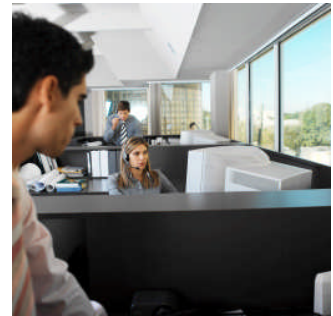


Smoke-Free Illinois



Implementation Resources for Businesses

The following materials can be downloaded from the Kendall County Health Department website, www.kendallhealth.org. Request additional hard copies by calling (630) 553-8058.



(630)553-9100 www.kendallhealth.org

This project was made possible by funds received from the Illinois Department of Public Health

Smoke-Free Illinois Act

Below is an outline of the Smoke-Free Illinois Act, which applies to all municipalities and unincorporated areas in the State of Illinois.

- The Smoke-Free Illinois Act repeals and replaces the Illinois Clean Indoor Air Act.
- The Smoke-Free Illinois Act goes into effect at midnight on January 1, 2008.
- The Act protects employees and the public from secondhand smoke.
- The following areas must be smoke-free:
 - All indoor public places (includes, but is not limited to): restaurants, bars/taverns, bowling alleys, private clubs, dormitories, public conveyances, sports arenas, retail and commercial establishments, convention facilities, vehicles and buildings owned or leased by the state, offices, and hospitals.
 - Places of employment: any area under the control of a public or private employer that employees are required to enter, leave, or pass through during the course of employment. Includes, but is not limited to: offices, restrooms, conference/ classrooms, break rooms, cafeterias, lobbies.
 - 15 feet from all doors, windows that open, and vents.
- Limited exemptions include:
 - Up to 25% of hotel/motel rooms, provided smoke does not infiltrate to smoke-free areas.
 - Tobacco retailers that file annually with the Illinois Department of Public Health (IDPH). Stores must derive 80% of sales from tobacco-related products, may not have any kind of food, liquor, or restaurant license, and if they begin operation after 1/1/08, must be a freestanding structure.
 - Nursing home rooms in which all occupants have requested in writing to be placed in a room which allows smoking. Smoke may not infiltrate into other areas.
- No smoking signs must be posted at every entrance according to requirements set forth by the act.
- Ashtrays must be removed from all areas where smoking is prohibited.
- IDPH has established a toll-free number and a web-site to register complaints: (866)973-4646, www.smoke-free.illinois.gov.
- For links to the full text of the act, further information on enforcement and penalties as well electronic versions of any materials found in this resource visit www.kendallhealth.org.
- Additional information about the law can also be found at www.smoke-free.illinois.gov.

For more information contact the Tobacco Program Coordinator at (630) 553-9100.



This project was made possible with funds received from the Illinois Department of Public Health.

Smoke-Free Illinois Act

Frequently Asked Questions for Businesses

What is the purpose of the Act?

- To protect the health of Illinois residents, workers, and visitors from the documented health effects of secondhand smoke exposure.
- Studies show that after smoke-free laws take effect, there is a significant reduction in asthma attacks, heart attacks, and cancer rates. In addition, employees report having less wheezing, excessive coughing, shortness of breath, and irritation of the eye, nose, and throat.

How do I comply with the law?

- Beginning January 1, 2008, you may not allow smoking in any indoor space within your establishment, including break rooms, or within 15 feet from any door, windows that open, or intake vents.
- You may not permit smoke to drift/ infiltrate into an indoor workplace or public place.
- Post non-smoking signs at each entrance (in compliance with the requirements of the act).
- Remove all ashtrays from areas where smoking is prohibited.
- Inform all existing employees and all applicants for employment at the time of application that smoking is prohibited.

What are the rules about signs and where can I get them?

- Signs must contain the international “No Smoking” symbol and shall be posted clearly and conspicuously at every entrance in each public place and place of employment where smoking is prohibited.
- Signs must be no smaller than 5 inches by 7 inches and contain the (866) 973-4646 toll-free complaint line and web site (www.smoke-free.illinois.gov) for registering complaints.
- Signs can be downloaded from the www.smoke-free.illinois.gov website or a local version can be downloaded from www.kendallhealth.org. A limited number will be available on a first come first serve basis free of charge from the Health Department.
- Signs can be created by the business as long as they comply with the requirements of the Smoke-Free Illinois Act.

Do I still have to comply if I am a private club or banquet hall?

- Yes (e.g., Elks, Moose, VFW, American Legion)

Can I create a designated smoking area inside my establishment?

- No. The only exemptions to the Smoke-Free Illinois Act are some tobacco retailers, 25% of hotel/ motel rooms, and some nursing home rooms.

Can I create a smoking area on an outdoor patio?

