



Sen. Mike Jacobs

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09500SB0892sam001

LRB095 05656 AMC 37159 a

1 AMENDMENT TO SENATE BILL 892

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 892 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 on  
12 January 1, 2008.".