

1 AN ACT concerning child care.

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

4 Section 5. The Child Care Act of 1969 is amended by  
5 changing Sections 5.5 and 18 as follows:

6 (225 ILCS 10/5.5)

7 Sec. 5.5. Smoking in day care facilities.

8 (a) The General Assembly finds and declares that:

9 (1) The U.S. government has determined that  
10 secondhand tobacco smoke is a major threat to public  
11 health for which there is no safe level of exposure.

12 (2) The U.S. Environmental Protection Agency  
13 recently classified secondhand tobacco smoke a Class A  
14 carcinogen, ranking it with substances such as asbestos  
15 and benzene.

16 (3) According to U.S. government figures,  
17 secondhand tobacco smoke is linked to the lung-cancer  
18 deaths of an estimated 3,000 nonsmokers per year.

19 (4) Cigarette smoke is a special risk to children,  
20 causing between 150,000 and 300,000 respiratory  
21 infections each year in children under 18 months old, and  
22 endangering between 200,000 and one million children with  
23 asthma.

24 (5) The health of the children of this State should  
25 not be compromised by needless exposure to secondhand  
26 tobacco smoke.

27 (b) ~~Beginning-January-17-1994~~ It is a violation of this  
28 Act for any person~~7--on--any--day--when--the--center--is--in~~  
29 ~~operation~~7 to smoke tobacco in any area of a day care center  
30 ~~in-which-children-are-allowed~~, regardless of whether or not  
31 any children are present ~~at--that--moment~~. A person who

1 violates this subsection (b) is guilty of a business offense  
2 punishable by a fine of \$1,000.

3 (c) ~~Beginning-January-17-1994~~ It is a violation of this  
4 Act for any person to smoke tobacco in ~~any-area-of~~ a day care  
5 home or group day care home in which day care services are  
6 being provided to children, while ~~these~~ children are present.  
7 This subsection does not prohibit smoking in the home in the  
8 presence of a person's own children or of children to whom  
9 day care services are not then being provided. A person who  
10 violates this subsection (c) is guilty of a business offense  
11 punishable by a fine of \$1,000.

12 (d) It is a violation of this Act for any person  
13 responsible for the operation of a day care center, day care  
14 home, or group day care home to knowingly allow or encourage  
15 any violation of subsection (b) or (c) of this Section.

16 (Source: P.A. 88-95.)

17 (225 ILCS 10/18) (from Ch. 23, par. 2228)

18 Sec. 18. (a) Except as provided in Section 5.5, a Any  
19 person, group of persons, association or corporation who

20 (1) conducts, operates or acts as a child care facility  
21 without a license or permit to do so in violation of Section  
22 3 of this Act;

23 (2) makes materially false statements in order to obtain  
24 a license or permit;

25 (3) fails to keep the records and make the reports  
26 provided under this Act;

27 (4) advertises any service not authorized by license or  
28 permit held;

29 (5) publishes any advertisement in violation of this  
30 Act;

31 (6) receives within this State any child in violation of  
32 Section 16 of this Act; or

33 (7) violates any other provision of this Act or any

1 reasonable rule or regulation adopted and published by the  
2 Department for the enforcement of the provisions of this Act,  
3 is guilty of a Class A misdemeanor and in case of an  
4 association or corporation, imprisonment may be imposed upon  
5 its officers who knowingly participated in the violation.

6 Any child care facility that continues to operate after  
7 its license is revoked under Section 8 of this Act or after  
8 its license expires and the Department refused to renew the  
9 license as provided in Section 8 of this Act is guilty of a  
10 business offense and shall be fined an amount in excess of  
11 \$500 but not exceeding \$10,000, and each day of violation is  
12 a separate offense.

13 In a prosecution under this Act, a defendant who relies  
14 upon the relationship of any child to himself has the burden  
15 of proof as to that relationship.

16 (b) A person who violates Section 5.5 of this Act shall  
17 be punished as provided in that Section.

18 (Source: P.A. 83-1362.)

19 Section 99. Effective date. This Act takes effect upon  
20 becoming law.