



Rep. Anthony DeLuca

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09700HB1310ham001

LRB097 07237 ASK 52157 a

1 AMENDMENT TO HOUSE BILL 1310

2 AMENDMENT NO. _____. Amend House Bill 1310 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Municipal Code is amended by
5 adding Section 11-5-10 as follows:

6 (65 ILCS 5/11-5-10 new)

7 Sec. 11-5-10. Smoking licenses. The corporate authorities
8 of each municipality may authorize by ordinance the local
9 liquor control commission to issue smoking licenses to
10 establishments eligible for a smoking license under Section 4-4
11 of the Liquor Control Act of 1934.

12 Section 10. The Liquor Control Act of 1934 is amended by
13 changing Section 4-4 as follows:

14 (235 ILCS 5/4-4) (from Ch. 43, par. 112)

1 Sec. 4-4. Additional powers.

2 (a) Each local liquor control commissioner shall also have
3 the following powers, functions, and duties with respect to
4 licenses, other than licenses to manufacturers, importing
5 distributors, distributors, foreign importers, non-resident
6 dealers, non-beverage users, brokers, railroads, airplanes, and
7 and boats.

8 1. To grant and or suspend for not more than thirty
9 days or revoke for cause all local licenses issued to
10 persons for premises within his jurisdiction;

11 2. To enter or to authorize any law enforcing officer
12 to enter at any time upon any premises licensed hereunder
13 to determine whether any of the provisions of this Act or
14 any rules or regulations adopted by him or by the State
15 Commission have been or are being violated, and at such
16 time to examine said premises of said licensee in
17 connection therewith;

18 3. To notify the Secretary of State where a club
19 incorporated under the General Not for Profit Corporation
20 Act of 1986 or a foreign corporation functioning as a club
21 in this State under a certificate of authority issued under
22 that Act has violated this Act by selling or offering for
23 sale at retail alcoholic liquors without a retailer's
24 license;

25 4. To receive complaint from any citizen within his
26 jurisdiction that any of the provisions of this Act, or any

1 rules or regulations adopted pursuant hereto, have been or
2 are being violated and to act upon such complaints in the
3 manner hereinafter provided;

4 5. To receive local license fees and pay the same
5 forthwith to the city, village, town or county treasurer as
6 the case may be.

7 6. If authorized by ordinance, to issue a smoking
8 license to the following eligible establishments:

9 (A) any bar that can provide written documentation
10 that less than 10% of its total revenue comes from the
11 sale of food;

12 (B) any venue where gambling operations are
13 conducted pursuant to the Riverboat Gambling Act or the
14 Illinois Horse Racing Act of 1975;

15 (C) any venue for adult entertainment where a
16 person must be at least 18 years old to enter;

17 (D) any private club, as defined in Section 10 of
18 the Smoke Free Illinois Act, provided that at least
19 three-fifths of the private club's members have
20 requested in writing that the private club designate
21 areas for smoking; or

22 (E) any establishment hosting a convention or
23 exposition for the specific purpose of exhibiting or
24 selling cigars, pipes, tobacco, and related smoking
25 devices or accessories.

26 An eligible establishment must be able to document that

1 (i) it has disclosed to all employees that if a smoking
2 license is granted to the establishment, smoking will be
3 permitted on the premises; (ii) all employees have
4 acknowledged receiving the disclosure; and (iii) it has an
5 air filtration system that meets the size and use standards
6 of the International Mechanical Code. If the eligible
7 establishment has a liquor license, then it must be in
8 compliance with all of the terms of the liquor license in
9 order to receive a license to allow smoking on the
10 premises.

11 (b) Each local liquor commissioner also has the duty to
12 notify the Secretary of State of any convictions or
13 dispositions of court supervision for a violation of Section
14 6-20 of this Act or a similar provision of a local ordinance.

15 (c) In counties and municipalities, the local liquor
16 control commissioners shall also have the power to levy fines
17 in accordance with Section 7-5 of this Act.

18 (Source: P.A. 95-166, eff. 1-1-08.)

19 Section 15. The Smoke Free Illinois Act is amended by
20 changing Section 35 as follows:

21 (410 ILCS 82/35)

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

24 (1) Private residences or dwelling places, except when

1 used as a child care, adult day care, or healthcare
2 facility or any other home-based business open to the
3 public.

4 (2) Retail tobacco stores as defined in Section 10 of
5 this Act in operation prior to the effective date of this
6 amendatory Act of the 95th General Assembly. The retail
7 tobacco store shall annually file with the Department by
8 January 31st an affidavit stating the percentage of its
9 gross income during the prior calendar year that was
10 derived from the sale of loose tobacco, plants, or herbs
11 and cigars, cigarettes, pipes, or other smoking devices for
12 smoking tobacco and related smoking accessories. Any
13 retail tobacco store that begins operation after the
14 effective date of this amendatory Act may only qualify for
15 an exemption if located in a freestanding structure
16 occupied solely by the business and smoke from the business
17 does not migrate into an enclosed area where smoking is
18 prohibited.

19 (3) (Blank).

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 (7) Any eligible establishment that has obtained a
2 license to allow smoking on the premises from the local
3 liquor control commission. An eligible establishment must
4 post prominent signage notifying the public that the
5 establishment has been designated as a smoking
6 establishment.

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

9 Section 99. Effective date. This Act takes effect upon
10 becoming law.".