



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB2202

Introduced 2/15/2013, by Sen. Terry Link

SYNOPSIS AS INTRODUCED:

New Act

Creates the Smoke-Free Campus Act. Sets forth the General Assembly's findings. Provides that beginning on July 1, 2014, smoking is prohibited on each campus of a State-supported institution of higher education. Provides that on or before December 31, 2013, each State-supported institution of higher education shall establish a community task force for the purpose of coordinating with community and campus leaders for the implementation of the Act. Provides that the governing board of each State-supported institution of higher education shall implement the Act and shall promulgate all policies and regulations necessary for this purpose, including, but not limited to, disciplinary action, fines, and an appeals process. Effective immediately.

LRB098 08858 RPM 40785 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning higher education.

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

4 Section 1. Short title. This Act may be cited as the
5 Smoke-Free Campus Act.

6 Section 5. Findings. The General Assembly finds that
7 tobacco smoke is a harmful and dangerous carcinogen to human
8 beings and a hazard to public health. Secondhand tobacco smoke
9 causes at least 65,000 deaths each year from heart disease and
10 lung cancer according to the National Cancer Institute.
11 Secondhand tobacco smoke causes heart disease, stroke, cancer,
12 sudden infant death syndrome, low birth weight in infants,
13 asthma and the 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 an increased risk of premature death. An estimated 2,900
18 Illinois citizens die each year from exposure to secondhand
19 tobacco smoke.

20 The General Assembly also finds that the United States
21 Surgeon General's 2006 report has determined that there is no
22 risk-free level of exposure to secondhand smoke; the scientific
23 evidence that secondhand smoke causes serious diseases,

1 including lung cancer, heart disease, and respiratory
2 illnesses such as bronchitis and asthma, is massive and
3 conclusive; separating smokers from nonsmokers, cleaning the
4 air, and ventilating buildings cannot eliminate secondhand
5 smoke exposure; smoke-free policies are effective in reducing
6 secondhand smoke exposure.

7 The General Assembly also finds that a law that prohibits
8 smoking on the campuses of State-supported institutions of
9 higher education will reduce secondhand smoke exposure among
10 nonsmokers as well as prepare students for the workplace and
11 ensure a healthy environment for all campus communities.

12 Section 10. Definitions. In this Act:

13 "Campus" means all property, including buildings, grounds,
14 parking lots, and vehicles that are owned or operated by a
15 State-supported institution of higher education, but does not
16 include enclosed laboratories, not open to the public, in an
17 accredited university or government facility where the
18 activity of smoking is exclusively conducted for the purpose of
19 medical or scientific, health-related research.

20 "Employee" means an individual who is employed by a
21 State-supported institution of higher education in
22 consideration for direct or indirect monetary wages or profit.

23 "Governing authority" means the administrative branch of
24 the State-supported institution of higher education.

25 "Guest" means a visitor to the campus of a State-supported

1 institution of higher education.

2 "Smoke" or "smoking" means the carrying, smoking, burning,
3 inhaling, or exhaling of any kind of lighted pipe, cigar,
4 cigarette, hookah, weed, herbs, or other lighted smoking
5 equipment. "Smoke" or "smoking" also includes products
6 containing or delivering nicotine intended or expected for
7 human consumption, or any part of such a product, that is not a
8 tobacco product as defined by Section 321(rr) of Title 21 of
9 the United States Code, unless it has been approved or
10 otherwise certified for legal sale by the United States Food
11 and Drug Administration for tobacco use cessation, harm
12 reduction, or for other medical purposes and is being marketed
13 and sold solely for that approved purpose. "Smoke" or "smoking"
14 does not include smoking that is associated with a native
15 recognized religious ceremony, ritual, or activity by American
16 Indians that is in accordance with the federal American Indian
17 Religious Freedom Act, Sections 1996 and 1996a of Title 42 of
18 the United States Code.

19 "Student" means an individual enrolled in a credit or
20 noncredit course at a State-supported institution of higher
21 education.

22 "State-supported institution of higher education" means
23 the University of Illinois, Southern Illinois University,
24 Chicago State University, Eastern Illinois University,
25 Governors State University, Illinois State University,
26 Northeastern Illinois University, Northern Illinois

1 University, Western Illinois University, and the public
2 community colleges subject to the Public Community College Act.

3 Section 15. Prohibitions on smoking.

4 (a) Beginning on July 1, 2014, smoking is prohibited on
5 each campus of a State-supported institution of higher
6 education.

7 (b) An individual or campus subject to the smoking
8 prohibitions of this Act may not discriminate or retaliate in
9 any manner against a person for making a complaint of a
10 violation of this Act or furnishing information concerning a
11 violation to a person, campus, or governing authority.

12 (c) The prohibitions on smoking in this Act must be
13 communicated to all students and employees of State-supported
14 institutions of higher education on or before May 1, 2014 and
15 to each guest of a State-supported institution of higher
16 education upon request.

17 Section 20. Smoke-free campus task force. On or before
18 December 31, 2013, each State-supported institution of higher
19 education shall establish a community task force for the
20 purpose of coordinating with community and campus leaders for
21 the implementation of this Act.

22 The governing board of each State-supported institution of
23 higher education shall coordinate with its respective
24 community task force to implement a public education and notice

1 program regarding this Act. As part of the notice to students,
2 employees, and the public, "No Smoking" signs or the
3 international "No Smoking" symbol (consisting of a pictorial
4 representation of a burning cigarette enclosed in a red circle
5 with a red bar across it) may be clearly and conspicuously
6 posted on each campus where smoking is prohibited by this Act.

7 Section 25. Penalties and rules. The governing board of
8 each State-supported institution of higher education shall
9 implement this Act and shall promulgate all policies and
10 regulations necessary for this purpose, including, but not
11 limited to, disciplinary action, fines, and an appeals process.
12 Any State-supported institution of higher education may
13 regulate smoking in public places, but that regulation must be
14 no less restrictive than this Act.

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