 Tax Act and the Tobacco Products Tax Act of 1995.

5 (a-5) Any person who violates subsection (a) or (a-5) of
6 Section 1 or Section 1.5 of this Act is guilty of a petty
7 offense. For the first offense, the retailer shall be fined
8 \$200 if it does not have a training program that facilitates
9 compliance with minimum-age tobacco laws. For the second
10 offense, the retailer shall be fined \$400 if it does not have a
11 training program that facilitates compliance with minimum-age
12 tobacco laws. For the third offense, the retailer shall be
13 fined \$600 if it does not have a training program that
14 facilitates compliance with minimum-age tobacco laws. For the
15 fourth or subsequent offense in a 24-month period, the retailer
16 shall be fined \$800 if it does not have a training program that
17 facilitates compliance with minimum-age tobacco laws. For the
18 purposes of this subsection, the 24-month period shall begin
19 with the person's first violation of the Act. The penalties in
20 this subsection are in addition to any other penalties
21 prescribed under the Cigarette Tax Act and the Tobacco Products
22 Tax Act of 1995.

23 (a-6) For the purpose of this Act, a training program that
24 facilitates compliance with minimum-age tobacco laws must
25 include at least the following elements: (i) it must explain
26 that only individuals displaying valid identification

1 demonstrating that they are 18 years of age or older shall be
2 eligible to purchase cigarettes or tobacco products and (ii) it
3 must explain where a clerk can check identification for a date
4 of birth. The training may be conducted electronically. Each
5 retailer that has a training program shall require each
6 employee who completes the training program to sign a form
7 attesting that the employee has received and completed tobacco
8 training. The form shall be kept in the employee's file and may
9 be used to provide proof of training.

10 (b) If a minor violates subsection (a-7) of Section 1 he or
11 she is guilty of a petty offense and the court may impose a
12 sentence of 25 hours of community service and a fine of \$50 for
13 a first violation. If a minor violates subsection (a-6) of
14 Section 1, he or she is guilty of a Class A misdemeanor.

15 (c) A second violation by a minor of subsection (a-7) of
16 Section 1 that occurs within 12 months after the first
17 violation is punishable by a fine of \$75 and 50 hours of
18 community service.

19 (d) A third or subsequent violation by a minor of
20 subsection (a-7) of Section 1 that occurs within 12 months
21 after the first violation is punishable by a \$200 fine and 50
22 hours of community service.

23 (e) Any second or subsequent violation not within the
24 12-month time period after the first violation is punishable as
25 provided for a first violation.

26 (f) If a minor is convicted of or placed on supervision for

1 a violation of subsection (a-6) or (a-7) of Section 1, the
2 court may, in its discretion, and upon recommendation by the
3 State's Attorney, order that minor and his or her parents or
4 legal guardian to attend a smoker's education or youth
5 diversion program if that program is available in the
6 jurisdiction where the offender resides. Attendance at a
7 smoker's education or youth diversion program shall be
8 time-credited against any community service time imposed for
9 any first violation of subsection (a-7) of Section 1. In
10 addition to any other penalty that the court may impose for a
11 violation of subsection (a-7) of Section 1, the court, upon
12 request by the State's Attorney, may in its discretion require
13 the offender to remit a fee for his or her attendance at a
14 smoker's education or youth diversion program.

15 (g) For purposes of this Section, "smoker's education
16 program" or "youth diversion program" includes, but is not
17 limited to, a seminar designed to educate a person on the
18 physical and psychological effects of smoking tobacco products
19 and the health consequences of smoking tobacco products that
20 can be conducted with a locality's youth diversion program.

21 (h) All moneys collected as fines for violations of
22 subsection (a), (a-5), (a-6), or (a-7) of Section 1 shall be
23 distributed in the following manner:

24 (1) one-half of each fine shall be distributed to the
25 unit of local government or other entity that successfully
26 prosecuted the offender; and

1 (2) one-half shall be remitted to the State to be used
2 for enforcing this Act.

3 Any violation of subsection (a) or (a-5) of Section 1 or
4 Section 1.5 shall be reported to the Department of Revenue
5 within 7 business days.

6 (Source: P.A. 98-350, eff. 1-1-14; 98-1055, eff. 1-1-16;
7 99-192, eff. 1-1-16.)

