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# Smoke Free Illinois Act:

**Making Indoor Areas  
Safer for All Illinois'  
Citizens**



# What Will be Happening

- **Public Act 95-0017 will take effect at 12:01 AM on January 1, 2008**
- **Illinois is the 22<sup>nd</sup> state to pass a broad and comprehensive smokefree law**
- ***“Going Smoke Free!  
Healthy Environment: Healthy Business”***

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## Smoke Free Illinois Act

Applies to all “public places” and “places of employment”

**“Public place” refers to: *“that portion of any building or vehicle used by and open to the public . . . and 15 feet from entrances, exits, windows that open, and ventilation intakes that serve an enclosed area where smoking is prohibited “***

**“Public place” includes, but is not limited to: *offices, hospitals, restaurants, gaming facilities, public conveyances, bars/taverns, financial institutions, private clubs, bowling alleys, elevators, museums, lobbies, etc.***

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## Smoke Free Illinois Act

### **“Places of employment” means:**

- **“Any area . . . that employees are required to enter . . or pass through during the course of employment, including, but not limited to:**
    - **“...offices and work areas, restrooms, conference and classrooms, breakrooms, cafeterias, rest rooms, common areas, ...”**
  - **The minimum distance of “ . . . 15 feet from entrances, exits, windows that open, etc.” also applies here.**
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## Smoke Free Illinois Act

### DEFINITIONS of “*enclosed area*” and “*partially enclosed sports arenas*” (from Section 10 of the Act):

- ***“Enclosed area” means all space between a floor and a ceiling that is enclosed or partially enclosed with solid walls or windows, exclusive of doorways, or solid walls with partitions and no windows, exclusive of doorways, that extend from the floor to the ceiling, including, without limitation, lobbies and corridors.”***
  - ***“Enclosed or partially enclosed sports arena” means any sports pavilion, stadium, gymnasium, health spa, boxing arena, swimming pool, roller rink, ice rink, bowling alley, or other similar place where members of the general public assemble to engage in physical exercise or participate in athletic competitions or recreational activities or to witness sports, cultural, recreational, or other events.”***
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## Smoke Free Illinois Act

### **The Indoor EXEMPTIONS from the Act are:**

1. Private residences, dwelling places or vehicles not *“open to the public”*
2. Retail tobacco stores \*
3. *“Private and semi-private rooms in nursing homes and long-term care facilities...”* \*
4. *“Not more than 25%...”* of hotel, motel, etc. sleeping rooms *“rented to guests...”* \*

**\* Indicates specific restrictions in definition**

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## Smoke Free Illinois Act

**Proprietors of “public places” and “places of employment” must:**

- 1. Prohibit all smoking inside their facility (and within 15 feet . . . )**
  - 2. Post NO SMOKING signs at every entrance and exit to the facility**
  - 3. Remove all ash trays from indoor areas and store them out-of-sight**
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# Smoke Free Illinois Act

## What are the signage requirements?

### *Section 20. Posting of signs: removal of ashtrays.*

- *“No Smoking” signs or the international “No Smoking” symbol . . . [must be] clearly and conspicuously posted . . . by the owner, operator, manager, etc. . . . and*
- *. . . posted at every entrance, a conspicuous sign (no smaller than 5 inches by 7 inches) in compliance with . . . (Section 20(b) of the Act) **NOTE: No smoking** vehicles must have signs at least **3” x 5”***



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# Smoke Free Illinois Act

## Signs must also include:

- 1) . . . Toll-free telephone number designated by IDPH for registering complaints **(866-973-4646)**
  - 2) IDPH website ([www.smoke-free.illinois.gov](http://www.smoke-free.illinois.gov))
  - 3) All letters, numbers and symbols must be . . . clearly legible . . . from a distance of 5 feet
  - 4) Local enforcement agencies may add . . . a local number that can be used to report complaints.  
In Winnebago County, the Complaint Line # is:  
**(815) 720-4246**
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# Smoke Free Illinois Act – Signage?

## NO SMOKING\*

### Indoors or Within 15 Feet of Entrance

As per the Smoke-Free Illinois Act 95-0017

To file a complaint, visit the IDPH website:

[www.smoke-free.illinois.gov](http://www.smoke-free.illinois.gov)\*

or call **866-973-4646\***

TTY **800-547-0466** (hearing impaired only)

LOCALLY CALL : **815-720-4246\*\*** at the



\* Required signage elements;    \*\* Recommended signage element

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# Smoke Free Illinois Act – Signage?

