

1 AN ACT concerning public health.

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

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 or any municipality in  
10 this State may shall not have the power and authority, after  
11 the effective date of this Act, to regulate smoking in public  
12 places, but that regulation must be no less restrictive than  
13 this Act. This subsection (a) is a limitation on the concurrent  
14 exercise of home rule power under subsection (i) of Section 6  
15 of Article 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.

25 (Source: P.A. 86-1018.)