

AN ACT concerning health.

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

Section 5. The Smoke Free Illinois Act is amended by changing Sections 40, 45, and 50 as follows:

(410 ILCS 82/40)

Sec. 40. Enforcement; complaints.

(a) The Department, State-certified local public health departments, and local, Department of Natural Resources, and Department of State Police law enforcement agencies shall enforce the provisions of this Act through the issuance of citations and may assess civil penalties ~~fines~~ pursuant to Section 45 of this Act.

(a-2) The citations issued pursuant to this Act shall conspicuously include the following:

(1) the name of the offense and its statutory reference;

(2) the nature and elements of the violation;

(3) the date and location of the violation;

(4) the name of the enforcing agency;

(5) the name of the violator;

(6) the amount of the imposed civil penalty ~~fine~~ and the location where the violator can pay the civil penalty

~~fine~~ without objection;

(7) the address and phone number of the enforcing agency where the violator can request a hearing before the Department to contest the imposition of the civil penalty ~~fine~~ imposed by the citation under the rules and procedures of the Administrative Procedure Act;

(8) the time period in which to pay the civil penalty ~~fine~~ or to request a hearing to contest the imposition of the civil penalty ~~fine~~ imposed by the citation; and

(9) the verified signature of the person issuing the citation.

(a-3) One copy of the citation shall be provided to the violator, one copy shall be retained by the enforcing agency, and one copy shall be provided to the entity otherwise authorized by the enforcing agency to receive civil penalties ~~finer~~ on their behalf.

(b) Any person may register a complaint with the Department, a State-certified local public health department, or a ~~local~~ law enforcement agency for a violation of this Act. The Department shall establish a telephone number that a person may call to register a complaint under this subsection (b).

(c) The Department shall afford a violator the opportunity to pay the civil penalty ~~fine~~ without objection or to contest the citation in accordance with the Illinois Administrative Procedure Act, except that in case of a conflict between the Illinois Administrative Procedure Act and this Act, the

provisions of this Act shall control.

(d) Upon receipt of a request for hearing to contest the imposition of a civil penalty ~~fine~~ imposed by a citation, the enforcing agency shall immediately forward a copy of the citation and notice of the request for hearing to the Department for initiation of a hearing conducted in accordance with the Illinois Administrative Procedure Act and the rules established thereto by the Department applicable to contested cases, except that in case of a conflict between the Illinois Administrative Procedure Act and this Act, the provisions of this Act shall control. Parties to the hearing shall be the enforcing agency and the violator.

The Department shall notify the violator in writing of the time, place, and location of the hearing. The hearing shall be conducted at the nearest regional office of the Department, or in a location contracted by the Department in the county where the citation was issued.

(e) Civil penalties ~~Fines~~ imposed under this Act may be collected in accordance with all methods otherwise available to the enforcing agency or the Department, except that there shall be no collection efforts during the pendency of the hearing before the Department.

(f) Rulemaking authority to implement this amendatory Act of the 95th General Assembly, if any, is conditioned on the rules being adopted in accordance with all provisions of the Illinois Administrative Procedure Act and all rules and

procedures of the Joint Committee on Administrative Rules; any purported rule not so adopted, for whatever reason, is unauthorized.

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

(410 ILCS 82/45)

Sec. 45. Violations.

(a) A person, corporation, partnership, association or other entity who violates Section 15 or 20 of this Act shall be liable for a civil penalty ~~fined~~ pursuant to this Section. Each day that a violation occurs is a separate violation.

(b) A person who smokes in an area where smoking is prohibited under Section 15 of this Act shall be liable for a civil penalty ~~fined~~ in an amount that is \$100 for a first offense and \$250 for each subsequent offense. A person who owns, operates, or otherwise controls a public place or place of employment that violates Section 15 or 20 of this Act shall be liable for a civil penalty of ~~fined~~ (i) \$250 for the first violation, (ii) \$500 for the second violation within one year after the first violation, and (iii) \$2,500 for each additional violation within one year after the first violation.

(c) A civil penalty ~~fine~~ imposed under this Section shall be allocated as follows:

(1) one-half of the civil penalty ~~fine~~ shall be distributed to the Department; and

(2) one-half of the civil penalty ~~fine~~ shall be

distributed to the enforcing agency.

With respect to funds designated for the Department of State Police under this subsection, the Department of State Police shall deposit the moneys into the State Police Operations Assistance Fund. With respect to funds designated for the Department of Natural Resources under this subsection, the Department of Natural Resources shall deposit the moneys into the Conservation Police Operations Assistance Fund.

(d) Rulemaking authority to implement this amendatory Act of the 95th General Assembly, if any, is conditioned on the rules being adopted in accordance with all provisions of the Illinois Administrative Procedure Act and all rules and procedures of the Joint Committee on Administrative Rules; any purported rule not so adopted, for whatever reason, is unauthorized.

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

(410 ILCS 82/50)

Sec. 50. Injunctions. In addition to any other sanction or remedy, the Department, a State-certified local public health department, ~~local~~ law enforcement agency, or any individual personally affected by repeated violations may institute, in a circuit court, an action to enjoin violations of this Act.

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