**Section 949.10 Definitions**

"Act" means the Smoke Free Illinois Act [410 ILCS 82].

"*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,* brew pubs, saloons, microbreweries, sports bars, *adult entertainment facilities, and cabarets.* (Section 10 of the Act)

"Clear and conspicuous" means that signage is designed so that letters, numbers and symbols are of sufficient size to be clearly legible and visible to an individual who is not visually impaired from a distance of 10 feet.

"Complaint" means a written or oral report of an alleged violation of the Act or this Part.

*"Department" means the Department of Public Health.* (Section 10 of the Act)

"Drift" means the physical movement of smoke, regardless of cause, into any area where smoking is prohibited.

*"Employee" means a person who is employed by an employer in consideration for direct or indirect monetary wages or profits,* including, but not limited to, an independent contractor, *or* *a person who volunteers his or her services for a non‑profit entity.* (Section 10 of the Act)

*"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.* (Section 10 of the Act)

"Enforcing agency" means State-certified local public health departments and local law enforcement agencies.

*"Enclosed area"* or"indoors" *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.* (Section 10 of the Act)

A wall includes any retractable divider, removable wrapping or other physical barrier added to a wall, regardless of size, whether temporary or permanent, and whether the wall contains windows or other openings of any kind, size or number.

"Local law enforcement agency" means:

police department of a city, town, village or other incorporated area;

sheriff's department; or

special jurisdictions that provide police services for defined entities or areas, including, but not limited to, parks, universities, schools, or transportation resources, such as airports, subways, etc.

*"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* the *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* day *care, or other similar social services care on the premises, is not a "place of employment".* (Section 10 of the Act)

"*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* the *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. "Public place" includes, but is not limited to, hospitals, restaurants, retail stores, offices, commercial establishments, elevators, indoor theatres, 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,* places of worship, *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.* (Section 10 of the Act)

*"Restaurant" means 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 a kitchen or catering facility in which food is prepared on the premises for serving elsewhere. "Restaurant" includes a bar area within the restaurant.* (Section 10 of the Act)

*"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* or smoked product*.* (Section 10 of the Act)

"State-certified local public health department" means a local health department that is certified under the Certified Local Health Department Code.