

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 Illinois Clean Indoor Air Act is amended by  
5 changing Sections 2 and 11 as follows:

6 (410 ILCS 80/2) (from Ch. 111 1/2, par. 8202)

7 Sec. 2. The General Assembly finds that tobacco smoke is  
8 ~~annoying,~~ harmful and dangerous to human beings and a hazard to  
9 public health. Secondhand tobacco smoke causes at least 65,000  
10 deaths each year from heart disease and lung cancer according  
11 to the National Cancer Institute. Secondhand tobacco smoke  
12 causes sudden infant death syndrome, low-birth-weight in  
13 infants, asthma and exacerbation of asthma, bronchitis and  
14 pneumonia in children and adults. Secondhand tobacco smoke is  
15 the third leading cause of preventable death in the United  
16 States. Illinois workers exposed to secondhand tobacco smoke  
17 are at increased risk of premature death. An estimated 1,570  
18 Illinois citizens die each year from exposure to secondhand  
19 tobacco smoke.

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

21 (410 ILCS 80/11) (from Ch. 111 1/2, par. 8211)

22 Sec. 11. Home rule.

23 (a) Except as provided in subsection (b), a home rule or  
24 non-home rule unit of local government or any municipality in  
25 this State may shall not have the power and authority, after  
26 the effective date of this Act, to regulate smoking in public  
27 places, but that regulation must be no less restrictive than  
28 this Act. This subsection (a) is a limitation on the concurrent  
29 exercise of home rule power under subsection (i) of Section 6  
30 of Article VII of the Illinois Constitution.

31 (b) Pursuant to Article VII, Section 6, paragraph (h) of

1 ~~the Illinois Constitution of 1970, it is declared to be the law~~  
2 ~~of this State that the regulation of smoking as provided by~~  
3 ~~this Act is a power which pre-empts home rule units from~~  
4 ~~exercising such power subject to the limitations provided in~~  
5 ~~the Act, provided that~~ Any home rule unit that has passed an  
6 ordinance concerning the regulation of smoking prior to October  
7 1, 1989 is exempt from the requirements of subsection (a).  
8 ~~pre-emption.~~

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