



Sen. Mike Jacobs

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09500SB0011sam003

LRB095 04879 AMC 37155 a

1 AMENDMENT TO SENATE BILL 11

2 AMENDMENT NO. _____. Amend Senate Bill 11, AS AMENDED,
3 with reference to page and line numbers of Senate Amendment No.
4 1, on page 217, immediately below line 1, by inserting the
5 following:

6 "Section 62. If and only if Senate Bill 500 of the 95th
7 General Assembly becomes law, then the Smoke Free Illinois Act
8 is amended by changing Section 35 as follows:

9 (95SB0500enr, Sec. 35)

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

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

16 (2) Retail tobacco stores as defined in Section 10 of

1 this Act in operation prior to the effective date of this
2 amendatory Act of the 95th General Assembly. The retail
3 tobacco store shall annually file with the Department by
4 January 31st an affidavit stating the percentage of its
5 gross income during the prior calendar year that was
6 derived from the sale of loose tobacco, plants, or herbs
7 and cigars, cigarettes, pipes, or other smoking devices for
8 smoking tobacco and related smoking accessories. Any
9 retail tobacco store that begins operation after the
10 effective date of this amendatory Act may only qualify for
11 an exemption if located in a freestanding structure
12 occupied solely by the business and smoke from the business
13 does not migrate into an enclosed area where smoking is
14 prohibited.

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

21 (4) Hotel and motel sleeping rooms that are rented to
22 guests and are designated as smoking rooms, provided that
23 all smoking rooms on the same floor must be contiguous and
24 smoke from these rooms must not infiltrate into nonsmoking
25 rooms or other areas where smoking is prohibited. Not more
26 than 25% of the rooms rented to guests in a hotel or motel

1 may be designated as rooms where smoking is allowed. The
2 status of rooms as smoking or nonsmoking may not be
3 changed, except to permanently add additional nonsmoking
4 rooms.

5 (5) a facility where gambling operations are conducted
6 pursuant to the Riverboat Gambling Act that is located
7 within 5 miles of the Illinois border. This item (5) shall
8 apply for 5 years after the effective date of this
9 amendatory Act of the 95th General Assembly or until the
10 state neighboring the facility passes legislation banning
11 smoking in similar facilities, whichever occurs first.

12 (Source: 95SB0500enr)"; and

13 on page 218, line 9, by replacing "law" with "law, except that
14 Section 62 takes effect on January 1, 2008".