



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

SB0125

Introduced 1/31/2007, by Sen. Terry Link

#### SYNOPSIS AS INTRODUCED:

410 ILCS 80/3	from Ch. 111 1/2, par. 8203
410 ILCS 80/4	from Ch. 111 1/2, par. 8204
410 ILCS 80/5	from Ch. 111 1/2, par. 8205

Amends the Illinois Clean Indoor Air Act. Adds several definitions to the Act. Makes changes to the definition of "public place" and "smoking". Deletes a provision allowing smoking in public places in cases where an entire room or hall is used for a private social function. Provides that the prohibition against smoking in public places shall not apply in certain circumstances. Provides that a proprietor of a bar or tavern may establish a secondary free-standing facility where smoking is permitted if certain conditions are satisfied. Provides that beginning July 1, 2008, smoking is prohibited within 15 feet of any entrance of a public place. Deletes a provision allowing elected and appointed officials of the State and of any unit of local government and of any school district, or their designees, having control over property of the State or of a unit of local government or of a school district that includes a public place, and the proprietor or a structure that includes a public place to establish an area on the premises as a smoking area. Provides that the proprietor of a restaurant, bar, or tavern may establish an area on the premises as a smoking area where smoking shall be permitted unless otherwise prohibited by law or ordinance, until July 1, 2008, at which time the restaurant, bar, or tavern must comply with other sections of the Act. Effective immediately.

LRB095 04619 KBJ 24676 b

1 AN ACT concerning public 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 Sections 3, 4, and 5 as follows:

6 (410 ILCS 80/3) (from Ch. 111 1/2, par. 8203)

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

11 "Bar" or "tavern" means an establishment that is subject to  
12 a license for the sale of alcoholic liquor for consumption on  
13 the premises and that derives 65% or more of its gross proceeds  
14 from the sale of alcoholic liquor. Each bar or tavern shall  
15 provide any documentation requested by the Department of  
16 Revenue or the Illinois Liquor Control Commission for the  
17 determination of whether the establishment meets the  
18 percentage requirement of this definition.

19 ~~(a)~~ "Department" means the Department of Public Health.

20 "Government" means the State or a political subdivision of  
21 the State.

22 "Government building" means any building owned, leased, or  
23 operated by the government, as defined in this Section.

1       "Government vehicle" means any enclosed vehicle owned,  
2       leased, or operated by the government, as defined in this  
3       Section.

4       "Healthcare facility" means an office or institution  
5       providing care or treatment of diseases, whether physical,  
6       mental, or emotional, or other medical, physiological, or  
7       psychological conditions, including, but not limited to,  
8       hospitals, rehabilitation hospitals, weight control clinics,  
9       nursing homes, homes for the aging or chronically ill,  
10       laboratories, and offices of surgeons, chiropractors, physical  
11       therapists, physicians, dentists, and all specialists within  
12       these professions. "Healthcare facility" includes all waiting  
13       rooms, hallways, private rooms, semiprivate rooms, and wards  
14       within healthcare facilities.

15       "Membership association" means a not-for-profit entity  
16       which has been created or organized for a charitable,  
17       philanthropic, educational, political, social, or other  
18       similar purpose.

19       ~~(b)~~ "Proprietor" means any individual or his designated  
20       agent who by virtue of his office, position, authority, or  
21       duties has legal or administrative responsibility for the use  
22       or operation of property.

23       "Public place" ~~(c) "Public Place"~~ means any enclosed indoor  
24       area used by the public or serving as a place of work  
25       including, but not limited to, hospitals, restaurants, retail  
26       stores, offices, commercial establishments, elevators, indoor

1 theaters, libraries, art museums, concert halls, public  
2 conveyances, educational facilities, nursing homes,  
3 auditoriums, arenas, ~~and~~ meeting rooms, aquariums, banks,  
4 bars, bowling establishments, convention facilities, gaming  
5 facilities, government buildings, government vehicles,  
6 healthcare facilities, museums, polling places, public  
7 transportation facilities, reception areas, recreation areas,  
8 retail service establishments, shopping malls, taverns,  
9 theaters, waiting rooms, and zoos, but excluding ~~bowling~~  
10 ~~establishments and excluding places whose primary business is~~  
11 ~~the sale of alcoholic beverages for consumption on the premises~~  
12 ~~and excluding~~ rooms rented for the purpose of living quarters  
13 or sleeping or housekeeping accommodations from a hotel, as  
14 defined in the Hotel Operators' Occupation Tax Act, and  
15 private, enclosed offices occupied exclusively by smokers,  
16 even though such offices may be visited by nonsmokers.

17 "Public transportation facility" means any bus, train,  
18 van, or other vehicle operated by or on behalf of the State or  
19 political subdivision of the State for public transportation,  
20 including any enclosed indoor ticket, boarding, or waiting  
21 section in a public transportation facility.

22 "Retail tobacco store" means any retail store (i) used  
23 primarily for the sale of tobacco products and accessories,  
24 (ii) in which the sale of other products is merely incidental  
25 to the sale of tobacco products and accessories, and (iii)  
26 where no one under 18 years of age is permitted.

