



Sen. James F. Clayborne Jr.

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09500HB2035sam002

LRB095 08248 AMC 38593 a

1 AMENDMENT TO HOUSE BILL 2035

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 2035, AS AMENDED,  
3 immediately after Section 950, by inserting the following:

4 "Section 953. The Smoke Free Illinois Act is amended by  
5 changing Section 35 as follows:

6 (410 ILCS 82/35)

7 Sec. 35. Exemptions. Notwithstanding any other provision  
8 of this Act, smoking is allowed in the following areas:

9 (1) Private residences or dwelling places, except when  
10 used as a child care, adult day care, or healthcare  
11 facility or any other home-based business open to the  
12 public.

13 (2) Retail tobacco stores as defined in Section 10 of  
14 this Act in operation prior to the effective date of this  
15 amendatory Act of the 95th General Assembly. The retail  
16 tobacco store shall annually file with the Department by

1           January 31st an affidavit stating the percentage of its  
2           gross income during the prior calendar year that was  
3           derived from the sale of loose tobacco, plants, or herbs  
4           and cigars, cigarettes, pipes, or other smoking devices for  
5           smoking tobacco and related smoking accessories. Any  
6           retail tobacco store that begins operation after the  
7           effective date of this amendatory Act may only qualify for  
8           an exemption if located in a freestanding structure  
9           occupied solely by the business and smoke from the business  
10          does not migrate into an enclosed area where smoking is  
11          prohibited.

12           (3) Private and semi-private rooms in nursing homes and  
13          long-term care facilities that are occupied by one or more  
14          persons, all of whom are smokers and have requested in  
15          writing to be placed or to remain in a room where smoking  
16          is permitted and the smoke shall not infiltrate other areas  
17          of the nursing home.

18           (4) Hotel and motel sleeping rooms that are rented to  
19          guests and are designated as smoking rooms, provided that  
20          all smoking rooms on the same floor must be contiguous and  
21          smoke from these rooms must not infiltrate into nonsmoking  
22          rooms or other areas where smoking is prohibited. Not more  
23          than 25% of the rooms rented to guests in a hotel or motel  
24          may be designated as rooms where smoking is allowed. The  
25          status of rooms as smoking or nonsmoking may not be  
26          changed, except to permanently add additional nonsmoking

1 rooms.

2 (5) That portion of a riverboat where gambling  
3 operations are conducted pursuant to the Riverboat  
4 Gambling Act. The exemption under this item (5) applies to  
5 each individual riverboat for 5 years after the effective  
6 date of this amendatory Act of the 95th General Assembly or  
7 until the state, other than Illinois, closest in proximity  
8 to that individual riverboat, as determined by the Illinois  
9 Gaming Board, bans smoking by law in similar facilities,  
10 whichever occurs first.

11 (Source: P.A. 95-17, eff. 1-1-08.)".