

# *smoke-free* **ILLINOIS** Act

**In Effect NOW - Implemented January 1, 2008**

To reduce the problems associated with second-hand smoke (SHS) exposure, Illinois' General Assembly passed the Smoke-Free Illinois Act in the spring of 2007. It is now in effect as of 1/1/08 and requires that: There will be no smoking in all "public places" and all "places of employment" that are "enclosed areas" which means "all space between a floor and a ceiling that is enclosed or partially enclosed with (i) solid walls or windows, exclusive of doorways, or (ii) solid walls with partitions and no windows, exclusive of doorways, that extend from the floor to the ceiling, including, without limitation, lobbies and corridors."

The SFIL Act applies to **ALL public places**, including, but not exclusive to, hospitals, bars/taverns, restaurants, private clubs, retail stores, elevators, bowling alleys, public transportation, private vehicles open to the public; and **ALL places of employment** such as any indoor work area, museums, schools, polling places, conference rooms, classrooms, restrooms, manufacturing sites and cafeterias. Indoor no-smoking areas extend to 15 feet from all doorways, windows that open, or vents opening into smoke-free buildings. This includes: **"Enclosed or partially enclosed sports arenas"** which are also defined in the Act.

**Section 35. Exemptions.** Notwithstanding any other provision of this Act, smoking is allowed only in the following, designated and exempted **"enclosed areas"**. All other **"enclosed areas"** are to be smoke-free:

- (1) **Private residences or dwelling places, except when used as child care, adult day care, or healthcare facility or any other home-based business open to the public;**
- (2) **Retail tobacco stores as defined in Section 10 of this Act** in operation prior to the effective date of this amendatory Act of the 95th General Assembly. The retail tobacco store shall annually file with the Department by January 31st an affidavit stating the percentage of its gross income during the prior calendar year that was derived from the sale of loose tobacco, plants, or herbs and cigars, cigarettes, pipes, or other smoking devices for smoking tobacco and related smoking accessories. Any retail tobacco store that begins operation after the effective date of this amendatory Act may only qualify for an exemption if located in a freestanding structure occupied solely by the business and smoke from the business does not migrate into an enclosed area where smoking is prohibited.

Section 10: Definitions. In this Act:

**\*"Retail tobacco store"** includes an enclosed workplace that manufactures, imports, or distributes tobacco or tobacco products, when, as a necessary and integral part of the process of making, manufacturing, importing, or distributing a tobacco product, tobacco is heated, burned, or smoked, or a lighted tobacco product is tested, provided that the involved business entity: (1) maintains a specially designated area or areas within the workplace for the purpose of the heating, burning, smoking, or lighting activities, and does not create a facility that permits smoking throughout; (2) satisfies the 80% requirement related to gross sales; and (3) delivers tobacco products to consumers, retail establishments, or other wholesale establishments as part of its business.

**"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.

- (3) **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 or to remain in a room where smoking is permitted and the smoke shall not infiltrate other areas of the nursing home.

(4) **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% 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.

(5) **Enclosed laboratories** that are excluded from the definition of "place of employment" in Section 10 of this Act. (defined as "enclosed laboratories, not open to the public, in an accredited university or government facility where the activity of smoking is exclusively conducted for the purpose of medical or scientific health-related research.\*")

(6) **Common smoking rooms in long-term care facilities operated under the authority of the Illinois Department of Veterans' Affairs** that are accessible only to residents who are smokers and have requested in writing to have access to the common smoking room where smoking is permitted and the smoke shall not infiltrate other areas of the long-term care facility. 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. \*

This Act will be enforced by the State Dept. of Public Health; or local, certified health departments or local law enforcement agencies. Possible fines for violation of the Act can range from \$100 for a first offense, and \$250 for any subsequent offenses, for individuals who smoke in prohibited areas (including less than 15 feet from doorways and windows or vents); and fines of \$250 for a first offense, \$500 for a second offense within a year, and \$2500 for a third or subsequent offense within a year by owners/proprietors who allow smoking to take place in their establishments or violate other sections of the Smoke Free Illinois (SFIL) Act.

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

(a) "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.

(b) 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.

(c) 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.

#### **To report observed violations of the SFIL Act, EITHER:**

1. Call the **WCHD Complaint Line at 815/720-4246** or --
2. Call the **IL Department of Public Health (IDPH) Complaint Line at 1-866-973-4646**
3. You may also report violations on the IDPH website: [www.smoke-free.illinois.gov](http://www.smoke-free.illinois.gov)

#### **For more information on the new Smoke-Free Illinois (SFIL) Act:**

You may call the WCHD Tobacco Programs Coordinator at: **815/720-4269**.

Or you may go to the WCHD website at: [www.wchd.org](http://www.wchd.org), click on the *Chronic Disease Prevention & Management* section, then click on *Smoke Free Links*, then click on [Click Here for more details](#). This will take you to 15 different descriptions of the new SFIL Act, including the newly-amended Act, its requirements and responsibilities and ways to help support and encourage smoke-free environments. If you have further questions don't hesitate to call the Tobacco Programs Coordinator at the number above.