

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). ~~Private and semi private rooms in nursing~~
6 ~~homes and long term care facilities that are occupied by~~
7 ~~one or more persons, all of whom are smokers and have~~
8 ~~requested in writing to be placed or to remain in a room~~
9 ~~where smoking is permitted and the smoke shall not~~
10 ~~infiltrate other areas of the nursing home.~~

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

21 (5) Enclosed laboratories that are excluded from the
22 definition of "place of employment" in Section 10 of this
23 Act. Rulemaking authority to implement this amendatory Act
24 of the 95th General Assembly, if any, is conditioned on the
25 rules being adopted in accordance with all provisions of
26 the Illinois Administrative Procedure Act and all rules and

1 procedures of the Joint Committee on Administrative Rules;
2 any purported rule not so adopted, for whatever reason, is
3 unauthorized.

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

18 (Source: P.A. 95-17, eff. 1-1-08; 95-1029, eff. 2-4-09.)