- Yes, however, any outdoor smoking area must be at least 15 feet from any doorways, windows, and intake vents. The area cannot be enclosed. If partially enclosed, the space may not trap smoke. Employees may not be required to enter the space.
- More specific guidelines on this area are currently being reviewed by the State.

Can I make my entire property smoke-free?

- Yes. Any person in control of a public place or place of employment may designate additional outdoor areas, such as outdoor patios, parking lots, or the entire grounds as smoke-free.

What if a customer refuses to comply with the law?

- Staff must remind customers or other visitors of the law and should politely explain that they must step outside to smoke. Train your staff what to say to customers, for example: "The new smoke-free law prohibits smoking indoors. Thank you for your cooperation." In most cases, when asked to stop smoking, a customer will do so. If necessary, use your normal protocol for removing a disruptive customer from your premises.

How do I enforce the 15 feet rule?

- The most important thing is to train your staff about the new law and post adequate signage before the effective date of the law.

What are the penalties?

- Individuals who refuse to comply with the law may be fined not less than \$100 and not more than \$250.
- An owner or manager who allows smoking to continue in their establishment can be fined not less than \$250 for the first violation, not less than \$500 for second violation, and not less than \$2500 for the third violation in the same year of the first violation. Each day is a separate violation.

How do I file a complaint?

- You can file a complaint by calling the (866) 973-4646 toll-free complaint line or online at www.smoke-free.illinois.gov.
- Or with the Kendall County Health Department by calling (630) 553-9100.

What is the economic impact on my business?

- **For all businesses:** Research shows that companies with smoke-free policies save an average of 10% on cleaning costs and up to seven percent on construction and maintenance. Smoke-free businesses also report lower health insurance costs, increased productivity, and reduced absenteeism.
- **For restaurants and bars:** Although there tends to be a dip in business in the beginning, especially in cold months like January, restaurants and bars can ultimately expect an increase in revenue. Research shows that after time, business will go up as people begin to discover establishments they previously avoided because of the smoky air.

Where can I get more information?

- Visit www.kendallhealth.org or go to www.smoke-free.illinois.gov for downloadable information and signs, as well as links to additional information.
- Call Kendall County Health Department at (630) 553-9100.



Smoke-Free Illinois Act

Sign Requirements for all Businesses

Signs consistent with the requirements of the Act must be in place on January 1, 2008.

Section 20 of the Act, Posting of signs; removal of ashtrays

- a) “No Smoking” signs or the international “No Smoking” symbol, (picture of 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...
- 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 the act. (indoor and outdoor)

Section 975.50 (of the draft rules)

A proprietor of a public place or place of employment shall post signs that:

- For buildings are no smaller than 5 inches by 7 inches and/ or for vehicles are no smaller than 2 inches by 3 inches.
- Contain the international “no smoking” symbol or the words “No Smoking”.
- Contain the telephone number designated by the Department of Public Health for registering complaints, (866) 973-4646.
- Contain the Department of Public Health’s website for registering complaints, www.smoke-free.illinois.gov.

Additional Information Regarding Signs

- Signs consistent with the requirements above must be posted at every entrance; this means any doorway used as ingress from the outdoors or egress to the outdoors
- Signs may be downloaded from the IDPH website (www.smoke-free.illinois.gov) and printed for use in areas where smoking is prohibited.
- A local version of the sign can be downloaded from the Kendall County Health Department website (www.kendallhealth.org) for use.
- Signs may be created by the business as long as they comply with the requirements of the Smoke-Free Illinois Act.
- Signs will be available free of charge from the Kendall County Health Department on a first come first serve basis.

<p>Note: most “no smoking” signs currently displayed by local businesses do not comply with the new requirements and will need to be replaced.</p>

Smoke-Free Zone



Thank you for
NOT SMOKING
in this establishment

Smoke-Free
Illinois Act
95-0017

To file a complaint:
www.smoke-free.illinois.gov
866-973-4646
TTY 800-547-0466 (hearing impaired use only)



To file a complaint:
www.smoke-free.illinois.gov
866-973-4646
TTY 800-547-0466 (hearing impaired use only)



State of Illinois
Rod P. Blagojevich, Governor
Department of Public Health
Cynthia T. Amick, M.D., M.P.H., Director



NO SMOKING

Indoors or Within 15 Feet of Entrance

Pursuant to the Smoke-Free Illinois Act 95-0017



To file a complaint, visit our website at

www.smoke-free.illinois.gov

or call 866-973-4646. TTY 800-547-0466 (hearing impaired only)

