

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.
- 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.

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

- Yes.

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 away 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. Specific rules on outdoor structures are currently being drafted by the Illinois Department of Public Health.

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 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 foot rule?

- The most important thing is to train your staff about the new law and post adequate signage by 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 the 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?

- The Illinois Department of Public Health will have a complaint form on their website at: www.smoke-free.illinois.gov . They have also established a toll-free complaint line: 1-866-973-4646.

You can also report a violation by calling the McHenry County Department of Health, or your local law enforcement.

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. Businesses in McHenry County stand to increase business because according to the 2006 Illinois Behavior Risk Factor Study, 83% of McHenry County residents report being non-smokers.

Where can I get more information?

- Illinois Department of Public Health website, www.smoke-free.illinois.gov
- For implementation resources and more information on smoke-free laws, visit: Smoke-Free Illinois, www.smokefreeillinois.org
Americans for Nonsmokers Rights, www.no-smoke.org
Toolkit for Implementing Smoke-free Laws, www.goingsmokefree.org
- McHenry County Department of Health, www.mcdh.info or call 815-334-4510

Where can my employees find help to quit smoking?

- Local cessation resources:
 - ✓ McHenry County Department of Health - 1-815-334-4510
 - ✓ Centegra Health Bridge Fitness Center - 1-815-356-0555
- Illinois Tobacco Quitline - 1-866-QUIT-YES
- American Lung Association - www.lungusa.org
- American Cancer Society - www.cancer.org
- American Heart Association – www.americanheart.org
- www.quitnet.com