**Section 949.40 Enforcement**

a) The Department, State-certified local public health departments, and local law enforcement agencies shall enforce the provisions of the Act and this Part. Fines may be assessed pursuant to Section 45 of the Act and this Part.

b) Any employer, owner, manager, operator or employee of any public place or place of employment shall immediately inform persons who are violating the Act or this Part of the requirements of the Act and this Part that are applicable to the public place or place of employment.

c) Upon observing or being notified of any violation of the Act or this Part, an employer, owner, manager, operator or employee shall immediately ask persons to cease smoking in prohibited areas. If smoking does not immediately cease, the employer, owner, manager, operator or employee shall immediately notify local law enforcement.

d) In accordance with Section 40(c) of the Act and 77 Ill. Adm. Code 100.25(d) (Department's rules entitled Practice and Procedure in Administrative Hearings), any person or entity receiving a citation or a notice of violation of the Act may request an administrative hearing, provided that the request is in writing and is delivered to the enforcing agency identified on the citation or notice of violation within 10 days after the person or entity receives the citation or notice of violation. *Upon receipt of a request for hearing to contest the imposition of a fine imposed by a citation, the enforcing agency shall immediately forward a copy of the citation and notice of the request for hearing to the Department for initiation of a hearing conducted in accordance with* Article 10 of *the Illinois Administrative Procedure Act and* the Department's rules titledPractice and Procedure in Administrative Hearings, *except that, in case of a conflict between* Article 10 of *the Illinois Administrative Procedure Act and* the *Act, the provisions of* the *Act shall control. Parties to the hearing shall be the enforcing agency and the violator*. (Section 40(d) of the Act)