



Sen. Julie A. Morrison

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10300SB1561sam001

LRB103 27713 CPF 57504 a

1 AMENDMENT TO SENATE BILL 1561

2 AMENDMENT NO. _____. Amend Senate Bill 1561 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Smoke Free Illinois Act is amended by
5 changing Section 10 as follows:

6 (410 ILCS 82/10)

7 Sec. 10. Definitions. In this Act:

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

14 "Department" means the Department of Public Health.

15 "Electronic smoking device" means any product containing
16 or delivering nicotine or any other substance intended for

1 human consumption that can be used by a person in any manner
2 for the purpose of inhaling vapor or aerosol from the product.
3 "Electronic smoking device" includes any such product, whether
4 manufactured, distributed, marketed, or sold as an
5 e-cigarette, e-cigar, e-pipe, e-hookah, or vape pen or under
6 any other product name or descriptor.

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

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

15 "Enclosed area" means all space between a floor and a
16 ceiling that is enclosed or partially enclosed with (i) solid
17 walls or windows, exclusive of doorways, or (ii) solid walls
18 with partitions and no windows, exclusive of doorways, that
19 extend from the floor to the ceiling, including, without
20 limitation, lobbies and corridors.

21 "Enclosed or partially enclosed sports arena" means any
22 sports pavilion, stadium, gymnasium, health spa, boxing arena,
23 swimming pool, roller rink, ice rink, bowling alley, or other
24 similar place where members of the general public assemble to
25 engage in physical exercise or participate in athletic
26 competitions or recreational activities or to witness sports,

1 cultural, recreational, or other events.

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

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

9 "Healthcare facility" means an office or institution
10 providing care or treatment of diseases, whether physical,
11 mental, or emotional, or other medical, physiological, or
12 psychological conditions, including, but not limited to,
13 hospitals, rehabilitation hospitals, weight control clinics,
14 nursing homes, homes for the aging or chronically ill,
15 laboratories, and offices of surgeons, chiropractors, physical
16 therapists, physicians, dentists, and all specialists within
17 these professions. "Healthcare facility" includes all waiting
18 rooms, hallways, private rooms, semiprivate rooms, and wards
19 within healthcare facilities.

20 "Place of employment" means any area under the control of
21 a public or private employer that employees are required to
22 enter, leave, or pass through during the course of employment,
23 including, but not limited to entrances and exits to places of
24 employment, including a minimum distance, as set forth in
25 Section 70 of this Act, of 15 feet from entrances, exits,
26 windows that open, and ventilation intakes that serve an

1 enclosed area where smoking is prohibited; offices and work
2 areas; restrooms; conference and classrooms; break rooms and
3 cafeterias; and other common areas. A private residence or
4 home-based business, unless used to provide licensed child
5 care, foster care, adult care, or other similar social service
6 care on the premises, is not a "place of employment", nor are
7 enclosed laboratories, not open to the public, in an
8 accredited university or government facility where the
9 activity of smoking is exclusively conducted for the purpose
10 of medical or scientific health-related research. Rulemaking
11 authority to implement this amendatory Act of the 95th General
12 Assembly, if any, is conditioned on the rules being adopted in
13 accordance with all provisions of the Illinois Administrative
14 Procedure Act and all rules and procedures of the Joint
15 Committee on Administrative Rules; any purported rule not so
16 adopted, for whatever reason, is unauthorized.

17 "Private club" means a not-for-profit association that (1)
18 has been in active and continuous existence for at least 3
19 years prior to the effective date of this amendatory Act of the
20 95th General Assembly, whether incorporated or not, (2) is the
21 owner, lessee, or occupant of a building or portion thereof
22 used exclusively for club purposes at all times, (3) is
23 operated solely for a recreational, fraternal, social,
24 patriotic, political, benevolent, or athletic purpose, but not
25 for pecuniary gain, and (4) only sells alcoholic beverages
26 incidental to its operation. For purposes of this definition,

1 "private club" means an organization that is managed by a
2 board of directors, executive committee, or similar body
3 chosen by the members at an annual meeting, has established
4 bylaws, a constitution, or both to govern its activities, and
5 has been granted an exemption from the payment of federal
6 income tax as a club under 26 U.S.C. 501.

