



Rep. André M. Thapedi

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09600HB1850ham001

LRB096 05539 RPM 43803 a

1 AMENDMENT TO HOUSE BILL 1850

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 1850 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 (3.5) Designated segregated ventilated smoking rooms  
14 in gaming facilities that are licensed under the Riverboat  
15 Gambling Act or the Illinois Horse Racing Act of 1975,  
16 provided that the segregated smoking room is only  
17 accessible to persons who have requested in writing to have  
18 access to the smoking room and the smoke from the room  
19 shall not infiltrate into any other areas where smoking is  
20 prohibited. Rulemaking authority to implement this  
21 amendatory Act of the 96th General Assembly, if any, is  
22 conditioned on the rules being adopted in accordance with  
23 all provisions of the Illinois Administrative Procedure  
24 Act and all rules and procedures of the Joint Committee on  
25 Administrative Rules; any purported rule not so adopted,  
26 for whatever reason, is unauthorized.

1           (4) Hotel and motel sleeping rooms that are rented to  
2 guests and are designated as smoking rooms, provided that  
3 all smoking rooms on the same floor must be contiguous and  
4 smoke from these rooms must not infiltrate into nonsmoking  
5 rooms or other areas where smoking is prohibited. Not more  
6 than 25% of the rooms rented to guests in a hotel or motel  
7 may be designated as rooms where smoking is allowed. The  
8 status of rooms as smoking or nonsmoking may not be  
9 changed, except to permanently add additional nonsmoking  
10 rooms.

11           (5) Enclosed laboratories that are excluded from the  
12 definition of "place of employment" in Section 10 of this  
13 Act. Rulemaking authority to implement this amendatory Act  
14 of 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           (6) Common smoking rooms in long-term care facilities  
21 operated under the authority of the Illinois Department of  
22 Veterans' Affairs or licensed under the Nursing Home Care  
23 Act that are accessible only to residents who are smokers  
24 and have requested in writing to have access to the common  
25 smoking room where smoking is permitted and the smoke shall  
26 not infiltrate other areas of the long-term care facility.

1 Rulemaking authority to implement this amendatory Act of  
2 the 95th General Assembly, if any, is conditioned on the  
3 rules being adopted in accordance with all provisions of  
4 the Illinois Administrative Procedure Act and all rules and  
5 procedures of the Joint Committee on Administrative Rules;  
6 any purported rule not so adopted, for whatever reason, is  
7 unauthorized.

8 (Source: P.A. 95-17, eff. 1-1-08; 95-1029, eff. 2-4-09;  
9 96-1357, eff. 1-1-11.)".