



Sen. Heather Steans

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LRB096 06910 RPM 39009 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 (4) Hotel and motel sleeping rooms that are rented to
19 guests and are designated as smoking rooms, provided that
20 all smoking rooms on the same floor must be contiguous and
21 smoke from these rooms must not infiltrate into nonsmoking
22 rooms or other areas where smoking is prohibited. Not more
23 than 25% of the rooms rented to guests in a hotel or motel
24 may be designated as rooms where smoking is allowed. The
25 status of rooms as smoking or nonsmoking may not be
26 changed, except to permanently add additional nonsmoking

1 rooms.

2 (5) Enclosed laboratories that are excluded from the
3 definition of "place of employment" in Section 10 of this
4 Act. Rulemaking authority to implement this amendatory Act
5 of the 95th General Assembly, if any, is conditioned on the
6 rules being adopted in accordance with all provisions of
7 the Illinois Administrative Procedure Act and all rules and
8 procedures of the Joint Committee on Administrative Rules;
9 any purported rule not so adopted, for whatever reason, is
10 unauthorized.

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

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