



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
SB2400

Introduced 1/18/2006, by Sen. John J. Cullerton

SYNOPSIS AS INTRODUCED:

410 ILCS 80/11

from Ch. 111 1/2, par. 8211

Amends the Illinois Clean Indoor Air Act. Allows all counties and municipalities (now, home rule counties and all municipalities), to regulate smoking in public places in a manner no less restrictive than regulation under the Act. Allows all municipalities and counties to regulate smoking in any enclosed indoor area used by the public or serving as a place of work if the area does not fall within the definition of a "public place" under the Act. Provides for the applicability of county ordinances. Effective immediately.

LRB094 18680 RCE 54040 b

1 AN ACT concerning health.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Clean Indoor Air Act is amended by
5 changing Section 11 as follows:

6 (410 ILCS 80/11) (from Ch. 111 1/2, par. 8211)

7 Sec. 11. Home rule and other local regulation.

8 (a) Except as provided in subsection (b), any county or
9 municipality, by ordinance, a home rule unit of local
10 government or any municipality in this State may regulate
11 smoking in public places, but that regulation must be no less
12 restrictive than this Act. This subsection (a) is a limitation
13 on the concurrent exercise of home rule power under subsection
14 (i) of Section 6 of Article VII of the Illinois Constitution. A
15 county ordinance adopted under this subsection applies
16 throughout the county, except that the county ordinance does
17 not apply within the boundaries of any municipality (i) that
18 regulates smoking as provided in this subsection by ordinance
19 effective prior to the effective date of the county ordinance
20 or (ii) that, by ordinance, rejects the application of the
21 county ordinance, in which case the municipality need not, but
22 may, adopt an ordinance that regulates smoking as provided in
23 this subsection.

24 (b) Any home rule unit that has passed an ordinance
25 concerning the regulation of smoking prior to October 1, 1989
26 is exempt from the requirements of subsection (a).

27 (c) In addition to any regulation authorized under
28 subsection (a) or (b) or authorized under home rule powers, any
29 county or municipality, by ordinance, may regulate smoking in
30 any enclosed indoor area used by the public or serving as a
31 place of work if the area does not fall within the definition
32 of a "public place" under this Act. A county ordinance adopted

1 under this subsection applies throughout the county, except
2 that the county ordinance does not apply within the boundaries
3 of any municipality (i) that regulates smoking as provided in
4 this subsection by ordinance effective prior to the effective
5 date of the county ordinance or (ii) that, by ordinance,
6 rejects the application of the county ordinance, in which case
7 the municipality need not, but may, adopt an ordinance that
8 regulates smoking as provided in this subsection.

9 (Source: P.A. 94-517, eff. 1-1-06.)

10 Section 99. Effective date. This Act takes effect upon
11 becoming law.