



Sen. Mike Jacobs

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09500SB1591sam002

LRB095 11101 AMC 37160 a

1 AMENDMENT TO SENATE BILL 1591

2 AMENDMENT NO. _____. Amend Senate Bill 1591, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

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

8 (95SB0500enr, Sec. 35)

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

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

15 (2) Retail tobacco stores as defined in Section 10 of
16 this Act in operation prior to the effective date of this

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

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

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

1 status of rooms as smoking or nonsmoking may not be
2 changed, except to permanently add additional nonsmoking
3 rooms.

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

11 (Source: 95SB0500enr)

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