

1 AN ACT concerning public health.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

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
17 January 31st an affidavit stating the percentage of its
18 gross income during the prior calendar year that was
19 derived from the sale of loose tobacco, plants, or herbs
20 and cigars, cigarettes, pipes, or other smoking devices for
21 smoking tobacco and related smoking accessories. Any
22 retail tobacco store that begins operation after the
23 effective date of this amendatory Act may only qualify for

1 an exemption if located in a freestanding structure
2 occupied solely by the business and smoke from the business
3 does not migrate into an enclosed area where smoking is
4 prohibited.

5 (3) (Blank).

6 (3.5) Designated segregated ventilated smoking rooms
7 in gaming facilities that are licensed under the Riverboat
8 Gambling Act or the Illinois Horse Racing Act of 1975,
9 provided that the segregated smoking room is only
10 accessible to persons who have requested in writing to have
11 access to the smoking room and the smoke from the room
12 shall not infiltrate into any other areas where smoking is
13 prohibited. Rulemaking authority to implement this
14 amendatory Act of the 97th General Assembly, if any, is
15 conditioned on the rules being adopted in accordance with
16 all provisions of the Illinois Administrative Procedure
17 Act and all rules and procedures of the Joint Committee on
18 Administrative Rules; any purported rule not so adopted,
19 for whatever reason, is unauthorized.

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

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

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