



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB5029

by Rep. Dwight Kay

SYNOPSIS AS INTRODUCED:

410 ILCS 82/35

Amends the Smoke Free Illinois Act. Provides that smoking is allowed in facilities constructed prior to August 14, 2015 for the purpose of compliance with the Act. Requires that such facilities have signs clearly stating that the building or area is used for smoking. Grants the Department of Public Health rulemaking authority to implement this exemption. Effective immediately.

LRB099 20046 MJP 44453 b

1 AN ACT concerning health.

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

4 Section 5. The Smoke Free Illinois Act is amended by
5 changing Section 35 as follows:

6 (410 ILCS 82/35)

7 Sec. 35. Exemptions. Notwithstanding any other provision
8 of this Act, smoking is allowed in the following areas:

9 (1) Private residences or dwelling places, except when
10 used as a child care, adult day care, or healthcare
11 facility or any other home-based business open to the
12 public.

13 (2) Retail tobacco stores as defined in Section 10 of
14 this Act in operation prior to the effective date of this
15 amendatory Act of the 95th General Assembly. The retail
16 tobacco store shall annually file with the Department by
17 January 31st an affidavit stating the percentage of its
18 gross income during the prior calendar year that was
19 derived from the sale of loose tobacco, plants, or herbs
20 and cigars, cigarettes, pipes, or other smoking devices for
21 smoking tobacco and related smoking accessories. Any
22 retail tobacco store that begins operation after the
23 effective date of this amendatory Act may only qualify for

1 an exemption if located in a freestanding structure
2 occupied solely by the business and smoke from the business
3 does not migrate into an enclosed area where smoking is
4 prohibited.

5 (3) (Blank).

6 (4) Hotel and motel sleeping rooms that are rented to
7 guests and are designated as smoking rooms, provided that
8 all smoking rooms on the same floor must be contiguous and
9 smoke from these rooms must not infiltrate into nonsmoking
10 rooms or other areas where smoking is prohibited. Not more
11 than 25% of the rooms rented to guests in a hotel or motel
12 may be designated as rooms where smoking is allowed. The
13 status of rooms as smoking or nonsmoking may not be
14 changed, except to permanently add additional nonsmoking
15 rooms.

16 (5) Enclosed laboratories that are excluded from the
17 definition of "place of employment" in Section 10 of this
18 Act. Rulemaking authority to implement this amendatory Act
19 of the 95th General Assembly, if any, is conditioned on the
20 rules being adopted in accordance with all provisions of
21 the Illinois Administrative Procedure Act and all rules and
22 procedures of the Joint Committee on Administrative Rules;
23 any purported rule not so adopted, for whatever reason, is
24 unauthorized.

25 (6) Common smoking rooms in long-term care facilities
26 operated under the authority of the Illinois Department of

1 Veterans' Affairs or licensed under the Nursing Home Care
2 Act that are accessible only to residents who are smokers
3 and have requested in writing to have access to the common
4 smoking room where smoking is permitted and the smoke shall
5 not infiltrate other areas of the long-term care facility.
6 Rulemaking authority to implement this amendatory Act of
7 the 95th General Assembly, if any, is conditioned on the
8 rules being adopted in accordance with all provisions of
9 the Illinois Administrative Procedure Act and all rules and
10 procedures of the Joint Committee on Administrative Rules;
11 any purported rule not so adopted, for whatever reason, is
12 unauthorized.

13 (7) A convention hall of the Donald E. Stephens
14 Convention Center where a meeting or trade show for
15 manufacturers and suppliers of tobacco and tobacco
16 products and accessories is being held, during the time the
17 meeting or trade show is occurring, if the meeting or trade
18 show:

19 (i) is a trade-only event and not open to the
20 public;

21 (ii) is limited to attendees and exhibitors that
22 are 21 years of age or older;

23 (iii) is being produced or organized by a business
24 relating to tobacco or a professional association for
25 convenience stores; and

26 (iv) involves the display of tobacco products.

1 Smoking is not allowed in any public area outside of
2 the hall designated for the meeting or trade show.

3 This paragraph (7) is inoperative on and after October
4 1, 2015.

5 (8) Any facility built prior to August 14, 2015 that
6 was constructed for the purpose of compliance with this
7 Act, including, but not limited to, buildings created
8 solely for the purpose of smoking at which no food or
9 alcohol is served and outdoor smoking areas, provided that
10 such facilities or areas have signs clearly stating that
11 the building or area is used for smoking. The Department
12 shall adopt any rules necessary to implement this paragraph
13 (8).

14 (Source: P.A. 98-1023, eff. 8-22-14.)

15 Section 99. Effective date. This Act takes effect upon
16 becoming law.