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

15 "Public place" means that portion of any building or
16 vehicle used by and open to the public, regardless of whether
17 the building or vehicle is owned in whole or in part by private
18 persons or entities, the State of Illinois, or any other
19 public entity and regardless of whether a fee is charged for
20 admission, including a minimum distance, as set forth in
21 Section 70 of this Act, of 15 feet from entrances, exits,
22 windows that open, and ventilation intakes that serve an
23 enclosed area where smoking is prohibited. A "public place"
24 does not include a private residence unless the private
25 residence is used to provide licensed child care, foster care,
26 or other similar social service care on the premises. A

1 "public place" includes, but is not limited to, hospitals,
2 restaurants, retail stores, offices, commercial
3 establishments, elevators, indoor theaters, libraries,
4 museums, concert halls, public conveyances, educational
5 facilities, nursing homes, auditoriums, enclosed or partially
6 enclosed sports arenas, meeting rooms, schools, exhibition
7 halls, convention facilities, polling places, private clubs,
8 gaming facilities, all government owned vehicles and
9 facilities, including buildings and vehicles owned, leased, or
10 operated by the State or State subcontract, healthcare
11 facilities or clinics, enclosed shopping centers, retail
12 service establishments, financial institutions, educational
13 facilities, ticket areas, public hearing facilities, public
14 restrooms, waiting areas, lobbies, bars, taverns, bowling
15 alleys, skating rinks, reception areas, and no less than 75%
16 of the sleeping quarters within a hotel, motel, resort, inn,
17 lodge, bed and breakfast, or other similar public
18 accommodation that are rented to guests, but excludes private
19 residences.

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

1 "Retail tobacco store" means a retail establishment that
2 derives more than 80% of its gross revenue from the sale of
3 loose tobacco, plants, or herbs and cigars, electronic smoking
4 devices, cigarettes, pipes, and other smoking devices for
5 burning tobacco and related smoking accessories and in which
6 the sale of other products is merely incidental. "Retail
7 tobacco store" includes an enclosed workplace that
8 manufactures, imports, or distributes tobacco, electronic
9 smoking devices, or tobacco products, when, as a necessary and
10 integral part of the process of making, manufacturing,
11 importing, or distributing a tobacco product or electronic
12 smoking device for the eventual retail sale of that tobacco,
13 electronic smoking device, or tobacco product, tobacco is
14 heated, burned, or smoked, or a lighted tobacco product is
15 tested, provided that the involved business entity: (1)
16 maintains a specially designated area or areas within the
17 workplace for the purpose of the heating, burning, smoking, or
18 lighting activities, and does not create a facility that
19 permits smoking throughout; (2) satisfies the 80% requirement
20 related to gross sales; and (3) delivers tobacco products or
21 electronic smoking devices to consumers, retail
22 establishments, or other wholesale establishments as part of
23 its business. "Retail tobacco store" does not include a
24 tobacco or electronic smoking device department or section of
25 a larger commercial establishment or any establishment with
26 any type of liquor, food, or restaurant license. Rulemaking

1 authority to implement this amendatory Act of the 95th General
2 Assembly, if any, is conditioned on the rules being adopted in
3 accordance with all provisions of the Illinois Administrative
4 Procedure Act and all rules and procedures of the Joint
5 Committee on Administrative Rules; any purported rule not so
6 adopted, for whatever reason, is unauthorized.

7 "Smoke" or "smoking" means the carrying, smoking, burning,
8 inhaling, or exhaling of any kind of lighted pipe, cigar,
9 cigarette, hookah, weed, herbs, or any other lighted smoking
10 equipment. "Smoke" or "smoking" includes the use of an
11 electronic smoking device. "Smoke" or "smoking" does not
12 include smoking that is associated with a native recognized
13 religious ceremony, ritual, or activity by American Indians
14 that is in accordance with the federal American Indian
15 Religious Freedom Act, 42 U.S.C. 1996 and 1996a.

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

19 "Unit of local government" has the meaning ascribed to it
20 in Section 1 of Article VII of the Illinois Constitution of
21 1970.

22 (Source: P.A. 95-17, eff. 1-1-08; 95-1029, eff. 2-4-09;
23 96-797, eff. 1-1-10.)".