



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

SB0254

Introduced 2/3/2005, by Sen. John J. Cullerton - Christine Radogno - Debbie DeFrancesco Halvorson - Martin A. Sandoval - Louis S. Viverito, et al.

SYNOPSIS AS INTRODUCED:

410 ILCS 80/11

from Ch. 111 1/2, par. 8211

Amends the Illinois Clean Indoor Air Act. Provides that a home rule unit of local government or any municipality in this State may regulate smoking in public places. Provides that this regulation must be no less restrictive than the regulation in the Act. Changes the home rule limitation from an absolute preemption to a limitation on the concurrent exercise of home rule power. Maintains the exemption from home rule requirements for home rule units that passed ordinances regulating smoking before October 1, 1989. Limits the concurrent exercise of home rule powers.

LRB094 06070 RXD 36131 b

HOME RULE NOTE
ACT MAY APPLY

1 AN ACT concerning 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.)