1       ~~(d)~~ "Smoking" means ~~the act of inhaling, exhaling, burning,~~  
2       ~~or carrying any the smoke from or possessing a~~ lighted  
3       cigarette, cigar, pipe, weed, hookah, or any other lighted  
4       tobacco product ~~form of tobacco~~ or similar substance used in  
5       any manner or form for smoking.

6       ~~(e)~~ "State agency" has the meaning formerly ascribed to it  
7       in subsection (a) of Section 3 of the Illinois Purchasing Act  
8       (now repealed).

9       ~~(f)~~ "Unit of local government" has the meaning ascribed to  
10       it in Section 1 of Article VII of the Illinois Constitution of  
11       1970.

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

13       (410 ILCS 80/4) (from Ch. 111 1/2, par. 8204)

14       Sec. 4. Smoking prohibited.

15       (a) No person shall smoke in a public place except in that  
16       portion of a public place which may be established and posted  
17       under Section 5 as a smoking area. ~~This prohibition does not~~  
18       ~~apply in cases in which an entire room or hall is used for a~~  
19       ~~private social function and seating arrangements are under the~~  
20       ~~control of the sponsor of the function and not of the~~  
21       ~~proprietor or person in charge of the place. This Furthermore,~~  
22       ~~this~~ prohibition shall not apply to:

23               (1) factories, warehouses and similar places of work  
24       not usually frequented by the general public;:-

25               (2) private residences, except when used as a licensed

1 childcare facility, adult day care facility, healthcare  
2 facility, or home-based business of any kind open to the  
3 public;

4 (3) private vehicles;

5 (4) any building owned, rented, leased, or otherwise  
6 operated by a membership association when used solely by  
7 the club's members or their guests or families and when all  
8 of the duties with respect to the operation of such  
9 association, including, but not limited to, the  
10 preparation of food and beverages, the service of food and  
11 beverages, reception and secretarial work, and the  
12 security services of the membership association are  
13 performed by members of such membership association who do  
14 not receive compensation of any kind from the membership  
15 association or any other entity for the performance of such  
16 duties;

17 (5) the burning of incense in a religious ceremony;

18 (6) smoking by a cast member as part of a performance  
19 in a stage production, ballet, or similar exhibition;

20 (7) hotel and motel sleeping rooms that are rented to  
21 guests and are designated as smoking rooms, except that not  
22 more than 25% of the rooms rented to guests in a hotel or  
23 motel may be designated as smoking rooms;

24 (8) retail tobacco stores; or

25 (9) private and semi-private rooms in nursing homes and  
26 long-term care facilities that are occupied by one or more

1 persons, all of whom are smokers, and have requested, in  
2 writing, to be placed in a room where smoking is permitted.

3 (b) For purposes of this subsection, "secondary  
4 free-standing facility" means a physically independent  
5 building, not sharing a roof or wall with the proprietor's  
6 primary facility or any other facility where smoking is  
7 prohibited under this Act, that contains an enclosed area with  
8 a roof or other overhead covering of any kind and walls or side  
9 coverings of any kind on all sides or on all sides but one,  
10 regardless of the presence of openings for ingress, egress,  
11 windows, or screens.

12 The proprietor of a bar or tavern may establish a secondary  
13 free-standing facility where smoking is permitted provided  
14 that:

15 (1) no food or beverage is sold or served at the  
16 facility;

17 (2) no one under the age of 18 is permitted in the  
18 facility;

19 (3) the facility is served by an independent  
20 ventilation system not serving the proprietor's primary  
21 facility or any other facility where smoking is prohibited  
22 under this Act;

23 (4) smoke does not enter any area of the proprietor's  
24 primary facility or any other facility where smoking is  
25 prohibited under this Act through entrances, windows,  
26 ventilation systems or other means; and

1           (5) the proprietor does not require an employee as a  
2           condition of his or her employment to work in the secondary  
3           free-standing facility.

4           (c) Beginning July 1, 2008, smoking is prohibited within 15  
5           feet of any entrance of a public place.

6           (Source: P.A. 86-1018.)

7           (410 ILCS 80/5) (from Ch. 111 1/2, par. 8205)

8           Sec. 5. Other smoking areas. The proprietor of a  
9           restaurant, bar, or tavern ~~elected and appointed officials of~~  
10           ~~the State of Illinois and of any unit of local government and~~  
11           ~~of any school district, or their designee, having control over~~  
12           ~~property of the State or of a unit of local government or of a~~  
13           ~~school district which includes a public place, and the~~  
14           ~~proprietor of a structure which includes a public place~~ may  
15           establish an area on the premises as a smoking area where  
16           smoking shall be permitted, unless otherwise prohibited by law  
17           or ordinance, until July 1, 2008, at which time the restaurant,  
18           bar, or tavern shall comply with Section 4 of this Act. When  
19           establishing an area as a smoking area, a person establishing  
20           such area shall utilize existing physical barriers,  
21           ventilation systems, and other physical elements of the  
22           premises to minimize the intrusion of smoke into areas where  
23           smoking is not permitted. When a public place is a single room  
24           or enclosure, a person establishing such area may satisfy the  
25           purposes and provisions of this Act by establishing a



1 reasonable portion of the room or enclosure as a smoking area.

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

3 Section 99. Effective date. This Act takes effect upon  
4 becoming law.