



Sen. Heather Steans

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LRB096 06910 RPM 38883 a

1 AMENDMENT TO SENATE BILL 851

2 AMENDMENT NO. _____. Amend Senate Bill 851 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). ~~Private and semi-private rooms in nursing~~
13 ~~homes and long-term care facilities that are occupied by~~
14 ~~one or more persons, all of whom are smokers and have~~
15 ~~requested in writing to be placed or to remain in a room~~
16 ~~where smoking is permitted and the smoke shall not~~
17 ~~infiltrate other areas of the nursing home.~~

18 (3.5) Facilities licensed under the Nursing Home Care
19 Act may allow smoking in specifically designated and
20 supervised rooms, provided that the following restrictions
21 are observed:

22 (A) An employee who does not desire to enter the
23 room shall not be required to do so.

24 (B) The room must be an enclosed space that is
25 fitted with proper ventilation to prevent the
26 migration of smoke to nonsmoking areas.

1 (C) The area must be identified by means of signs
2 stating that the area allows smoking.

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

13 (5) Enclosed laboratories that are excluded from the
14 definition of "place of employment" in Section 10 of this
15 Act. Rulemaking authority to implement this amendatory Act
16 of the 95th General Assembly, if any, is conditioned on the
17 rules being adopted in accordance with all provisions of
18 the Illinois Administrative Procedure Act and all rules and
19 procedures of the Joint Committee on Administrative Rules;
20 any purported rule not so adopted, for whatever reason, is
21 unauthorized.

22 (6) Common smoking rooms in long-term care facilities
23 operated under the authority of the Illinois Department of
24 Veterans' Affairs that are accessible only to residents who
25 are smokers and have requested in writing to have access to
26 the common smoking room where smoking is permitted and the

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

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