



Rep. Ann M. Williams

**Filed: 11/11/2019**

10100SB1864ham002

LRB101 10924 CPF 64620 a

1 AMENDMENT TO SENATE BILL 1864

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1864 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Smoke Free Illinois Act is amended by  
5 changing Section 10 as follows:

6 (410 ILCS 82/10)

7 Sec. 10. Definitions. In this Act:

8 "Bar" means an establishment that is devoted to the serving  
9 of alcoholic beverages for consumption by guests on the  
10 premises and that derives no more than 10% of its gross revenue  
11 from the sale of food consumed on the premises. "Bar" includes,  
12 but is not limited to, taverns, nightclubs, cocktail lounges,  
13 adult entertainment facilities, and cabarets.

14 "Department" means the Department of Public Health.

15 "Electronic cigarette" has the same meaning as provided in  
16 subsection (a-9) of Section 1 of the Prevention of Tobacco Use

1 by Persons under 21 Years of Age and Sale and Distribution of  
2 Tobacco Products Act.

3 "Employee" means a person who is employed by an employer in  
4 consideration for direct or indirect monetary wages or profits  
5 or a person who volunteers his or her services for a non-profit  
6 entity.

7 "Employer" means a person, business, partnership,  
8 association, or corporation, including a municipal  
9 corporation, trust, or non-profit entity, that employs the  
10 services of one or more individual persons.

11 "Enclosed area" means all space between a floor and a  
12 ceiling that is enclosed or partially enclosed with (i) solid  
13 walls or windows, exclusive of doorways, or (ii) solid walls  
14 with partitions and no windows, exclusive of doorways, that  
15 extend from the floor to the ceiling, including, without  
16 limitation, lobbies and corridors.

17 "Enclosed or partially enclosed sports arena" means any  
18 sports pavilion, stadium, gymnasium, health spa, boxing arena,  
19 swimming pool, roller rink, ice rink, bowling alley, or other  
20 similar place where members of the general public assemble to  
21 engage in physical exercise or participate in athletic  
22 competitions or recreational activities or to witness sports,  
23 cultural, recreational, or other events.

24 "Gaming equipment or supplies" means gaming  
25 equipment/supplies as defined in the Illinois Gaming Board  
26 Rules of the Illinois Administrative Code.

1 "Gaming facility" means an establishment utilized  
2 primarily for the purposes of gaming and where gaming equipment  
3 or supplies are operated for the purposes of accruing business  
4 revenue.

5 "Healthcare facility" means an office or institution  
6 providing care or treatment of diseases, whether physical,  
7 mental, or emotional, or other medical, physiological, or  
8 psychological conditions, including, but not limited to,  
9 hospitals, rehabilitation hospitals, weight control clinics,  
10 nursing homes, homes for the aging or chronically ill,  
11 laboratories, and offices of surgeons, chiropractors, physical  
12 therapists, physicians, dentists, and all specialists within  
13 these professions. "Healthcare facility" includes all waiting  
14 rooms, hallways, private rooms, semiprivate rooms, and wards  
15 within healthcare facilities.

16 "Place of employment" means any area under the control of a  
17 public or private employer that employees are required to  
18 enter, leave, or pass through during the course of employment,  
19 including, but not limited to entrances and exits to places of  
20 employment, including a minimum distance, as set forth in  
21 Section 70 of this Act, of 15 feet from entrances, exits,  
22 windows that open, and ventilation intakes that serve an  
23 enclosed area where smoking is prohibited; offices and work  
24 areas; restrooms; conference and classrooms; break rooms and  
25 cafeterias; and other common areas. A private residence or  
26 home-based business, unless used to provide licensed child

1 care, foster care, adult care, or other similar social service  
2 care on the premises, is not a "place of employment", nor are  
3 enclosed laboratories, not open to the public, in an accredited  
4 university or government facility where the activity of smoking  
5 is exclusively conducted for the purpose of medical or  
6 scientific health-related research. Rulemaking authority to  
7 implement this amendatory Act of the 95th General Assembly, if  
8 any, is conditioned on the rules being adopted in accordance  
9 with all provisions of the Illinois Administrative Procedure  
10 Act and all rules and procedures of the Joint Committee on  
11 Administrative Rules; any purported rule not so adopted, for  
12 whatever reason, is unauthorized.

13 "Private club" means a not-for-profit association that (1)  
14 has been in active and continuous existence for at least 3  
15 years prior to the effective date of this amendatory Act of the  
16 95th General Assembly, whether incorporated or not, (2) is the  
17 owner, lessee, or occupant of a building or portion thereof  
18 used exclusively for club purposes at all times, (3) is  
19 operated solely for a recreational, fraternal, social,  
20 patriotic, political, benevolent, or athletic purpose, but not  
21 for pecuniary gain, and (4) only sells alcoholic beverages  
22 incidental to its operation. For purposes of this definition,  
23 "private club" means an organization that is managed by a board  
24 of directors, executive committee, or similar body chosen by  
25 the members at an annual meeting, has established bylaws, a  
26 constitution, or both to govern its activities, and has been

1 granted an exemption from the payment of federal income tax as  
2 a club under 26 U.S.C. 501.

