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# Smoke-free Illinois

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Illinois Department of Public Health  
Office of Health Promotion

November 27, 2007



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# Smoke-Free Illinois Act

- Smoke-Free Illinois Act goes into effect at midnight on January 1, 2008
- Protects employees and the public from secondhand smoke

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# Smoke-Free Illinois Act Prohibitions

- Prohibits smoking:
  - in public places and places of employment
  - within 15 feet of any entrances, exits, windows that open, and ventilation intakes that serve an enclosed area where smoking is prohibited

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# Smoke-Free Illinois Act: Public Places

- Public places where smoking is prohibited include, but are not limited to:
  - ❑ Restaurants
  - ❑ Bars/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

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# Smoke-Free Illinois Act: Place of Employment

- Places of employment where smoking is prohibited means any area under the control of a public or private employer that employees are required to enter, leave, or pass through during the course of employment.
  - Offices
  - Restrooms
  - Conference/classrooms
  - Break rooms
  - Work areas
  - Cafeterias
  - Other common areas

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# Smoke-Free Illinois Act Exemptions

- Private residence: private home, townhouse, condominium, apartment, mobile home, vacation home, cabin, or cottage EXCEPT when used as a childcare, adult care, healthcare facility or any other business that is open to the public
- 25% of hotel/motel rooms may be permanently designated smoking rooms
- Retail tobacco stores
- Private/semi-private rooms in nursing homes or long term care facilities

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# Smoke-Free Illinois Act Exemptions: Retail Tobacco Store

- Retail tobacco store is defined as:
  - A retail establishment that derives more than 80% of its gross income from the sale of
    - loose tobacco, plants, or herbs and cigars, cigarettes, pipes, and other smoking devices for burning tobacco and related smoking accessories
    - Any retail tobacco store beginning operation after January 1, 2008 is exempted only if located in a freestanding structure occupied solely by the business
  - It does not include:
    - a tobacco department or section of a larger commercial establishment or
    - any establishment with any type of liquor, food or restaurant license

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# Smoke-Free Illinois Signage

- Section 20 requires:
  - “No Smoking” signs or the international “No Smoking” symbol shall be clearly and conspicuously posted at every entrance in each public place and place of employment where smoking is prohibited
  - All ashtrays shall be removed from any area where smoking is prohibited
  
- Section 975.50 requires (draft rules):
  - Signs are no smaller than 5 inches by 7 inches
  - Contain the (866) 973-4646 toll-free Complaint Line number and web site ([www.smoke-free.illinois.gov](http://www.smoke-free.illinois.gov)) for registering complaints



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# Smoke-Free Illinois Act: Responses to Questions about the Law

- Most questions received are about how to comply
- Signage:
  - Signs must be posted at every entrance; this means any doorway used as ingress from the outdoors or egress to the outdoors
  - Signs may be downloaded from the IDPH web site and printed for use in areas where smoking is prohibited
  - Signs may be created by the business as long as they comply with the requirements of the Smoke-Free Illinois Act

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# Smoke-Free Illinois Act: Responses to FAQs from the Public

- Places where smoking is prohibited:
  - ❑ Includes private clubs (e.g., Elks, Moose, VFW)
  - ❑ There is no “smoking permit”
  - ❑ Whether specific work places must be smoke-free
- Exemptions:
  - ❑ Hookah bars must meet the definition of a retail tobacco store and may not have any type of liquor, food or restaurant license

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# Smoke-Free Illinois Act: IDPH Infrastructure

- To facilitate implementation IDPH will:
  - Create “No Smoking” signs
  - Develop a web site
  - Develop mechanisms for receiving complaints:
    - Complaint Line
    - On-line complaint database
      - Termed the “General Public” complaint system

State of Illinois  
Rod R. Blagojevich, Governor  
Department of Public Health  
Damon T. Arnold, M.D., M.P.H., Director



Smoke-Free Illinois Act 95-0017

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To file a complaint:  
[www.smoke-free.illinois.gov](http://www.smoke-free.illinois.gov)

**866-973-4646**

TTY 800-547-0466 (hearing impaired use only)



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Para hacer un reclamo o presentar una queja:  
[www.smoke-free.illinois.gov](http://www.smoke-free.illinois.gov)

**866-973-4646**

TTY 800-547-0466 (sólo para sordos)



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# Smoke-Free Illinois Act: IDPH Infrastructure

- Web site [www.smoke-free.illinois.gov](http://www.smoke-free.illinois.gov)

## Proposed Content:

- General Information
  - Smoke-Free Illinois Law
  - Signage
  - Submitting Complaints
  - Help to Quit Smoking
  - Links and Resources
- Web site content will be loaded after it is approved

# Smoke-Free Illinois Act: IDPH Infrastructure

The screenshot shows the website for the Smoke-free Illinois Act. At the top, it features the Illinois Department of Public Health logo and the text "ILLINOIS DEPARTMENT OF PUBLIC HEALTH" and "IDPH Online" with a home icon. The main header area has a blue background with a "No Smoking" sign (a cigarette with a red slash) and the text "Smoke-free Illinois" in large green letters, followed by the URL "www.smoke-free.illinois.gov". Below this is a green bar with the names "Rod R. Blagojevich, Governor" and "Damon T. Arnold, M.D., M.P.H., Director".

