

# HB4741



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

**HB4741**

by Rep. William B. Black

#### SYNOPSIS AS INTRODUCED:

410 ILCS 82/35

Amends the Smoke Free Illinois Act. Provides that smoking is allowed in a private club that has been in active and continuous existence prior to January 1, 2008, whether incorporated or not, and that can provide written documentation that three-fifths of its active members approve of smoking on the club's premises.

LRB095 17469 KBJ 43542 b

A BILL FOR

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 Smoke Free Illinois Act is amended by  
5 changing Section 35 as follows:

6 (410 ILCS 82/35)

7 Sec. 35. Exemptions. Notwithstanding any other provision  
8 of this Act, smoking is allowed in the following areas:

9 (1) Private residences or dwelling places, except when  
10 used as a child care, adult day care, or healthcare  
11 facility or any other home-based business open to the  
12 public.

13 (2) Retail tobacco stores as defined in Section 10 of  
14 this Act in operation prior to the effective date of this  
15 amendatory Act of the 95th General Assembly. The retail  
16 tobacco store shall annually file with the Department by  
17 January 31st an affidavit stating the percentage of its  
18 gross income during the prior calendar year that was  
19 derived from the sale of loose tobacco, plants, or herbs  
20 and cigars, cigarettes, pipes, or other smoking devices for  
21 smoking tobacco and related smoking accessories. Any  
22 retail tobacco store that begins operation after the  
23 effective date of this amendatory Act may only qualify for

1 an exemption if located in a freestanding structure  
2 occupied solely by the business and smoke from the business  
3 does not migrate into an enclosed area where smoking is  
4 prohibited.

5 (3) Private and semi-private rooms in nursing homes and  
6 long-term care facilities that are occupied by one or more  
7 persons, all of whom are smokers and have requested in  
8 writing to be placed or to remain in a room where smoking  
9 is permitted and the smoke shall not infiltrate other areas  
10 of the nursing home.

11 (4) Hotel and motel sleeping rooms that are rented to  
12 guests and are designated as smoking rooms, provided that  
13 all smoking rooms on the same floor must be contiguous and  
14 smoke from these rooms must not infiltrate into nonsmoking  
15 rooms or other areas where smoking is prohibited. Not more  
16 than 25% of the rooms rented to guests in a hotel or motel  
17 may be designated as rooms where smoking is allowed. The  
18 status of rooms as smoking or nonsmoking may not be  
19 changed, except to permanently add additional nonsmoking  
20 rooms.

21 (5) A private club that has been in active and  
22 continuous existence prior to January 1, 2008, whether  
23 incorporated or not, and that can provide written  
24 documentation that three-fifth's of its active members  
25 approve of smoking on the club's premises.

26 (Source: P.A. 95-17, eff. 1-1-08.)