



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004

Introduced 02/04/04, by Julie Hamos

SYNOPSIS AS INTRODUCED:

410 ILCS 80/11

from Ch. 111 1/2, par. 8211

Amends the Illinois Clean Indoor Air Act. Provides that units of local government may regulate smoking in public places; provides that this regulation must be no less restrictive than the Act. Changes the home rule limitation from an absolute preemption (with an exception for units having pre-existing ordinances) to a limitation on the concurrent exercise of home rule power. Effective immediately.

LRB093 16895 RXD 42552 b

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. A home rule or non-home rule unit of local
8 government in this State may ~~shall not have the power and~~
9 ~~authority, after the effective date of this Act, to regulate~~
10 ~~smoking in public places, but that regulation must be no less~~
11 ~~restrictive than this Act. This Section is a limitation on the~~
12 ~~concurrent exercise of home rule power under subsection (i) of~~
13 ~~Section 6 of Article VII of the Illinois Constitution. Pursuant~~
14 ~~to Article VII, Section 6, paragraph (h) of the Illinois~~
15 ~~Constitution of 1970, it is declared to be the law of this~~
16 ~~State that the regulation of smoking as provided by this Act is~~
17 ~~a power which pre-empts home rule units from exercising such~~
18 ~~power subject to the limitations provided in the Act, provided~~
19 ~~that any home rule unit that has passed an ordinance concerning~~
20 ~~the regulation of smoking prior to October 1, 1989 is exempt~~
21 ~~from pre-emption.~~

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

23 Section 99. Effective date. This Act takes effect upon
24 becoming law.