



**93RD GENERAL ASSEMBLY**  
**State of Illinois**  
**2003 and 2004**

Introduced 2/4/2004, by Jeffrey M. Schoenberg

**SYNOPSIS AS INTRODUCED:**

410 ILCS 80/11

from Ch. 111 1/2, par. 8211

Amends the Illinois Clean Indoor Air Act. Provides that units of local government may regulate smoking in public places. Provides that this regulation must be no less restrictive than the regulation in the Act. Changes the home rule limitation from an absolute preemption to a limitation on the concurrent exercise of home rule power. Maintains the exemption from home rule requirements for home rule units that passed ordinances regulating smoking before October 1, 1989. Limits the concurrent exercise of home rule powers. Effective immediately.

LRB093 18122 RXD 43811 b

HOME RULE NOTE  
ACT MAY APPLY

1 AN ACT in relation to clean air.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Illinois Clean Indoor Air Act is amended by  
5 changing Section 11 as follows:

6 (410 ILCS 80/11) (from Ch. 111 1/2, par. 8211)

7 Sec. 11. Home rule.

8 (a) Except as provided in subsection (b), a home rule or  
9 non-home rule unit of local government in this State may shall  
10 not have the power and authority, after the effective date of  
11 this Act, to regulate smoking in public places, but that  
12 regulation must be no less restrictive than this Act. This  
13 subsection (a) is a limitation on the concurrent exercise of  
14 home rule power under subsection (i) of Section 6 of Article  
15 VII of the Illinois Constitution.

16 ~~(b) Pursuant to Article VII, Section 6, paragraph (h) of~~  
17 ~~the Illinois Constitution of 1970, it is declared to be the law~~  
18 ~~of this State that the regulation of smoking as provided by~~  
19 ~~this Act is a power which pre-empt's home rule units from~~  
20 ~~exercising such power subject to the limitations provided in~~  
21 ~~the Act, provided that Any home rule unit that has passed an~~  
22 ~~ordinance concerning the regulation of smoking prior to October~~  
23 ~~1, 1989 is exempt from the requirements of subsection (a).~~  
24 ~~pre-emption.~~

25 (Source: P.A. 86-1018.)