



Rep. Daniel J. Burke

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09700SB0744ham008

LRB097 04465 ASK 56503 a

1 AMENDMENT TO SENATE BILL 744

2 AMENDMENT NO. _____. Amend Senate Bill 744, AS AMENDED,
3 with reference to page and line numbers of House Amendment No.
4 1 as follows:

5 on page 390, immediately below line 2, by inserting the
6 following:

7 "Section 90-47. The Smoke Free Illinois Act is amended by
8 changing Section 35 as follows:

9 (410 ILCS 82/35)

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

12 (1) Private residences or dwelling places, except when
13 used as a child care, adult day care, or healthcare
14 facility or any other home-based business open to the
15 public.

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

16 (3) (Blank).

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

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

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

24 (7) Gaming facilities licensed under the Riverboat
25 Gambling Act, if smoking is not banned in gaming facilities
26 located in the nearest neighboring state. This exemption

1 shall no longer apply to a gaming facility on and after the
2 date that smoking is banned in gaming facilities located in
3 the nearest neighboring state.

4 (Source: P.A. 95-17, eff. 1-1-08; 95-1029, eff. 2-4-09;
5 96-1357, eff. 1-1-11.)".