



Sen. Terry Link

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1 AMENDMENT TO SENATE BILL 2688

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2688 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Clean Indoor Air Act is amended by  
5 changing Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11 as  
6 follows:

7 (410 ILCS 80/1) (from Ch. 111 1/2, par. 8201)

8 Sec. 1. Short title. This Act shall be known and may be  
9 cited as the "Illinois Clean Indoor Air Act".

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

11 (410 ILCS 80/2) (from Ch. 111 1/2, par. 8202)

12 Sec. 2. Legislative findings. The General Assembly finds  
13 that tobacco smoke is harmful and dangerous to human beings and  
14 a hazard to public health. Secondhand tobacco smoke causes at  
15 least 65,000 deaths each year from heart disease and lung  
16 cancer according to the National Cancer Institute. Secondhand  
17 tobacco smoke causes sudden infant death syndrome,  
18 low-birth-weight in infants, asthma and exacerbation of  
19 asthma, bronchitis and pneumonia in children and adults.  
20 Secondhand tobacco smoke is the third leading cause of  
21 preventable death in the United States. Illinois workers  
22 exposed to secondhand tobacco smoke are at increased risk of  
23 premature death. An estimated 1,570 Illinois citizens die each

1 year from exposure to secondhand tobacco smoke.

2 (Source: P.A. 94-517, eff. 1-1-06.)

3 (410 ILCS 80/3) (from Ch. 111 1/2, par. 8203)

4 Sec. 3. Definitions. For the purposes of this Act, the  
5 following terms have the meanings ascribed to them in this  
6 Section unless different meanings are plainly indicated by the  
7 context:

8 (a) "Department" means the Department of Public Health.

9 (b) "Proprietor" means any individual or his designated  
10 agent who by virtue of his office, position, authority, or  
11 duties has legal or administrative responsibility for the use  
12 or operation of property.

13 (c) "Public Place" means any enclosed indoor area used by  
14 the public or serving as a place of work, including, but not  
15 limited to, hospitals, restaurants, bars, taverns, bowling  
16 alleys, retail stores other than retail tobacco stores,  
17 offices, commercial establishments, elevators, indoor  
18 theaters, libraries, art museums, concert halls, public  
19 conveyances, educational facilities, nursing homes,  
20 auditoriums, arenas, and meeting rooms, but ~~excluding bowling~~  
21 ~~establishments and excluding places whose primary business is~~  
22 ~~the sale of alcoholic beverages for consumption on the premises~~  
23 ~~and~~ excluding rooms rented for the purpose of living quarters  
24 or sleeping or housekeeping accommodations from a hotel, as  
25 defined in the Hotel Operators' Occupation Tax Act, and  
26 private, enclosed offices occupied exclusively by smokers,  
27 even though such offices may be visited by nonsmokers.

28 (d) "Smoking" means the act of inhaling the smoke from or  
29 possessing a lighted cigarette, cigar, pipe, or any other form  
30 of tobacco or similar substance used for smoking.

31 (e) "State agency" has the meaning formerly ascribed to it  
32 in subsection (a) of Section 3 of the Illinois Purchasing Act  
33 (now repealed).

1 (f) "Unit of local government" has the meaning ascribed to  
2 it in Section 1 of Article VII of the Illinois Constitution of  
3 1970.

4 (g) "Bar" or "tavern" means an establishment that is  
5 subject to a license for the sale of alcoholic liquor for  
6 consumption on the premises and that derives 65% or more of its  
7 gross proceeds from the sale of alcoholic liquor. Each bar or  
8 tavern shall provide any documentation requested by the  
9 Department of Revenue or the Illinois Liquor Control Commission  
10 for the determination of whether the establishment meets the  
11 percentage requirement of this definition.

12 (h) "Retail tobacco store" means any retail store (i) used  
13 primarily for the sale of tobacco products and accessories,  
14 (ii) in which the sale of other products is merely incidental,  
15 and (iii) where no one under 18 years of age is permitted.

16 (Source: P.A. 92-651, eff. 7-11-02.)

17 (410 ILCS 80/4) (from Ch. 111 1/2, par. 8204)

18 Sec. 4. Smoking in public places prohibited; exceptions. No  
19 person shall smoke in a public place except in that portion of  
20 a public place which may be established and posted under  
21 Section 5 as a smoking area. This prohibition does not apply in  
22 cases in which an entire room or hall is used for a private  
23 social function and seating arrangements are under the control  
24 of the sponsor of the function and not of the proprietor or  
25 person in charge of the place. Furthermore, this prohibition  
26 shall not apply to factories, warehouses, and similar places of  
27 work not usually frequented by the general public or retail  
28 tobacco stores.

