



Rep. Dwight Kay

Filed: 4/14/2016

09900HB5029ham002

LRB099 20046 MJP 47542 a

1 AMENDMENT TO HOUSE BILL 5029

2 AMENDMENT NO. _____. Amend House Bill 5029 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).

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

23 (5) Enclosed laboratories that are excluded from the
24 definition of "place of employment" in Section 10 of this
25 Act. Rulemaking authority to implement this amendatory Act
26 of the 95th General Assembly, if any, is conditioned on the

1 rules being adopted in accordance with all provisions of
2 the Illinois Administrative Procedure Act and all rules and
3 procedures of the Joint Committee on Administrative Rules;
4 any purported rule not so adopted, for whatever reason, is
5 unauthorized.

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

20 (7) A convention hall of the Donald E. Stephens
21 Convention Center where a meeting or trade show for
22 manufacturers and suppliers of tobacco and tobacco
23 products and accessories is being held, during the time the
24 meeting or trade show is occurring, if the meeting or trade
25 show:

26 (i) is a trade-only event and not open to the

1 public;

2 (ii) is limited to attendees and exhibitors that
3 are 21 years of age or older;

4 (iii) is being produced or organized by a business
5 relating to tobacco or a professional association for
6 convenience stores; and

7 (iv) involves the display of tobacco products.

8 Smoking is not allowed in any public area outside of
9 the hall designated for the meeting or trade show.

10 This paragraph (7) is inoperative on and after October
11 1, 2015.

12 (8) Any facility built by a veterans organization prior
13 to August 14, 2015 that was constructed for the purpose of
14 compliance with this Act, including, but not limited to,
15 buildings created solely for the purpose of smoking at
16 which no food or alcohol is served and outdoor smoking
17 areas, provided that such facilities or areas have signs
18 clearly stating that the building or area is used for
19 smoking. The Department shall adopt any rules necessary to
20 implement this paragraph (8). For the purposes of this
21 paragraph (8), "veterans organization" means an
22 organization comprised of members of which substantially
23 all are individuals who are veterans or spouses, widows, or
24 widowers of veterans, the primary purpose of which is to
25 promote the welfare of its members and to provide
26 assistance to the general public in such a way as to confer

1 a public benefit, or an association or other entity
2 organized for the benefits of veterans that has been
3 recognized or chartered by the United States Congress.
4 "Veterans organization" includes, but is not limited to,
5 the American Legion, the Legion of Honor, the Patriot
6 Guard, the Missing in America Project, the Vietnam Veterans
7 of America, and the Veterans of Foreign Wars.

8 (Source: P.A. 98-1023, eff. 8-22-14.)

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