On the left side, there is a vertical navigation menu with blue buttons for "Smoke-free Illinois", "General Information", "Smoke-Free Illinois Act", "Signage", "Help to Quit Smoking", and "Links and Resources". Below these is a larger blue button labeled "Submit Complaints" with a "No Smoking" sign icon.

The main content area is titled "Under Development" and contains two paragraphs of Latin text:

**Under Development**

Adfabilis chirographi celeriter fermentet Augustus. Pessimus pretosius quadrupei comiter vocificat quinquennalis concubine, quamquam gulosus oratori deciperet matrimonii, quod vix adlaudabilis saburre suffragarit aegre lascivius umbraculi, quamquam vix gulosus ossifragi aegre lucide deciperet utilitas quadrupei. Medusa frugaliter fermentet Augustus, iam adlaudabilis fiducias deciperet satis saetosus matrimonii. Plane gulosus chirographi divinus corrumperet Aquae Sulis, etiam concubine adquireret vix fragilis saburre.

Incredibiliter utilitas agricolae libere miscere Octavius, et tremulus apparatus bellis circumgrediet zothecas, semper fiducias negligenter imputat Medusa, iam agricolae amputat saburre. Rures miscere quadrupei, quamquam syrtes iocari Octavius, quod cathedras imputat apparatus bellis. Saburre amputat Pompeii, semper rures circumgrediet quinquennalis umbraculi. Saetosus syrtes senesceret perspicax agricolae. Parsimonia apparatus bellis insectat bellus syrtes.

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# Smoke-Free Illinois Act: Part II

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# Smoke-Free Illinois Act Enforcement

- Section 40. Enforcement; complaints
  - Enforcement agencies identified in the Act are:
    - the Illinois Department of Public Health (IDPH),
    - state-certified local public health departments and
    - local law enforcement
  - Complaints may be reported by any person to IDPH, a state-certified local public health department or local law enforcement agency
    - on-line at the SFI website [www.smoke-free.illinois.gov](http://www.smoke-free.illinois.gov)
    - phoning the toll-free Complaint Line (866) 973-4646



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# Smoke-Free Illinois Act: IDPH Infrastructure

- Compliant Line toll-free phone number
  - ❑ (866) 973-4646
  - ❑ Staffed by IDPH during regular business hours
  - ❑ Voice message system after-hours
  - ❑ Complaints received will be entered into on-line complaint database
  - ❑ Will not replace existing complaint systems (e.g., Chicago)

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# Smoke-Free Illinois Act: IDPH Infrastructure

- “General Public” Complaint Database
  - Available on-line for receiving complaints as described in Section 975.100 Complaints:
    - Name and address of public place or place of employment and name and address of business owner (if available)
    - Date and time of occurrence
    - Description of occurrence
    - Complainant’s name
    - Additional fields for enforcement agency tracking

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# Smoke-Free Illinois Act: IDPH Infrastructure

- “General Public” Complaint Database
  - ❑ Complaints entered into the on-line database may be accessed by enforcement agencies
  - ❑ Complaints viewable by county only to those authorized to view that county
  - ❑ Fields for record management (e.g., unfounded complaint, follow-up, archive)

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# Smoke-Free Illinois Act: IDPH Infrastructure

- “General Public” Complaint Database
  - ❑ System accessed through secure IDPH portal
  - ❑ ITFC tobacco program coordinators will receive security clearance to the “General Public” system
  - ❑ ITFC tobacco coordinators may designate others to have access to the “General Public” system with IDPH approval and secure portal access
  - ❑ LHDs and local law enforcement are responsible for establishing procedures to handle complaint investigations

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# Smoke-Free Illinois Act Complaints

- Section 975.100 Complaints, in investigating a complaint the enforcement agency shall investigate the complaint by:
  - notifying the proprietor of the complaint and/[or]
  - conducting an inspection for compliance

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# Smoke-Free Illinois Act: IDPH Infrastructure

## ■ **“Enforcement Agency” Database**

- Used by authorized staff to maintain information regarding:
  - follow-up on complaints received through the “General Public” system
  - complaint investigations or proactive enforcement (stings)
- “Enforcement Agency” system, as proposed, will
  - generate notification letters developed by IDPH:
    - Friendly education letter
    - Warning letter
    - Violation letter
  - maintain information from previous violations to determine fines

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# Smoke-Free Illinois Act: IDPH Infrastructure

- Enforcement letters may be used at the LHD's discretion, but are recommended to be sent as follows:
  - Friendly education letter sent following complaint
  - Warning letter sent:
    - for additional complaint after education letter was sent
    - after investigating a complaint and finding a violation that does not warrant a fine
  - Violation letters sent after investigation or proactive enforcement (sting) identifies a violation

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# Smoke-Free Illinois Act Violations

- 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
- 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 a political subdivision of the State



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# Smoke-Free Illinois Act Violations

- Section 45. Violations:
  - 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*)

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# Smoke-Free Illinois Act Discussion