8 (Text of Section after amendment by P.A. 99-496)

9 Sec. 2. Penalties.

10 (a) Any person who violates subsection (a), ~~or~~ (a-5),
11 (a-5.1), (a-8), (b), or (d) of Section 1 ~~or subsection (b) or~~
12 ~~(c) of Section 1.5~~ of this Act is guilty of a petty offense.
13 For the first offense in a 24-month period, the person shall be
14 fined \$200 if his or her employer has a training program that
15 facilitates compliance with minimum-age tobacco laws. For the
16 second offense in a 24-month period, the person shall be fined
17 \$400 if his or her employer has a training program that
18 facilitates compliance with minimum-age tobacco laws. For the
19 third offense in a 24-month period, the person shall be fined
20 \$600 if his or her employer has a training program that
21 facilitates compliance with minimum-age tobacco laws. For the
22 fourth or subsequent offense in a 24-month period, the person
23 shall be fined \$800 if his or her employer has a training
24 program that facilitates compliance with minimum-age tobacco
25 laws. For the purposes of this subsection, the 24-month period

1 shall begin with the person's first violation of the Act. The
2 penalties in this subsection are in addition to any other
3 penalties prescribed under the Cigarette Tax Act and the
4 Tobacco Products Tax Act of 1995.

5 (a-5) Any retailer who violates subsection (a) or (a-5) of
6 Section 1 ~~or subsection (b) or (c) of Section 1.5~~ of this Act
7 is guilty of a petty offense. For the first offense, the
8 retailer shall be fined \$200 if it does not have a training
9 program that facilitates compliance with minimum-age tobacco
10 laws. For the second offense, the retailer shall be fined \$400
11 if it does not have a training program that facilitates
12 compliance with minimum-age tobacco laws. For the third
13 offense, the retailer shall be fined \$600 if it does not have a
14 training program that facilitates compliance with minimum-age
15 tobacco laws. For the fourth or subsequent offense in a
16 24-month period, the retailer shall be fined \$800 if it does
17 not have a training program that facilitates compliance with
18 minimum-age tobacco laws. For the purposes of this subsection,
19 the 24-month period shall begin with the person's first
20 violation of the Act. The penalties in this subsection are in
21 addition to any other penalties prescribed under the Cigarette
22 Tax Act and the Tobacco Products Tax Act of 1995.

23 (a-6) For the purpose of this Act, a training program that
24 facilitates compliance with minimum-age tobacco laws must
25 include at least the following elements: (i) it must explain
26 that only individuals displaying valid identification

1 demonstrating that they are 21 ~~18~~ years of age or older shall
2 be eligible to purchase cigarettes, ~~or~~ tobacco products, or
3 electronic cigarettes and (ii) it must explain where a clerk
4 can check identification for a date of birth. The training may
5 be conducted electronically. Each retailer that has a training
6 program shall require each employee who completes the training
7 program to sign a form attesting that the employee has received
8 and completed tobacco training. The form shall be kept in the
9 employee's file and may be used to provide proof of training.

10 (b) If a minor violates subsection (a-7) of Section 1, ~~or~~
11 ~~subsection (d) of Section 1.5~~ he or she is guilty of a petty
12 offense and the court may impose a sentence of 25 hours of
13 community service and a fine of \$50 for a first violation. If a
14 minor violates subsection (a-6) of Section 1, he or she is
15 guilty of a Class A misdemeanor.

16 (c) A second violation by a minor of subsection (a-7) of
17 Section 1 ~~or subsection (d) of Section 1.5~~ that occurs within
18 12 months after the first violation is punishable by a fine of
19 \$75 and 50 hours of community service.

20 (d) A third or subsequent violation by a minor of
21 subsection (a-7) of Section 1 ~~or subsection (d) of Section 1.5~~
22 that occurs within 12 months after the first violation is
23 punishable by a \$200 fine and 50 hours of community service.

24 (e) Any second or subsequent violation not within the
25 12-month time period after the first violation is punishable as
26 provided for a first violation.

1 (f) If a minor is convicted of or placed on supervision for
2 a violation of subsection (a-6) or (a-7) of Section 1 ~~or~~
3 ~~subsection (d) of Section 1.5,~~ the court may, in its
4 discretion, and upon recommendation by the State's Attorney,
5 order that minor and his or her parents or legal guardian to
6 attend a smoker's education or youth diversion program if that
7 program is available in the jurisdiction where the offender
8 resides. Attendance at a smoker's education or youth diversion
9 program shall be time-credited against any community service
10 time imposed for any first violation of subsection (a-7) of
11 Section 1. In addition to any other penalty that the court may
12 impose for a violation of subsection (a-7) of Section 1 ~~or~~
13 ~~subsection (d) of Section 1.5,~~ the court, upon request by the
14 State's Attorney, may in its discretion require the offender to
15 remit a fee for his or her attendance at a smoker's education
16 or youth diversion program.