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

30 (410 ILCS 80/5) (from Ch. 111 1/2, par. 8205)

31 Sec. 5. Smoking areas.

32 (a) The proprietor of a restaurant, bar, or tavern elected

1 ~~and appointed officials of the State of Illinois and of any~~  
2 ~~unit of local government and of any school district, or their~~  
3 ~~designee, having control over property of the State or of a~~  
4 ~~unit of local government or of a school district which includes~~  
5 ~~a public place, and the proprietor of a structure which~~  
6 ~~includes a public place~~ may establish an area on the premises  
7 as a smoking area where smoking shall be permitted, unless  
8 otherwise prohibited by law or ordinance, until 2 years after  
9 the effective date of this amendatory Act of the 94th General  
10 Assembly, at which time the restaurant, bar, or tavern shall  
11 comply with subsection (b) of this Section or Section 4 of this  
12 Act. When establishing an area as a smoking area, a person  
13 establishing such area shall utilize existing physical  
14 barriers, ventilation systems, and other physical elements of  
15 the premises to minimize the intrusion of smoke into areas  
16 where smoking is not permitted. When a public place is a single  
17 room or enclosure, a person establishing such area may satisfy  
18 the purposes and provisions of this Act by establishing a  
19 reasonable portion of the room or enclosure as a smoking area.

20 (b) Any public place subject to this Act whose owner or  
21 operator can demonstrate to the Department that a smoking area  
22 has been equipped with air filtration or purification devices  
23 or similar technologies that render the concentration of  
24 respirable suspended particulate matter in the non-smoking  
25 area equivalent to the concentration of respirable suspended  
26 particulate matter in the ambient outdoor air for the relevant  
27 geographic area shall be exempt from the prohibition of Section  
28 4 of this Act. The Department shall adopt rules specifying the  
29 types of technologies that satisfy the requirements of this  
30 subsection (b).

31 (c) With respect to a bar or tavern where the owner or  
32 operator designates the entire premises as a smoking area, the  
33 bar or tavern shall be exempt from the prohibition of Section 4  
34 of this Act if the owner or operator can demonstrate to the

1 Department that the bar or tavern has been equipped with air  
2 filtration or purification devices or similar technologies  
3 that render the concentration of respirable suspended  
4 particulate matter in the bar or tavern equivalent to the  
5 concentration of respirable suspended particulate matter in  
6 the ambient outdoor air for the relevant geographic area.

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

8 (410 ILCS 80/6) (from Ch. 111 1/2, par. 8206)

9 Sec. 6. Enforcement. The State or unit of local government  
10 or school district official or their designee or a proprietor  
11 and his agents in control of a place which includes a public  
12 place shall make reasonable efforts to prevent smoking in the  
13 public place outside established smoking areas by posting  
14 appropriate signs or contacting a law enforcement officer, or  
15 other appropriate means.

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

17 (410 ILCS 80/7) (from Ch. 111 1/2, par. 8207)

18 Sec. 7. Violations. A person, corporation, partnership,  
19 association or other entity, who violates Section 4 of this Act  
20 is guilty of a petty offense.

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

22 (410 ILCS 80/8) (from Ch. 111 1/2, par. 8208)

23 Sec. 8. Injunctions. The Department, a local board of  
24 health, or any individual personally affected by repeated  
25 violations may institute, in a circuit court, an action to  
26 enjoin violations of this Act.

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

28 (410 ILCS 80/9) (from Ch. 111 1/2, par. 8209)

29 Sec. 9. Discrimination prohibited. No individual may be  
30 discriminated against in any manner because of the exercise of

1 any rights afforded by this Act.

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

3 (410 ILCS 80/10) (from Ch. 111 1/2, par. 8210)

4 Sec. 10. Severability. If any provision, clause or  
5 paragraph of this Act shall be held invalid by a court of  
6 competent jurisdiction, such validity shall not affect the  
7 other provisions of this Act.

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

9 (410 ILCS 80/11) (from Ch. 111 1/2, par. 8211)

10 Sec. 11. Home rule. ~~Home rule.~~

11 (a) Except as provided in subsection (b), a home rule unit  
12 of local government or any municipality in this State may  
13 regulate smoking in public places, but that regulation must be  
14 no less restrictive than this Act. This subsection (a) is a  
15 limitation on the concurrent exercise of home rule power under  
16 subsection (i) of Section 6 of Article VII of the Illinois  
17 Constitution.

18 (b) Any home rule unit that has passed an ordinance  
19 concerning the regulation of smoking prior to October 1, 1989  
20 is exempt from the requirements of subsection (a).

21 (Source: P.A. 94-517, eff. 1-1-06.)

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