Preparing for a Smoke-Free Illinois

Employers Checklist

Step 1: Communication

- ☐ **Organize a transition committee.**
Include employees from several areas and levels of the business.
- ☐ **Communicate about the new policy.**
Use e-mail, meetings, bulletin boards, newsletters, payroll stuffers, and/ or table tents to provide information on the reasons for a Smoke- Free Illinois and benefits of the change. See sample article and memo.
- ☐ **Post your smoke-free (or tobacco-free) policy.**
Redistribute your company's policy and explain how Smoke-Free Illinois will affect it. If your company does not have a tobacco policy, see the sample provided for ideas.
- ☐ **Provide in-service trainings.**
Train managers and other key employees on the new policy, including what to say to visitors or other employees who wish to smoke.
- ☐ **Promote quit smoking resources.**
Many smokers consider quitting when smoke-free laws go into effect. Offer your employees support by promoting quit smoking resources and/ or organizing a quit smoking group at your worksite. See information in this packet for available services.

Step 2: Implementation

- ☐ **Post smoke-free signage.**
Signage must be posted at every entrance. It is also helpful to post signs in areas where smoking was previously allowed.
- ☐ **Remove ashtrays.**
According to state law, ashtrays must be removed from all smoke-free areas. This includes 15 feet from all doorways, windows that open, and intake vents.
- ☐ **Designate an outdoor smoking area.**
Let your staff and visitors know where they can smoke, if at all, on company property. Consider creating an outdoor smoking area by placing a bench and ashtray at least 15 feet away from doorways, windows that open, and intake vents.
- ☐ **Implement and enforce the new policy.**
Kind but firm enforcement of any new policy shortens the transition period and increases compliance among employees and visitors.

Step 3: Follow-up

- ☐ **Follow-up with employees.**
Evaluate the progress of implementation and troubleshoot problems/ concerns.
- ☐ **Continue to promote quit smoking services.**
- ☐ **Continue to enforce the policy.**
- ☐ **Be positive.**
Length of adjustment is typically shorter when management is supportive of the change.

Preparing for a Smoke-Free Illinois

Sample Memo

To: All [Company Name] employees

From:

Date:

Re: [Company Name] Smoke-Free Policy

As an employer, management is dedicated to providing a healthy, comfortable and productive work environment for all employees. The Environmental Protection Agency declared secondhand smoke to be a “Class A carcinogen” known to cause cancer in non-smokers. Additionally, the U.S. Surgeon General concluded that the simple separation of smokers and non-smokers within the same air space does not eliminate the exposure of non-smokers to secondhand smoke.

In light of these findings and the new Smoke-Free Illinois Act which takes effect on January 1, 2008, [company name] shall be entirely smoke-free effective [effective date]. For your convenience, [company name] has created an outdoor smoking area located at [location/description of outdoor smoking area].

[Company name] acknowledges that tobacco use is a matter of personal choice and is not requiring tobacco users to quit. The new policy only states that there be no smoking in company buildings and within 15 feet from doorways, windows and vents.

Copies of the policy will be distributed to all employees. Signs will be posted in appropriate places. All tobacco vending machines and ashtrays will be removed as of [date].

As we move toward a smoke-free work environment, smokers and nonsmokers need to work together to ensure a safe and healthy workplace and proper implementation of the new state law. Between now and [effective date], you will receive more information to ensure that implementation of the policy goes smoothly.

Preparing for a Smoke-Free Illinois

Sample Newsletter Article

The article below contains information on a variety of topics regarding Smoke-Free Illinois. Select the paragraphs that are appropriate for your newsletter.

On January 1, 2008, Illinois will become the 22nd smoke-free state in the nation. Beginning in the New Year, there will be no more smoking in any indoor workplace or public place. This includes all offices, warehouses, factories, transportation facilities/ garages, private clubs, and banquet halls, as well as restaurants, bars, and bowling alleys.

The only exceptions are some tobacco retailers, 25% of hotel rooms, and some nursing home rooms. People may still smoke in their cars and homes, as long as their home is not used as an office open to the public or as a licensed day care facility.

Cities, villages, and counties may have their own smoke-free laws to make more areas smoke-free, such as outdoor dining and playgrounds. Local laws, however, cannot allow smoking where the State Law does not allow it.

As a result of the Smoke-Free Illinois Act and the health risk secondhand smoke has on our employees and visitors, [company name] will be implementing a new smoke-free policy on [effective date]. After this date, there will be no smoking anywhere indoors or within 15 feet from doorways, windows, and vents. For your convenience, [company name] has created an outdoor smoking area located at [location/ description of outdoor smoking area]. Please notify visitors of this new policy.

Towns and states that have already gone smoke-free have seen a reduction in asthma attacks, heart attacks, and cancer rates. They protect the health of customers, but more importantly, the health of the workers who could be exposed to secondhand smoke for full eight hour shifts.

