

tobacco prevention & control

Frequently Asked Questions about the Smoke Free Illinois Act July 2007

Will the Smoke Free Illinois Act replace the Illinois Clean Indoor Air Act? Yes, the Illinois Clean Indoor Air Act will be repealed when the [Smoke Free Illinois Act](#) takes effect.

When does the Smoke Free Illinois Act go into effect? January 1, 2008.

Have the administrative rules been codified yet and where can I find them?

The Illinois Department of Public Health (IDPH) is in the process of developing the rules. When ready, the proposed rules will be published in the [Illinois Register](#) and on the Department's [Proposed and Recently Adopted Rules](#) Web page.

Who is responsible for enforcing the Act? IDPH, local health departments, and local law enforcement agencies are required to enforce the Act. These agencies may assess fines for violations of the Act.

Can anyone file a complaint reporting violations of the Act? Yes, any person may register a complaint regarding a violation of this Act with IDPH, a local health department, or a local law enforcement agency.

Will there be a phone number to call and register a complaint? IDPH has established a toll-free number for persons to call and register a complaint. Complaints will be accepted AFTER January 1, 2008 when the new law goes into effect.

Who can be fined and what are the fines for violating the Act? Any person, corporation, partnership, association or other entity violating the no smoking provisions of the Act may be fined by one of the enforcement agencies. Each day that a violation occurs is a separate violation. A person who smokes in a prohibited area can be fined from \$100 to \$250. A person who owns, operates, or otherwise controls a public place or place of employment that violates the Act shall be fined not less than \$250 for the first violation, not less than \$500 for the second violation within one year after the first violation, and not less than \$2,500 for each additional violation within one year after the first violation.

Where is smoking not allowed? Smoking is prohibited in a public place or in any place of employment or within 15 feet of any entrance/exit to a public place or place of employment, unless [exempted](#) by the Act (see "Where is smoking allowed?" below.) No person may smoke in any vehicle owned, leased, or operated by the state or a political subdivision of the state.

Where is smoking allowed? Smoking is allowed in the following areas:

- Private residences or dwelling places, except when used as a child care, adult day care, or health care facility or any other home-based business open to the public.
- Retail tobacco stores* in operation prior to January 1, 2008.

** Defined in the Act as an establishment that derives more than 80 percent of its gross revenue from the sale of loose tobacco, plants, or herbs and cigars, cigarettes, pipes, and other smoking devices for burning tobacco and related smoking accessories and in which the sale of other products is merely incidental. "Retail tobacco store" does not include a tobacco department or section of a larger commercial establishment or any establishment with any type of liquor, food,*

or restaurant license. (Public Act 95-17, Section 10)

- Private and semi-private rooms in nursing homes and long-term care facilities that are occupied by one or more persons, all of whom are smokers and have requested in writing to be placed in or to remain in a room where smoking is permitted and the smoke shall not infiltrate other areas of the nursing home.
- Hotel and motel sleeping rooms that are rented to guests and are designated as smoking rooms, provided that all smoking rooms on the same floor must be contiguous and smoke from these rooms must not infiltrate into nonsmoking rooms or other areas where smoking is prohibited. Not more than 25 percent of the rooms rented to guests in a hotel or motel may be designated as rooms where smoking is allowed. The status of rooms as smoking or nonsmoking may not be changed, except to permanently add additional nonsmoking rooms.

How does the Act define “smoke” or “smoking?” “Smoke” or “smoking” means the carrying, smoking, burning, inhaling, or exhaling of any kind of lighted pipe, cigar, cigarette, hookah (e.g., shisha or sheesha), weed, herbs, or any other lighted smoking equipment.

I am a business owner; do I need to post “No Smoking” signs and get rid of ashtrays at my business? Yes, the signage and ashtray requirements are:

- “No Smoking” signs or the international “No Smoking” symbol, consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it, shall be clearly and conspicuously posted in each public place and place of employment where smoking is prohibited by this Act by the owner, operator, manager, or other person in control of that place.
- Each public place and place of employment where smoking is prohibited by this Act shall have posted at every entrance a conspicuous sign clearly stating that smoking is prohibited.
- All ashtrays shall be removed from any area where smoking is prohibited by this Act by the owner, operator, manager, or other person having control of the area.

As a business owner, can I designate non-smoking areas on my property? An employer, owner, occupant, lessee, operator, manager, or other person in control of any public place or place of employment may designate a non-enclosed area of a public place or place of employment, including outdoor areas, as an area where smoking is also prohibited provided signs are conspicuously posted in the manner described in subsections (a) and (b) of Section 20 of the Act.

To File a Complaint on Violations of the Act (after 1/1/2008) Contact:

1-866-973-4646

OR

www.smoke-free.illinois.gov

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