



Rep. Daniel J. Burke

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09600HB1846ham001

LRB096 05535 RPM 43804 a

1 AMENDMENT TO HOUSE BILL 1846

2 AMENDMENT NO. _____. Amend House Bill 1846 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Smoke Free Illinois Act is amended by
5 changing Section 35 as follows:

6 (410 ILCS 82/35)

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

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

13 (2) Retail tobacco stores as defined in Section 10 of
14 this Act in operation prior to the effective date of this
15 amendatory Act of the 95th General Assembly. The retail
16 tobacco store shall annually file with the Department by

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

12 (3) (Blank).

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) Enclosed laboratories that are excluded from the
24 definition of "place of employment" in Section 10 of this
25 Act. Rulemaking authority to implement this amendatory Act
26 of the 95th General Assembly, if any, is conditioned on the

1 rules being adopted in accordance with all provisions of
2 the Illinois Administrative Procedure Act and all rules and
3 procedures of the Joint Committee on Administrative Rules;
4 any purported rule not so adopted, for whatever reason, is
5 unauthorized.

6 (6) Common smoking rooms in long-term care facilities
7 operated under the authority of the Illinois Department of
8 Veterans' Affairs or licensed under the Nursing Home Care
9 Act that are accessible only to residents who are smokers
10 and have requested in writing to have access to the common
11 smoking room where smoking is permitted and the smoke shall
12 not infiltrate other areas of the long-term care facility.
13 Rulemaking authority to implement this amendatory Act of
14 the 95th General Assembly, if any, is conditioned on the
15 rules being adopted in accordance with all provisions of
16 the Illinois Administrative Procedure Act and all rules and
17 procedures of the Joint Committee on Administrative Rules;
18 any purported rule not so adopted, for whatever reason, is
19 unauthorized.

20 (7) Gaming facilities licensed under the Riverboat
21 Gambling Act, if smoking is not banned in gaming facilities
22 located in the nearest neighboring state. This exemption
23 shall no longer apply to a gaming facility on and after the
24 date that smoking is banned in gaming facilities located in
25 the nearest neighboring state.

26 (Source: P.A. 95-17, eff. 1-1-08; 95-1029, eff. 2-4-09;

1 96-1357, eff. 1-1-11.)

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