17 (g) For purposes of this Section, "smoker's education
18 program" or "youth diversion program" includes, but is not
19 limited to, a seminar designed to educate a person on the
20 physical and psychological effects of smoking tobacco products
21 and electronic cigarettes ~~alternative nicotine products~~ and
22 the health consequences of smoking tobacco products and
23 electronic cigarettes ~~alternative nicotine products~~ that can
24 be conducted with a locality's youth diversion program.

25 (h) All moneys collected as fines for violations of
26 subsection (a), (a-5), (a-5.1), (a-6), ~~or~~ (a-7), (a-8), (b), or

1 ~~(d)~~ of Section 1 ~~and subsection (b), (c), or (d) of Section 1.5~~
2 shall be distributed in the following manner:

3 (1) one-half of each fine shall be distributed to the
4 unit of local government or other entity that successfully
5 prosecuted the offender; and

6 (2) one-half shall be remitted to the State to be used
7 for enforcing this Act.

8 Any violation of subsection (a) or (a-5) of Section 1 ~~or~~
9 ~~subsection (b) or (c) of Section 1.5~~ shall be reported to the
10 Department of Revenue within 7 business days.

11 (Source: P.A. 98-350, eff. 1-1-14; 98-1055, eff. 1-1-16;
12 99-192, eff. 1-1-16; 99-496, eff. 6-1-16.)

13 (720 ILCS 675/1.5 rep.)

14 Section 30. The Prevention of Tobacco Use by Minors and
15 Sale and Distribution of Tobacco Products Act is amended by
16 repealing Section 1.5.

17 Section 35. The Display of Tobacco Products Act is amended
18 by changing Sections 5, 10, and 15 as follows:

19 (720 ILCS 677/5)

20 Sec. 5. Definitions. In this Act:

21 "Electronic cigarette" ~~"Alternative nicotine product"~~ has
22 the meaning ascribed to it in Section 1 ~~1.5~~ of the Prevention
23 of Tobacco Use by Persons under 21 Years of Age ~~Minors~~ and Sale

1 and Distribution of Tobacco Products Act.

2 "Line of sight" means visible to a cashier or other
3 employee.

4 "Age restricted area" means a signed designated area in a
5 retail establishment to which persons ~~minors~~ under 21 ~~18~~ years
6 of age are not permitted access unless accompanied by a parent
7 or legal guardian.

8 (Source: P.A. 98-983, eff. 1-1-15.)

9 (720 ILCS 677/10)

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

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

23 (Source: P.A. 98-983, eff. 1-1-15.)

24 (720 ILCS 677/15)

1 Sec. 15. Vending machines. This Act does not prohibit the
2 sale of tobacco products from vending machines if the location
3 of the vending machines are in compliance with the provisions
4 of Section 1 of the Prevention of Tobacco Use by Persons under
5 21 Years of Age ~~Minors~~ and Sale and Distribution of Tobacco
6 Products Act.

7 (Source: P.A. 96-179, eff. 8-10-09; 96-446, eff. 1-1-10;
8 96-1000, eff. 7-2-10.)

9 Section 40. The Smokeless Tobacco Limitation Act is amended
10 by changing the title of the Act and Sections 3 and 4 as
11 follows:

12 (720 ILCS 680/Act title)

13 An Act to prohibit the sale or distribution of smokeless
14 tobacco products to persons under 21 ~~18~~ years of age.

15 (720 ILCS 680/3) (from Ch. 23, par. 2358-23)

16 Sec. 3. No person shall sell any smokeless tobacco product
17 to any person under the age of 21 ~~18~~. Any person who violates
18 this Section shall be guilty of a business offense punishable
19 by a fine of not more than \$50 for each violation.

20 (Source: P.A. 85-465.)

21 (720 ILCS 680/4) (from Ch. 23, par. 2358-24)

22 Sec. 4. No person shall distribute or cause to be

1 distributed to any person under the age of 21 ~~18~~, without
2 charge or at a nominal cost, any smokeless tobacco product. Any
3 person who violates this Section shall be guilty of a business
4 offense punishable for a first offense by a fine of \$200, for a
5 second offense in a 12-month period by a fine of \$400, and for
6 the third or any subsequent offense in a 12-month period by a
7 fine of \$600. One-half of each fine collected under this
8 Section shall be distributed to the unit of local government or
9 other entity that successfully prosecuted the offender and
10 one-half shall be remitted to the State to be used for the
11 enforcement of this Act.

12 (Source: P.A. 88-418.)

13 Section 95. No acceleration or delay. Where this Act makes
14 changes in a statute that is represented in this Act by text
15 that is not yet or no longer in effect (for example, a Section
16 represented by multiple versions), the use of that text does
17 not accelerate or delay the taking effect of (i) the changes
18 made by this Act or (ii) provisions derived from any other
19 Public Act.