## Thanks for Not Smoking Indoors or Within 15 Feet of Entrance

Pursuant to the Smoke-Free Illinois Act 95-0017



To file a complaint, visit the IDPH website at:

[www.smoke-free.illinois.gov](http://www.smoke-free.illinois.gov)\*

or call **866-973-4646** \*

TTY 800-547-0466 (hearing impaired only)

**OR CALL LOCALLY : 815-720-4246** \* \*

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\* Required signage elements; \*\* Recommended signage element

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# Smoke Free Illinois Act

## **Signage and ash tray requirements (cont'd)**

*(d) All ashtrays shall be removed from any area where smoking is prohibited . . . by the owner, operator, manager, or other person having control of the area. (Section 20(b) of the Act)*

A proprietor may store ashtrays and other receptacles . . . In a location within an area where smoking is prohibited, if the location has no public access and the location is used primarily for storage purposes.

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# Smoke Free Illinois Act - Enforcement

## What are Violations According to the Act?

*Smoking in public places, places of employment, and governmental vehicles prohibited. No person shall smoke . . . OR within 15 feet of any entrance to a public place or place of employment*

*. . . No person may smoke in any vehicle owned, leased, or operated by the State or a political subdivision of the State . . . Smoking is prohibited in indoor public places and workplaces unless specifically exempted by Section 35 of this Act.*

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# Smoke Free Illinois Act - Enforcement

## Who will be enforcing the Act?

*The Department (of Public Health), State-certified local public health departments, and local law enforcement agencies shall enforce the provisions of this Act and may assess fines pursuant to Section 45 of this Act.*

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# Smoke Free Illinois Act - Enforcement

## What about Evidence of a Violation?

***Any person may register a complaint . . . for a violation . . .***

Evidence of a violation . . . is at the discretion of the inspector.

. . . evidence includes but is not limited to . . .

- 1) A used ash tray
- 2) Lack of requisite 'NO SMOKING' signs at all entrances

**The presence of . . .** 3). . . smoking

- 4) Ashes, cigarette butts or filters, or cigar stubs
  - 5) Smoke that infiltrates into non-smoking areas
  - 6) Smoking within a minimum of 15 feet from entrances, open windows, or ventilation systems **OR**
  - 7) A complaint from a complainant stating smoking was observed in an indoor public place or workplace or within 15 feet of exits, windows, and ventilation intakes to such place.
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# Smoke Free Illinois Act - Enforcement

## **What are the Penalties for Violating the Act?**

- (a) A person, corporation, partnership, association or other entity . . . shall be fined pursuant to this Section. Each day that a violation occurs is a separate violation.*
  - (b) A person who smokes . . . where smoking is prohibited . . . shall be fined . . . not less than \$100 and not more than \$250. A person who owns, operates, or otherwise controls a public place or place of employment . . . shall be fined (i) not less than \$250 for the first violation, (ii) not less than \$500 for the second violation . . . and (iii) not less than \$2,500 for each additional violation within one year of the first violation . . .*
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# Smoke Free Illinois Act - Enforcement

## WCHD's Intended Enforcement Procedures

- Our major goal is **VOLUNTARY COMPLIANCE**
- Enforcement actions will primarily be complaint driven
- Food Permit inspections process will be utilized (If violations observed, follow-up will occur later)
- Progressive notification system:
  - 1) educational letter; then 2) a warning letter; followed by
  - 3) A violation letter with fine. **Flagrant violations can and will be enforced with immediate fine(s)**
- Administrative Hearing . . . (with) Administrative Judge where violation is reported and fine(s) issued. Law mandates **minimum** (*“not less than”*) fines as listed on the prior slide . . .

# Smoke Free Illinois

- Current rule likely to be fully approved by JCAR at Jan'y '08 mtg. (Act will be implemented 1/1/08 regardless of rule status)
- Rule is available for reading at IL Register site:  
[http://www.idph.state.il.us/rulesregs/proposed\\_rules.htm#SecondNotice](http://www.idph.state.il.us/rulesregs/proposed_rules.htm#SecondNotice) OR
- You may obtain copy of current rule, copy of the Act, or for answers to your questions: call *WCHD Tobacco Programs Coordinator* @ 815/ 720-4269 or e-mail to [ldidier@wchd.org](mailto:ldidier@wchd.org)