

The following is a general summary of the *Smoke Free Illinois Act* which will take effect on January 1, 2008. The Illinois Department of Public Health (IDPH) is in the process of developing the rules that will apply to the *Smoke Free Act*. These rules will outline the specific requirements that need to be met to comply with the law. As more information becomes available regarding the rule making process, we will make that information available to you.

SUMMARY - SMOKE FREE ILLINOIS ACT – EFFECTIVE JANUARY 1, 2008

SMOKING PROHIBITED

Smoking in public places, places of employment, and governmental vehicles is prohibited.

- No person shall smoke within 15 feet of any entrance to a public place or place of employment.
- 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 to ensure that tobacco smoke does not enter the area.
- Smoking is prohibited in any vehicle owned, leased or operated by the State or a political subdivision of the State.

POSTING SIGNS AND REMOVAL OF ASHTRAYS

“No Smoking” signs or the international “No Smoking” symbol (burning cigarette enclosed in a red circle with a red bar across it) shall be clearly and conspicuously posted where smoking is prohibited by this Act.

- The signs shall be posted at every entrance.
- All ashtrays shall be removed in areas where smoking is prohibited.

STUDENT DORMITORIES

Smoking is prohibited in all areas of student dormitories (i.e. sleeping areas, dining areas, restrooms, lobbies, hallways, etc.).

OTHER NON-SMOKING AREAS

A person in control of a public place or place of employment may designate a non-enclosed area as an area where smoking is also prohibited provided that proper signage is used.

EXEMPTIONS

Smoking may be allowed in the following areas:

- Private residences, except when used as child care, adult day care or healthcare facility, or any home-based business open to the public.
- Retail tobacco stores. A retail tobacco store is defined as 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

- Private and semi-private rooms in nursing homes and long term health facilities where occupants have requested in writing to be placed in a room where smoking is permitted.
- Hotel and motel sleeping rooms that are designated as smoking rooms. Not more than 25% of the rooms rented to guests in a hotel or motel may be designated as rooms where smoking is allowed.

ENFORCEMENT & COMPLAINTS

- The Illinois Department of Public Health, McHenry County Department of Health and local law enforcement agencies may enforce the provisions of this Act in McHenry County.
- Any person may register a complaint with any of the above mentioned agencies.

VIOLATIONS

A person, corporation, partnership, association or other entity who violates the ***Smoke Free Illinois Act*** will be fined.

- Each day that a violation occurs is a separate fine.
- A person who smokes in an area where smoking is prohibited shall be fined in an amount that is not less than \$100 and not more than \$250.
- Owners/operators who control a public place or place of employment that violates the ***Smoke Free Illinois 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)
 - Not less than \$2500 for each additional violation (within one year date of the first violation)

PROPRIETOR RESPONSIBILITIES

- Not permit smoking in public places
- Not permit drifting of smoke into public places
- Post signs at each entrance
- Remove ashtrays in non-smoking areas
- Tell existing and new employees that smoking is prohibited in workplace

INDIVIDUAL RESPONSIBILITY

No smoking in public areas or workplaces (except designated areas)