

## Smoke Free Illinois Act Frequently Asked Questions



### What is the purpose of the Smoke-free Illinois Act?

- The purpose of the act is to protect residents, workers, and visitors from the harmful and hazardous effects of secondhand smoke.
- Inhaling secondhand smoke causes lung cancer and coronary heart disease in healthy nonsmoking adults. It increases the risk of serious respiratory problems in children.

### What are the violations of the Smoke-Free Illinois Act?

- Section 15 states no person shall smoke in:
  - A public place or in any place of employment or within 15 feet of any entrance to a public place or place of employment.
  - Any vehicle owned, leased, or operated by the State or political subdivision of the State.
- Section 20. Posting of signs; Removal of ashtrays
  - “No Smoking” signs or the international “No Smoking” symbol, shall be clearly and conspicuously posted in each public place and place of employment where smoking is prohibited by this Act by the owner, operator, manager, or other person in control of that place
    - Each public place and place of employment where smoking is prohibited by this Act shall have posted at every entrance a conspicuous sign clearly stating that smoking is prohibited
    - All ashtrays shall be removed from any area where smoking is prohibited by this Act by the owner, operator, manager, or other person having control of the area
- Section 45. Violations:
  - Both the individual (the smoker) as well as the business or establishment shall be fined for violating Section 15 of the Act.
  - Individual fines: Not less than \$100 and not more than \$250
  - Business owner fines:
    - First violation: Not less than \$250
    - Second Violation: Not less than \$500 (*within one year of the first violation*)
    - Additional Violations: Not less than \$2,500 (*within one year of the first violation*)
  - Additional local violations may apply

### What does the Act require a proprietor/owner/manager to do?

- Businesses are required to post “No smoking” signs or the international no smoking symbol, consisting of the burning cigarette enclosed in a red circle with a red bar closing over it.
  - The sign must be clearly and conspicuously posted.
  - Signs must be at least 5”x7”
  - Signs must include website [www.smoke-free.illinois.gov](http://www.smoke-free.illinois.gov) to file complaints
  - Signs must include the phone number 866-973-4646 to file complaints
- The act requires removal of all ashtrays.
- Business cannot allow smoking inside a public place, a place of employment or outside within 15 feet from any door, windows that open, or intake vents.

### Where is smoking prohibited?

- Public places including, but not limited to:
  - Restaurants
  - Bar/taverns
  - Bowling alleys
  - Private clubs
  - Gaming facilities
  - Dormitories
  - Public conveyances

- Sports arenas
- Retail & commercial establishments
- Convention facilities
- Vehicles & buildings owned or leased by the State
- Not less than 75% of hotel/motel sleeping rooms
- Offices
- Hospitals
- Places of employment, meaning any area under the control of public or private employer that employees are required to enter, leave, or pass through during the course of employment. Including:
  - Offices
  - Restrooms
  - Conferences/classrooms
  - Break rooms
  - Work areas
  - Cafeterias
  - Other common areas

#### **Can a business create a smoking area on an outdoor patio?**

- Yes, however, smoking must be at least 15 feet from any doorways, windows, and intake vents.
- The area cannot be enclosed. If partially, enclosed, the space may not trap smoke.
- Businesses should check with local municipalities about local regulations.

#### **Are there any exceptions to the law?**

- Smoking is allowed in the following areas:
  - Private Residence (except when used as a business open to the public, childcare, adult care, or health care facility)
  - Private Vehicles
  - Some hotel rooms
    - Rooms must be designated smoking rooms
    - Rooms must be on the same floor
    - Smoke cannot infiltrate into non-smoking room
  - Some retail Tobacco Stores
  - Private/Semi-Private rooms in nursing homes or long term care facilities

#### **Are membership paid clubs that require a card or fraternal organization exempt?**

- No. The law defines these types of clubs as public places and they must be smoke-free.

#### **What if a customer in a business refuses to comply with the law?**

- Staff must remind customers or other visitors of the law and should politely explain that they must step outside to smoke.
- Staff should be trained on what to say to customers, for example: “The smoke free law prohibits smoking indoors. Thank you for your cooperation.”
- In most cases, when asked to stop smoking, a customer will do so.
- If necessary, normal protocol for handling disruptive customers should be followed.

#### **Where can I get more information?**

- Illinois Department of Public Health: <http://www.smoke-free.illinois.gov/>
- Smoke Free Illinois: [www.smokfreeillinois.org](http://www.smokfreeillinois.org)
- Americans for Nonsmokers Rights: [www.no-smoke.org](http://www.no-smoke.org)
- Local cessation classes and information can be found at [www.kanequits.com](http://www.kanequits.com)