Research shows that companies with smoke-free policies save an average of 10% on cleaning costs and up to seven percent on construction and maintenance. There is a significant decreased risk of fire, as cigarettes are cited as the number one cause of fire. Smoke-free businesses also report lower health insurance costs, increased productivity, and reduced absenteeism.

In addition, smoke-free laws actually have a positive economic effect on restaurants and bars. Although there tends to be a dip in business right after a smoke-free law takes effect, especially in cold months like January, restaurants and bars can ultimately expect an increase in revenue. Research shows that after time, business will go up as people begin to discover establishments they may have previously avoided because of the smokey air.

The Illinois Department of Public Health is currently working on detailed regulations for implementation of this Act. For up to date information and frequently asked questions, visit their website at www.smoke-free.illinois.gov.

The Kendall County Health Department can also provide information about secondhand smoke, the Smoke-Free Illinois Act, and programs to help people quit smoking. Contact the Health Department at (630) 553-9100 or visit our website at www.kendallhealth.org.



Model Policy for a Smokefree Workplace

August 2006

ABC Company Smokefree Policy

ABC Company is dedicated to providing a healthy, comfortable, and productive work environment for our employees.

The 2006 U.S. Surgeon General's Report, *The Health Consequences of Involuntary Exposure to Tobacco Smoke*, has concluded that (1) secondhand smoke exposure causes disease and premature death in children and adults who do not smoke; (2) exposure of adults to secondhand smoke has immediate adverse effects on the cardiovascular system and causes coronary heart disease and lung cancer; (3) there is no risk-free level of exposure to secondhand smoke; and (4) establishing smokefree workplaces is the only effective way to ensure that secondhand smoke exposure does not occur in the workplace, because ventilation and other air cleaning technologies cannot completely control for exposure of nonsmokers to secondhand smoke.

Numerous studies have found that tobacco smoke is a major contributor to indoor air pollution, and that breathing secondhand smoke (also known as environmental tobacco smoke) is a cause of disease in healthy nonsmokers, including heart disease, stroke, respiratory disease, and lung cancer. The National Cancer Institute determined in 1999 that secondhand smoke is responsible for the early deaths of approximately 53,000 Americans annually.

The Americans With Disabilities Act, which requires that disabled persons have access to public places and workplaces, deems impaired respiratory function to be a disability.

The U.S. Surgeon General has determined that the simple separation of smokers and nonsmokers within the same air space may reduce, but does not eliminate, the exposure of nonsmokers to secondhand smoke. A significant amount of secondhand smoke exposure occurs in the workplace. Employees who work in smoke-filled businesses suffer a 25-50% higher risk of heart attack and higher rates of death from cardiovascular disease and cancer, as well as increased acute respiratory disease and measurable decrease in lung function.

The Centers for Disease Control and Prevention has determined that the risk of acute myocardial infarction and coronary heart disease associated with exposure to tobacco smoke is non-linear at low doses, increasing rapidly with relatively small doses such as those received from secondhand smoke or actively smoking one or two cigarettes a day, and has warned that all patients at increased risk of coronary heart disease or with known coronary artery disease should avoid all indoor environments that permit smoking.

Smoke-filled workplaces result in higher worker absenteeism due to respiratory disease, lower productivity, higher cleaning and maintenance costs, increased health insurance rates, and increased liability claims for diseases related to exposure to secondhand smoke.

In light of these findings, ABC Company shall be entirely smokefree effective ____ [date].

Smoking shall not be permitted in any enclosed company facility. This includes common work areas, auditoriums, classrooms, conference and meeting rooms, private offices, elevators, hallways, medical facilities, cafeterias, employee lounges, stairs, restrooms, vehicles, and all other enclosed facilities. This policy applies to all employees, clients, contractors, and visitors. Smoking shall be permitted only at a reasonable distance of _____ [*recommended 10-20*] feet outside entrances, operable windows, and ventilation systems of enclosed areas where smoking is prohibited, so as to insure that tobacco smoke does not enter those areas.

Copies of this policy shall be distributed to all employees. No Smoking signs shall be posted at entrances to all company facilities.

This policy is being announced three months in advance in order to give smokers time to adapt to its restrictions and to facilitate a smooth transition to a smokefree environment. Those employees who smoke and would like to take this opportunity to quit are invited to participate in the cessation programs being offered by the company.

The success of this policy will depend on the thoughtfulness, consideration, and cooperation of both smokers and nonsmokers. All employees share in the responsibility for adhering to and enforcing this policy.

Signature of CEO or President

Date: _____

Preparing for a Smoke-Free Illinois

Resources for Quitting Tobacco

With the wide range of counseling services, self-help materials, and medicines available today, smokers have more tools than ever to help them quit smoking successfully. There are many things employers can do to help smokers quit, even if it's as simple as providing them with information about local resources or toll-free quitlines.

