



Sen. Terry Link

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LRB101 10924 CPF 58516 a

1 AMENDMENT TO SENATE BILL 1864

2 AMENDMENT NO. _____. Amend Senate Bill 1864 on page 1, by
3 replacing line 5 with the following:

4 "changing Sections 10 and 35 as follows:"; and

5 on page 9, immediately below line 24, by inserting the
6 following:

7 "(410 ILCS 82/35)

8 Sec. 35. Exemptions.

9 (a) Notwithstanding any other provision of this Act,
10 smoking is allowed in the following areas:

11 (1) Private residences or dwelling places, except when
12 used as a child care, adult day care, or healthcare
13 facility or any other home-based business open to the
14 public.

15 (2) Retail tobacco stores as defined in Section 10 of
16 this Act in operation prior to the effective date of this

1 amendatory Act of the 95th General Assembly. The retail
2 tobacco store shall annually file with the Department by
3 January 31st an affidavit stating the percentage of its
4 gross income during the prior calendar year that was
5 derived from the sale of loose tobacco, plants, or herbs
6 and cigars, cigarettes, pipes, or other smoking devices for
7 smoking tobacco and related smoking accessories. Any
8 retail tobacco store that begins operation after the
9 effective date of this amendatory Act may only qualify for
10 an exemption if located in a freestanding structure
11 occupied solely by the business and smoke from the business
12 does not migrate into an enclosed area where smoking is
13 prohibited.

14 (3) (Blank).

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

25 (5) Enclosed laboratories that are excluded from the
26 definition of "place of employment" in Section 10 of this

1 Act. Rulemaking authority to implement this amendatory Act
2 of the 95th General Assembly, if any, is conditioned on the
3 rules being adopted in accordance with all provisions of
4 the Illinois Administrative Procedure Act and all rules and
5 procedures of the Joint Committee on Administrative Rules;
6 any purported rule not so adopted, for whatever reason, is
7 unauthorized.

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

22 (7) A convention hall of the Donald E. Stephens
23 Convention Center where a meeting or trade show for
24 manufacturers and suppliers of tobacco and tobacco
25 products and accessories is being held, during the time the
26 meeting or trade show is occurring, if the meeting or trade

1 show:

2 (i) is a trade-only event and not open to the
3 public;

4 (ii) is limited to attendees and exhibitors that
5 are 21 years of age or older;

6 (iii) is being produced or organized by a business
7 relating to tobacco or a professional association for
8 convenience stores; and

9 (iv) involves the display of tobacco products.

10 Smoking is not allowed in any public area outside of
11 the hall designated for the meeting or trade show.

12 This paragraph (7) is inoperative on and after October
13 1, 2015.

14 (b) Notwithstanding any other provision of this Act, use of
15 electronic cigarettes is allowed in county jails.

16 (Source: P.A. 98-1023, eff. 8-22-14.)".