



Sen. James F. Clayborne Jr.

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09500SB0890sam002

LRB095 05654 AMC 36925 a

1 AMENDMENT TO SENATE BILL 890

2 AMENDMENT NO. _____. Amend Senate Bill 890 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. If and only if Senate Bill 500 of the 95th
5 General Assembly becomes law, then the Smoke Free Illinois Act
6 is amended by changing Section 35 as follows:

7 (95SB0500enr, Sec. 35)

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

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

14 (2) Retail tobacco stores as defined in Section 10 of
15 this Act in operation prior to the effective date of this
16 amendatory Act of the 95th General Assembly. The retail

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

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

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

1 changed, except to permanently add additional nonsmoking
2 rooms.

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

10 (Source: 95SB0500enr)

11 Section 99. Effective date. This Act takes effect January
12 1, 2008."