Providing help to smokers works best when eliminating smoking at the workplace is combined with providing help in quitting, such as referring employees to state or national quitline services, contracting with local health departments to provide cessation counseling and classes, providing health plan coverage of smoking cessation counseling, or giving employees information about community-based programs and quit-smoking aids. These efforts will help create a supportive work environment, which is a critical element of an overall plan to assist smokers to quit smoking.

Providing on-site Smoking Cessation Programs

Many local health departments offer smoking cessation programs on-site for businesses and/or in the community. While providing continual group support, these types of programs also help smokers to recognize stressors and to develop and learn coping skills in order to manage stress, control weight, and fight smoking urges. For many smokers, especially those who have tried before, group support can make the difference in helping them to stay smoke-free. These programs typically meet once a week for one hour and may be conducted before, during, or after a work shift. Trained cessation specialists consisting of addiction counselors, registered nurses, and health educators conduct each program. For more information about smoking cessation programs in your community, contact your local county health department.

Chicago Department of Public Health

333 S. State St., Chicago IL 60604
312-747-2138
www.egov.cityofchicago.org

Dupage County Health Department

111 N. County Farm Rd., Wheaton IL 60187
630-682-7400
www.dupagehealth.org

Grundys County Health Department

1320 Union St., Morris IL 60450
815-941-3412
www.grundyhealth.com

Kendall County Health Department

811 John St., Yorkville IL 60560
630-553-9100
www.kendallhealth.org

McHenry County Health Department

2200 N. Seminary Ave., Woodstock IL 60098
815-334-4510
www.co.mchenry.il.us

Cook County Health Department

1010 Lake St., Oak Park IL 60301
708-492-2147
www.cookcountygov.com

Evanston Health Department

2100 Burr Ridge Ave., Evanston, IL 60201
847-866-2948
www.cityofevanston.org

Kane County Health Department

1240 N. Highland Ave., Aurora IL 60506
630-264-7670
www.kanehealth.com

Lake County Health Department

3010 Grand Ave., Waukegan IL 60085
847-377-8090
www.co.lake.il.us

Will County Health Department

501 Ella Ave., Joliet IL 60433
815-727-8769
www.willcountyhealth.org

Offering Nicotine replacement therapy

For many people, the most effective way to quit smoking will be a combination of medicine (or nicotine replacement therapy), a method to change personal habits, and emotional support. Studies have shown that approach – pairing nicotine replacement therapy (NRT) with a program that helps to change behavior – can double chances of successfully quitting.

NRT deals with the physical aspect of quitting by providing nicotine – in the form of gums, patches, sprays, inhalers, or lozenges – without the other harmful chemicals in tobacco. NRT can help relieve some of the initial unpleasant withdrawal symptoms a person may feel while quitting smoking. Primary care physicians and pharmacists should be consulted prior to use. Various types of cessation aids are covered by insurance, check with human resources for more information. If insurers do not cover NRT, as an employer you may pay for or reimburse employees who purchase this type of product.

Referring employees to the Illinois Tobacco Quitline

The American Lung Association Call Center/Tobacco Quitline provides smoking cessation counseling, free of charge, over the telephone. Trained professionals, including registered nurses, respiratory therapists, and trained smoking cessation counselors assist smokers in developing a plan structured to their smoking behavior. Follow-up calls may be placed to review progress. Referrals to local cessation programs may be given. For more information, call the Illinois Tobacco Quitline at 1-866-QUIT-YES (1-800-784-8937).

Ways of educating staff

Most smokers say that support from family, friends, co-workers, and employers are important to helping them succeed in quitting smoking. Below are some simple things you can do to create a supportive environment people need to help them quit smoking:

- Send emails or flyers to employees featuring information about smoking and smoking cessation in a company newsletter, highlighting any type of assistance (i.e. providing a cessation program) your company plans to offer.
- Place posters around your office in restrooms and lunchrooms, and keep quit smoking brochures in a central location where employees can easily access information.
- Provide additional information or classes on stress management, weight control and exercise.

Promoting National Organizations and Web Sites

For additional cessation information and/or web-based cessation programs, visit:

American Cancer Society

1-800-ACS-2345 (1-800-242-8721)
www.cancer.org

American Lung Association

1-800-LUNG-USA (1-800-586-4872)
www.lungusa.org

National Cancer Institute

1-800-4-CANCER (1-800-422-6237)
www.cancer.gov

American Heart Association

1-800-AHA-USA-1 (1-800-548-8252)
www.heart.org

Centers for Disease Control & Prevention

1-800-CDC-INFO (1-800-232-4636)
www.cdc.gov/tobacco

Smokefree.gov

1-800-QUITNOW (1-800-784-8669)
www.smokefree.gov

Local cessation programs

The following lists local cessation programs from November 2007 – March 2008 for:

