

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-empt's 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.)