3 "Private residence" means the part of a structure used as a  
4 dwelling, including, without limitation: a private home,  
5 townhouse, condominium, apartment, mobile home, vacation home,  
6 cabin, or cottage. For the purposes of this definition, a  
7 hotel, motel, inn, resort, lodge, bed and breakfast or other  
8 similar public accommodation, hospital, nursing home, or  
9 assisted living facility shall not be considered a private  
10 residence.

11 "Public place" means that portion of any building or  
12 vehicle used by and open to the public, regardless of whether  
13 the building or vehicle is owned in whole or in part by private  
14 persons or entities, the State of Illinois, or any other public  
15 entity and regardless of whether a fee is charged for  
16 admission, including a minimum distance, as set forth in  
17 Section 70 of this Act, of 15 feet from entrances, exits,  
18 windows that open, and ventilation intakes that serve an  
19 enclosed area where smoking is prohibited. A "public place"  
20 does not include a private residence unless the private  
21 residence is used to provide licensed child care, foster care,  
22 or other similar social service care on the premises. A "public  
23 place" includes, but is not limited to, hospitals, restaurants,  
24 retail stores, offices, commercial establishments, elevators,  
25 indoor theaters, libraries, museums, concert halls, public  
26 conveyances, educational facilities, nursing homes,

1 auditoriums, enclosed or partially enclosed sports arenas,  
2 meeting rooms, schools, exhibition halls, convention  
3 facilities, polling places, private clubs, gaming facilities,  
4 all government owned vehicles and facilities, including  
5 buildings and vehicles owned, leased, or operated by the State  
6 or State subcontract, healthcare facilities or clinics,  
7 enclosed shopping centers, retail service establishments,  
8 financial institutions, educational facilities, ticket areas,  
9 public hearing facilities, public restrooms, waiting areas,  
10 lobbies, bars, taverns, bowling alleys, skating rinks,  
11 reception areas, and no less than 75% of the sleeping quarters  
12 within a hotel, motel, resort, inn, lodge, bed and breakfast,  
13 or other similar public accommodation that are rented to  
14 guests, but excludes private residences.

15 "Restaurant" means (i) an eating establishment, including,  
16 but not limited to, coffee shops, cafeterias, sandwich stands,  
17 and private and public school cafeterias, that gives or offers  
18 for sale food to the public, guests, or employees, and (ii) a  
19 kitchen or catering facility in which food is prepared on the  
20 premises for serving elsewhere. "Restaurant" includes a bar  
21 area within the restaurant.

22 "Retail tobacco store" means a retail establishment that  
23 derives more than 80% of its gross revenue from the sale of  
24 loose tobacco, plants, or herbs and cigars, electronic  
25 cigarettes, cigarettes, pipes, and other smoking devices for  
26 burning tobacco and related smoking accessories and in which

1 the sale of other products is merely incidental. "Retail  
2 tobacco store" includes an enclosed workplace that  
3 manufactures, imports, or distributes tobacco, electronic  
4 cigarettes, or tobacco products, when, as a necessary and  
5 integral part of the process of making, manufacturing,  
6 importing, or distributing a tobacco product or electronic  
7 cigarette for the eventual retail sale of that tobacco, or  
8 electronic cigarette, or tobacco product, tobacco is heated,  
9 burned, or smoked, or a lighted tobacco product is tested,  
10 provided that the involved business entity: (1) maintains a  
11 specially designated area or areas within the workplace for the  
12 purpose of the heating, burning, smoking, or lighting  
13 activities, and does not create a facility that permits smoking  
14 throughout; (2) satisfies the 80% requirement related to gross  
15 sales; and (3) delivers tobacco products or electronic  
16 cigarettes to consumers, retail establishments, or other  
17 wholesale establishments as part of its business. "Retail  
18 tobacco store" does not include a tobacco or electronic  
19 cigarette department or section of a larger commercial  
20 establishment or any establishment with any type of liquor,  
21 food, or restaurant license. Rulemaking authority to implement  
22 this amendatory Act of the 95th General Assembly, if any, is  
23 conditioned on the rules being adopted in accordance with all  
24 provisions of the Illinois Administrative Procedure Act and all  
25 rules and procedures of the Joint Committee on Administrative  
26 Rules; any purported rule not so adopted, for whatever reason,

1 is unauthorized.

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 any other lighted smoking  
5 equipment. "Smoke" or "smoking" includes the use of an  
6 electronic cigarette. "Smoke" or "smoking" does not include  
7 smoking that is associated with a native recognized religious  
8 ceremony, ritual, or activity by American Indians that is in  
9 accordance with the federal American Indian Religious Freedom  
10 Act, 42 U.S.C. 1996 and 1996a.

11 "State agency" has the meaning formerly ascribed to it in  
12 subsection (a) of Section 3 of the Illinois Purchasing Act (now  
13 repealed).

14 "Unit of local government" has the meaning ascribed to it  
15 in Section 1 of Article VII of the Illinois Constitution of  
16 1970.

17 (Source: P.A. 95-17, eff. 1-1-08; 95-1029, eff. 2-4-09; 96-797,  
18 eff. 1-1-10.)".