Dupage County Health Department
111 N. County Farm Rd., Wheaton IL
(630) 682-7400

Edward Hospital, Naperville

Wed., Jan 9 – Wed., Feb. 27
7:00 – 8:00 p.m.
To register, call 630-527-6363

Hinsdale Hospital, Hinsdale

Mon., Jan. 14 – Mon., Mar. 3
7:00 – 8:00 p.m.
To register, call 630-856-7525

Glen Oaks, Glendale Heights

Wed., Jan. 16 – Wed., Mar 5
6:00 – 7:00 p.m.
To register, call 630-527-6363

Edward Hospital, Naperville

Wed., Mar. 19 – Wed., Apr. 30
7:00 – 8:00 p.m.
To register, call 630-527-6363

Kane County Health Department
1240 N. Highland Ave., Aurora IL
(630) 264-7670

Delnor Hospital, Geneva

To register, call 630-208-3940

Provena St. Joseph Hospital, Elgin

To register, call 847-931-1800

Central Dupage Hospital, Winfield

Thurs., Jan. 10 – Thurs., Feb. 28
6:00 – 7:00 p.m.
To register, call 630-933-4234

Good Samaritan Hospital, Downers Grove

Tues., Jan. 15 – Tues., Mar. 4
6:00 – 7:00 p.m.
To register, call 800-323-8622

Warrenville Park District, Warrenville

Tues., Feb. 5 – Tues., Mar. 18
7:15 – 8:15 p.m.
To register, call 630-682-7400

Dreyer Medical Clinic, Aurora

To register call, 630-859-6898

Rush-Copley Heart Institute, Aurora

To register, call 866-426-7539

Kendall County Health Department
811 John St., Yorkville IL
(630) 553-9100

Kendall County Health Department, Yorkville
Tues., next clinic starts in April
7:00 - 8:30p.m.
To register, call 630-553-8058

Will County Health Department
501 Ella Ave., Joliet IL
(815) 727-8769

Provena St. Joseph, Joliet
Tues., Nov. 6 – Tue., Dec. 18
6:30 – 7:30 p.m.
To register, call 815-727-8769

Silver Cross Hospital, Joliet
Sat., Jan. 5 – Sat., Feb. 16
10:00 – 11:00 a.m.
To register, call 815-727-8769

Corwin Medical Center, Plainfield
Mon., Jan. 21 – Mon., Mar. 3
6:30 – 7:30 p.m.
To register, call 815-727-8769

Provena St. Joseph, Joliet
Wed., Feb. 13 – Wed., Mar. 26
6:30 – 7:30 p.m.
To register, call 815-727-8769

Loyola Center for Health, Homer Glen
Tues., Feb. 26 – Tues., Apr. 8
6:30 – 7:30 p.m.
To register, call 815-727-8769

First Assembly of God Church, Joliet
Thurs., Mar. 13 – Thurs., Apr. 24
6:30 – 7:30 p.m.
To register, call 815-727-8769

Preparing for a Smoke-Free Illinois

Act 095-0017

For frequently asked questions, including links to the full text of the act and the proposed administrative rules, visit:
www.idph.state.il.us/tobacco/Smoke_Free_Act_q&a.htm

Public Act 095-0017

SB0500 Enrolled

LRB095 04425 KBJ 24470 b

AN ACT concerning public health.

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

Section 1. Short title. This Act may be cited as the Smoke Free Illinois Act.

Section 5. Findings. The General Assembly finds that tobacco smoke is a harmful and dangerous carcinogen to human beings and a hazard to public health. Secondhand tobacco smoke causes at least 65,000 deaths each year from heart disease and lung cancer according to the National Cancer Institute. Secondhand tobacco smoke causes heart disease, stroke, cancer, sudden infant death syndrome, low-birth-weight in infants, asthma and exacerbation of asthma, bronchitis and pneumonia in children and adults. Secondhand tobacco smoke is the third leading cause of preventable death in the United States. Illinois workers exposed to secondhand tobacco smoke are at increased risk of premature death. An estimated 2,900 Illinois citizens die each year from exposure to secondhand tobacco smoke.

The General Assembly also finds that the United States Surgeon General's 2006 report has determined that there is no risk-free level of exposure to secondhand smoke; the scientific evidence that secondhand smoke causes serious diseases, including lung cancer, heart disease, and respiratory illnesses such as bronchitis and asthma, is massive and conclusive; separating smokers from nonsmokers, cleaning the air, and ventilating buildings cannot eliminate secondhand smoke exposure; smoke-free workplace policies are effective in reducing secondhand smoke exposure; and smoke-free workplace policies do not have an adverse economic impact on the hospitality industry.

