

HB5868



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB5868

by Rep. Paul D. Froehlich

SYNOPSIS AS INTRODUCED:

410 ILCS 82/35

Amends the Smoke Free Illinois Act. Provides that smoking is allowed in a retail tobacco store that applied for a business or occupancy permit before January 1, 2008.

LRB095 20025 KBJ 46461 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. This exemption
16 shall also apply to a retail tobacco store that applied for
17 a business or occupancy permit before January 1, 2008. The
18 retail tobacco store shall annually file with the
19 Department by January 31st an affidavit stating the
20 percentage of its gross income during the prior calendar
21 year that was derived from the sale of loose tobacco,
22 plants, or herbs and cigars, cigarettes, pipes, or other
23 smoking devices for smoking tobacco and related smoking

1 accessories. Any retail tobacco store that begins
2 operation after the effective date of this amendatory Act
3 may only qualify for an exemption if located in a
4 freestanding structure occupied solely by the business and
5 smoke from the business does not migrate into an enclosed
6 area where smoking is prohibited.

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

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

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