



Rep. Harry R. Ramey Jr.

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LRB095 10884 KBJ 38620 a

1 AMENDMENT TO SENATE BILL 1370

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1370, AS AMENDED,  
3 by replacing everything after the enacting clause with the  
4 following:

5 "Section 5. The Liquor Control Act of 1934 is amended by  
6 changing Section 4-4 as follows:

7 (235 ILCS 5/4-4) (from Ch. 43, par. 112)

8 Sec. 4-4. Each local liquor control commissioner shall also  
9 have the following powers, functions and duties with respect to  
10 licenses, other than licenses to manufacturers, importing  
11 distributors, distributors, foreign importers, non-resident  
12 dealers, non-beverage users, brokers, railroads, airplanes and  
13 boats.

14 1. To grant and or suspend for not more than thirty  
15 days or revoke for cause all local licenses issued to  
16 persons for premises within his jurisdiction;

1           2. To enter or to authorize any law enforcing officer  
2 to enter at any time upon any premises licensed hereunder  
3 to determine whether any of the provisions of this Act or  
4 any rules or regulations adopted by him or by the State  
5 Commission have been or are being violated, and at such  
6 time to examine said premises of said licensee in  
7 connection therewith;

8           3. To notify the Secretary of State where a club  
9 incorporated under the General Not for Profit Corporation  
10 Act of 1986 or a foreign corporation functioning as a club  
11 in this State under a certificate of authority issued under  
12 that Act has violated this Act by selling or offering for  
13 sale at retail alcoholic liquors without a retailer's  
14 license;

15           4. To receive complaint from any citizen within his  
16 jurisdiction that any of the provisions of this Act, or any  
17 rules or regulations adopted pursuant hereto, have been or  
18 are being violated and to act upon such complaints in the  
19 manner hereinafter provided;

20           5. To receive local license fees and pay the same  
21 forthwith to the city, village, town or county treasurer as  
22 the case may be; ~~:-~~

23           6. To issue a smoking license to eligible  
24 establishments as defined in the Smoke Free Illinois Act.

25           Each local liquor commissioner also has the duty to notify  
26 the Secretary of State of any convictions for a violation of

1 Section 6-20 of this Act or a similar provision of a local  
2 ordinance.

3 In counties and municipalities, the local liquor control  
4 commissioners shall also have the power to levy fines in  
5 accordance with Section 7-5 of this Act.

6 (Source: P.A. 91-357, eff. 7-29-99; 92-804, eff. 1-1-03.)

7 Section 10. The Smoke Free Illinois Act is amended by  
8 changing Section 35 as follows:

9 (410 ILCS 82/35)

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  
17 this Act in operation prior to the effective date of this  
18 amendatory Act of the 95th General Assembly. The retail  
19 tobacco store shall annually file with the Department by  
20 January 31st an affidavit stating the percentage of its  
21 gross income during the prior calendar year that was  
22 derived from the sale of loose tobacco, plants, or herbs  
23 and cigars, cigarettes, pipes, or other smoking devices for  
24 smoking tobacco and related smoking accessories. Any

1 retail tobacco store that begins operation after the  
2 effective date of this amendatory Act may only qualify for  
3 an exemption if located in a freestanding structure  
4 occupied solely by the business and smoke from the business  
5 does not migrate into an enclosed area where smoking is  
6 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 (5) That portion of a riverboat where gambling  
24 operations are conducted pursuant to the Riverboat  
25 Gambling Act. The exemption under this item (5) applies to  
26 each individual riverboat for 5 years after the effective

1 date of this amendatory Act of the 95th General Assembly or  
2 until the state, other than Illinois, closest in proximity  
3 to that individual riverboat, as determined by the Illinois  
4 Gaming Board, bans smoking by law in similar facilities,  
5 whichever occurs first.

6 (6) Any eligible establishment that has obtained a  
7 license to allow smoking on the premises from the local  
8 liquor control commission. An eligible establishment  
9 includes all of the following:

10 (A) any bar that can provide written documentation  
11 that less than 10% of its total revenue comes from the  
12 sale of food;

13 (B) any venue where gambling operations are  
14 conducted pursuant to the Riverboat Gambling Act or the  
15 Illinois Horse Racing Act of 1975;

16 (C) any venue for adult entertainment where a  
17 person must be at least 18 years old to enter;

18 (D) a private club that can provide documentation  
19 that three-fifths of its active members approve of  
20 smoking on the club's premises; or

21 (E) any establishment hosting a convention or  
22 exposition for the specific purpose of exhibiting or  
23 selling cigars, pipes, tobacco, and related smoking  
24 devices or accessories.

25 An eligible establishment must be able to document that  
26 (i) it has disclosed to all employees that if a smoking

1       license is granted to the establishment, smoking will be  
2       permitted on the premises and (ii) all employees have  
3       acknowledged receiving the disclosure.

4       An eligible establishment must post prominent signage  
5       notifying the public that the establishment has been  
6       designated as a smoking establishment. If the eligible  
7       establishment has a liquor license, it must be in  
8       compliance with all of the terms of the liquor license in  
9       order to receive a license to allow smoking on the  
10       premises.

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

12       Section 99. Effective date. This Act takes effect January  
13       1, 2008.".