

Smoke-Free Illinois Act

Frequently Asked Questions for Businesses

What is the purpose of the Act?

- To protect the health of Illinois residents, workers, and visitors from the documented health effects of secondhand smoke exposure.

How do I comply with the law?

- You may not allow smoking in any enclosed space where the general public may go or where employees/volunteers pass through during the course of their work. This includes break rooms, maintenance garages, trailers, enclosed tents, and tool sheds. Common areas of apartment buildings and condominiums such as hallways, lobbies, and laundry rooms must also be smoke-free.
- There is no smoking in student dormitories, government vehicles, or other vehicles used by or open to the public, regardless of whether it is owned by private persons or entities.
- You may not allow smoking within 15 feet of any door, windows that open, or intake vents that serve any of the enclosed areas mentioned above.
- Post “no smoking” signs in each place smoking is prohibited and at each entrance to those spaces.
- Remove ashtrays from areas where smoking is prohibited, including within 15 feet of doorways, windows that open, and intake vents.

How do I enforce the 15 feet rule?

- The most effective way to enforce the law, indoors and out, is to post adequate signage and to train your staff on what to say and do.

What if a customer 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. In most cases, when asked to stop smoking, a customer will do so. If necessary, use your normal protocol for removing a disruptive customer from your establishment.

Can I set up an outdoor smoking tent or other structure?

- Because the Smoke-Free Illinois Act covers indoor public places in addition to workplaces, enclosed outdoor structures like tents must be smoke-free regardless of whether employees enter them or not.
- Smoking is allowed in outdoor structures **ONLY IF** the structure is **NOT ENCLOSED** and is located at least 15 feet from doors, windows that open, and ventilation intake vents.
 - ▶ A space is enclosed if it is surrounded by a combination of walls and a ceiling, regardless of windows and doorways, and regardless of the material of the structure. The use of canvas, tarps, screens, lattice, or strips/sheets of plastic to enclose a smoking area is considered a violation.
- In addition to complying with fire code and any local ordinances, **outdoor smoking structures must meet one of the following criteria to be in compliance with Smoke-Free Illinois.**
 - ▶ Be completely open on one side (no wall or other material on one side) even if it is a tent. Doors and windows being open do not count as one side being completely open.
 - ▶ Have half walls (50% of the distance between floor and ceiling) on two or more sides.
 - ▶ Have no overhead covering.

Can I create a designated smoking area inside my establishment?

- No. The only exemptions to the Smoke-Free Illinois Act are listed on the other side of this flyer.

Do I still have to comply if I am a private club or banquet hall?

- Yes. All indoor public places, including private clubs, must be smoke-free. The only exemptions are listed on the other side of this flyer.

What areas are exempt from Smoke-Free Illinois?

- There are some exemptions for hotels, long term care facilities, tobacco retailers/manufacturers, and medical research laboratories; however, **all businesses must still comply with certain regulations.** Read the following carefully to determine if your business is eligible for an exemption.
- **Hotel/Motels:** Smoking is permitted in up to 25% of sleeping rooms. Smoking is not allowed in common areas such as hallways, lobbies, public bathrooms, and offices. All smoking rooms must be next to each other and on the same floor. Smoke may not infiltrate other smoke-free areas. The smoking status of rooms may not be changed, except to permanently add nonsmoking rooms.
- **Nursing Homes/Long Term Care Facilities:** The exemption only applies to rooms that are occupied solely by smokers who have requested in writing to be placed or remain in a room where smoking is permitted. Smoke may not infiltrate other areas. The nursing home or long term care facility shall ensure that any rooms designated for smoking also comply with the statute and administrative rules under which the facility is licensed and the fire protection and life safety codes incorporated by reference in those rules. All facilities are free to designate themselves as 100% smoke-free.
- **Tobacco Retailers:** To be exempt, the store must derive more than 80% of its gross revenue from the sale of tobacco and tobacco-related accessories; the store may NOT be a tobacco department or section of a larger commercial establishment; and it may NOT have any type of liquor, food, or restaurant license. Stores that began operation after 1/1/2008 must be in a freestanding structure occupied solely by the business. In addition, tobacco stores must annually file an affidavit with the Illinois Department of Public Health stating the percentage of its gross income derived from tobacco and tobacco-related accessories during the prior calendar year.

What are the penalties?

- Fines for individuals who smoke in prohibited areas are \$100 for the first offense and \$250 for subsequent offenses.
- Persons who control or operate the public place or place of employment, such as an owner, manager, and other staff, who knowingly allow smoking in prohibited area may be fined \$250 for the first violation, \$500 for the second, and \$2500 for subsequent violations. Each day is a separate violation.

Should I follow the Smoke-Free Illinois Act or my town's smoke-free law?

- The Smoke-Free Illinois Act applies to all businesses in Illinois; however, local counties and municipalities may pass stricter regulations by eliminating exemptions or by making more areas smoke-free, such as outdoor dining. Therefore, you must follow whichever provisions are stricter.
- Many Lake County communities and unincorporated Lake County have ordinances stricter than the State. Check with your local city/village hall.

Can I make my entire property smoke-free?

- Yes. You may designate additional areas, such as outdoor patios or the entire grounds, as smoke-free.

How do I report a violation?

- Violations can be reported to the Illinois Department of Public Health on their toll-free hotline 866-973-4646 or website www.smoke-free.illinois.gov.

Where can I get more information?

- For implementation resources and more information on smoke-free laws, visit:
 - ▶ Tobacco Free Lake County, health.lakecountyil.gov
 - ▶ Illinois Department of Public Health, www.smoke-free.illinois.gov
 - ▶ Smoke-Free Illinois, www.smokefreeillinois.org

Revised 06/2014. For more information, contact
Tobacco Free Lake County at 847-377-8090 or tlfc@lakecountyil.gov

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