



# Adopted in House Comm. on Feb 19, 2004

09300HB3996ham001

LRB093 16102 EFG 46863 a

1 AMENDMENT TO HOUSE BILL 3996

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3996 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Clean Indoor Air Act is amended by  
5 changing Section 11 as follows:

6 (410 ILCS 80/11) (from Ch. 111 1/2, par. 8211)

7 Sec. 11. Home rule.

8 (a) Except as provided in subsection (b), a home rule or  
9 non-home rule unit of local government in this State may shall  
10 not have the power and authority, after the effective date of  
11 this Act, to regulate smoking in public places, but that  
12 regulation must be no less restrictive than this Act. This  
13 subsection (a) is a limitation on the concurrent exercise of  
14 home rule power under subsection (i) of Section 6 of Article  
15 VII of the Illinois Constitution.

16 ~~(b) Pursuant to Article VII, Section 6, paragraph (h) of~~  
17 ~~the Illinois Constitution of 1970, it is declared to be the law~~  
18 ~~of this State that the regulation of smoking as provided by~~  
19 ~~this Act is a power which pre empts home rule units from~~  
20 ~~exercising such power subject to the limitations provided in~~  
21 ~~the Act, provided that~~ Any home rule unit that has passed an  
22 ordinance concerning the regulation of smoking prior to October  
23 1, 1989 is exempt from the requirements of subsection (a).  
24 ~~pre-emption.~~

1 (Source: P.A. 86-1018.)".