

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

16 (5) Enclosed laboratories that are excluded from the  
17 definition of "place of employment" in Section 10 of this  
18 Act. Rulemaking authority to implement this amendatory Act  
19 of 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 (6) Common smoking rooms in long-term care facilities  
26 operated under the authority of the Illinois Department of

1 Veterans' Affairs or licensed under the Nursing Home Care  
2 Act that are accessible only to residents who are smokers  
3 and have requested in writing to have access to the common  
4 smoking room where smoking is permitted and the smoke shall  
5 not infiltrate other areas of the long-term care facility.  
6 Rulemaking authority to implement this amendatory Act of  
7 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 (7) Gaming facilities licensed under the Riverboat  
14 Gambling Act, if smoking is not banned in gaming facilities  
15 located in the nearest neighboring state. This exemption  
16 shall no longer apply to a gaming facility on and after the  
17 date that smoking is banned in gaming facilities located in  
18 the nearest neighboring state.

19 (Source: P.A. 95-17, eff. 1-1-08; 95-1029, eff. 2-4-09;  
20 96-1357, eff. 1-1-11.)

21 Section 99. Effective date. This Act takes effect upon  
22 becoming law.