The General Assembly also finds that the Environmental Protection Agency has determined that secondhand smoke cannot be reduced to safe levels in businesses by high rates of ventilation. Air cleaners, which are capable only of filtering the particulate matter and odors in smoke, do not eliminate the known toxins in secondhand smoke. The American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) bases its ventilation standards on totally smoke-free environments because it cannot determine a safe level of

exposure to secondhand smoke, which contains cancer-causing chemicals, and ASHRAE acknowledges that technology does not exist that can remove chemicals that cause cancer from the air. A June 30, 2005 ASHRAE position document on secondhand smoke concludes that, at present, the only means of eliminating health risks associated with indoor exposure is to eliminate all smoking activity indoors.

Section 10. Definitions. In this Act:

"Bar" means an establishment that is devoted to the serving of alcoholic beverages for consumption by guests on the premises and that derives no more than 10% of its gross revenue from the sale of food consumed on the premises. "Bar" includes, but is not limited to, taverns, nightclubs, cocktail lounges, adult entertainment facilities, and cabarets.

"Department" means the Department of Public Health.

"Employee" means a person who is employed by an employer in consideration for direct or indirect monetary wages or profits or a person who volunteers his or her services for a non-profit entity.

"Employer" means a person, business, partnership, association, or corporation, including a municipal corporation, trust, or non-profit entity, that employs the services of one or more individual persons.

"Enclosed area" 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.

"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.

"Gaming equipment or supplies" means gaming equipment/supplies as defined in the Illinois Gaming Board Rules of the Illinois Administrative Code.

"Gaming facility" means an establishment utilized primarily for the purposes of gaming and where gaming equipment or supplies are operated for the purposes of accruing business revenue.

"Healthcare facility" means an office or institution providing care or treatment of diseases, whether physical, mental, or emotional, or other medical, physiological, or

psychological conditions, including, but not limited to, hospitals, rehabilitation hospitals, weight control clinics, nursing homes, homes for the aging or chronically ill, laboratories, and offices of surgeons, chiropractors, physical therapists, physicians, dentists, and all specialists within these professions. "Healthcare facility" includes all waiting rooms, hallways, private rooms, semiprivate rooms, and wards within healthcare facilities.

"Place of employment" means any area under the control of a public or private employer that employees are required to enter, leave, or pass through during the course of employment, including, but not limited to entrances and exits to places of employment, including a minimum distance, as set forth in Section 70 of this Act, of 15 feet from entrances, exits, windows that open, and ventilation intakes that serve an enclosed area where smoking is prohibited; offices and work areas; restrooms; conference and classrooms; break rooms and cafeterias; and other common areas. A private residence or home-based business, unless used to provide licensed child care, foster care, adult care, or other similar social service care on the premises, is not a "place of employment".

"Private club" means a not-for-profit association that (1) has been in active and continuous existence for at least 3 years prior to the effective date of this amendatory Act of the 95th General Assembly, whether incorporated or not, (2) is the owner, lessee, or occupant of a building or portion thereof used exclusively for club purposes at all times, (3) is operated solely for a recreational, fraternal, social, patriotic, political, benevolent, or athletic purpose, but not for pecuniary gain, and (4) only sells alcoholic beverages incidental to its operation. For purposes of this definition, "private club" means an organization that is managed by a board of directors, executive committee, or similar body chosen by the members at an annual meeting, has established bylaws, a constitution, or both to govern its activities, and has been granted an exemption from the payment of federal income tax as a club under 26 U.S.C. 501.

"Private residence" means the part of a structure used as a dwelling, including, without limitation: a private home, townhouse, condominium, apartment, mobile home, vacation home, cabin, or cottage. For the purposes of this definition, a hotel, motel, inn, resort, lodge, bed and breakfast or other similar public accommodation, hospital, nursing home, or assisted living facility shall not be considered a private residence.

"Public place" means that portion of any building or vehicle used by and open to the public, regardless of whether

the building or vehicle is owned in whole or in part by private persons or entities, the State of Illinois, or any other public entity and regardless of whether a fee is charged for admission, including a minimum distance, as set forth in Section 70 of this Act, of 15 feet from entrances, exits, windows that open, and ventilation intakes that serve an enclosed area where smoking is prohibited. A "public place" does not include a private residence unless the private residence is used to provide licensed child care, foster care, or other similar social service care on the premises. A "public place" includes, but is not limited to, hospitals, restaurants, retail stores, offices, commercial establishments, elevators, indoor theaters, libraries, museums, concert halls, public conveyances, educational facilities, nursing homes, auditoriums, enclosed or partially enclosed sports arenas, meeting rooms, schools, exhibition halls, convention facilities, polling places, private clubs, gaming facilities, all government owned vehicles and facilities, including buildings and vehicles owned, leased, or operated by the State or State subcontract, healthcare facilities or clinics, enclosed shopping centers, retail service establishments, financial institutions, educational facilities, ticket areas, public hearing facilities, public restrooms, waiting areas, lobbies, bars, taverns, bowling alleys, skating rinks, reception areas, and no less than 75% of the sleeping quarters within a hotel, motel, resort, inn, lodge, bed and breakfast, or other similar public accommodation that are rented to guests, but excludes private residences.

"Restaurant" means (i) an eating establishment, including, but not limited to, coffee shops, cafeterias, sandwich stands, and private and public school cafeterias, that gives or offers for sale food to the public, guests, or employees, and (ii) a kitchen or catering facility in which food is prepared on the premises for serving elsewhere. "Restaurant" includes a bar area within the restaurant.

"Retail tobacco store" means a retail establishment that derives more than 80% 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.

"Smoke" or "smoking" means the carrying, smoking, burning, inhaling, or exhaling of any kind of lighted pipe, cigar, cigarette, hookah, weed, herbs, or any other lighted smoking

equipment.

"State agency" has the meaning formerly ascribed to it in subsection (a) of Section 3 of the Illinois Purchasing Act (now repealed).

"Unit of local government" has the meaning ascribed to it in Section 1 of Article VII of the Illinois Constitution of 1970.

Section 15. Smoking in public places, places of employment, and governmental vehicles prohibited. No person shall smoke in a public place or in any place of employment 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.

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.

Section 25. Smoking prohibited in student dormitories. Notwithstanding any other provision of this Act, smoking is prohibited in any portion of the living quarters, including, but not limited to, sleeping rooms, dining areas, restrooms, laundry areas, lobbies, and hallways, of a building used in whole or in part as a student dormitory that is owned and operated or otherwise utilized by a public or private institution of higher education.

Section 30. Designation of other nonsmoking areas. Notwithstanding any other provision of this Act, any 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 that such employer, owner, lessee

or occupant shall conspicuously post signs prohibiting smoking in the manner described in subsections (a) and (b) of Section 20 of this Act.

Section 35. Exemptions. Notwithstanding any other provision of this Act, smoking is allowed in the following areas:

(1) Private residences or dwelling places, except when used as a 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.

(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.

Section 40. Enforcement; complaints.

(a) The Department, 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.

(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).

Section 45. Violations.

(a) A person, corporation, partnership, association or other entity who violates Section 15 of this Act shall be 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 fined in an amount that is not less than \$100 and not more than \$250. A person who owns, operates, or otherwise controls a public place or place of employment that violates Section 15 of this Act shall be fined (i) not less than \$250 for the first violation, (ii) not less than \$500 for the second violation within one year after the first violation, and (iii) not less than \$2,500 for each additional violation within one year after the first violation.

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

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

(2) one-half of the fine shall be distributed to the enforcing agency.

Section 50. Injunctions. 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.

Section 55. Discrimination prohibited. No individual may be discriminated against in any manner because of the exercise of any rights afforded by this Act.

Section 60. Severability. If any provision, clause or paragraph of this Act shall be held invalid by a court of competent jurisdiction, such validity shall not affect the other provisions of this Act.

Section 65. Home rule and other local regulation.

(a) Any home rule unit of local government, any non-home

rule municipality, or any non-home rule county within the unincorporated territory of the county may regulate smoking in public places, but that regulation must be no less restrictive than this Act. This subsection (a) is a limitation on the concurrent exercise of home rule power under subsection (i) of Section 6 of Article VII of the Illinois Constitution.

(b) In addition to any regulation authorized under subsection (a) or authorized under home rule powers, any home rule unit of local government, any non-home rule municipality, or any non-home rule county within the unincorporated territory of the county may regulate smoking in any enclosed indoor area used by the public or serving as a place of work if the area does not fall within the definition of a "public place" under this Act.

Section 70. Entrances, exits, windows, and ventilation intakes. Smoking is prohibited within a minimum distance of 15 feet from entrances, exits, windows that open, and ventilation intakes that serve an enclosed area where smoking is prohibited under this Act so as to ensure that tobacco smoke does not enter the area through entrances, exits, open windows, or other means.

Section 75. Rules. The Department shall adopt rules necessary for the administration of this Act.

Section 80. The State Mandates Act is amended by adding Section 8.31 as follows:

(30 ILCS 805/8.31 new)

Sec. 8.31. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by this amendatory Act of the 95th General Assembly.

(410 ILCS 80/Act rep.)

Section 90. The Illinois Clean Indoor Air Act is repealed.

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Statutes amended in order of appearance

New Act

30 ILCS 805/8.31 new

410 ILCS 80/Act rep.

Effective Date: 1/1/2008