



## **Smoke Free Illinois Frequently Asked Questions**

### **General Information**

Beginning on January 1, 2008, all indoor workplaces and public places, including bars/taverns, restaurants, private clubs, and casinos, will be smoke-free. Smoking will also be prohibited within 15 feet of all entrances and exits, windows that open and ventilation intakes. The new law ensures that all Illinois workers will have a workplace safe from secondhand smoke, and that all of us can breathe clean, smoke-free air when we eat out or spend a night on the town.

### **When does Illinois go smoke-free?**

Beginning at midnight on January 1, 2008, the Smoke Free Illinois Act prohibits smoking in all indoor workplaces and public places including bars/taverns, restaurants, private clubs, and casinos.

### **What does the Smoke Free Illinois Act require a proprietor/owner/manager to do?**

They must not permit smoking inside a public place, a place of employment or outside within 15 feet from the door, windows that open or ventilation intakes. A proprietor/owner/manager must not permit smoke to drift/infiltrate into a building through an entrance, a window, a ventilation system or other means. They must communicate to all existing employees and all applicants for employment that smoking is prohibited. The Act requires the removal of all ashtrays and that No Smoking signs be posted.

### **What are the exceptions to the Smoke Free Illinois Act?**

The following locations are exempt from the Smoke Free Illinois act:

- Private Residences (except when used as a business open to the public, childcare, adult care, or health care facility)
- Private Vehicles
- No more than 25% of hotel/motel rooms may be permanently designated smoking rooms
- Retail Tobacco Stores (Click [here](#) for more details)
- Private/Semi-Private rooms in nursing homes or long term care facilities

### **How will the Smoke Free Illinois Act be enforced?**

The Illinois Department of Public Health (IDPH) is the state agency responsible for enforcement, however, local health departments and law enforcement, and municipalities are designated as enforcement agents. IDPH will process complaints and document violations. IDPH will refer complaints to the local area health department or local law enforcement for further investigation and to assess penalties.

### **What are the penalties?**

Both the individual as well as the business or establishment can be fined under this law.

- Individual Fines
  - \$100 - \$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 \$2500  
*(Each additional violation within one year.)*

### **How can I file a complaint?**

Complaints can be filed with the Illinois Department of Public Health. To file a complaint by phone, call 1-866-973-4646 during regular business hours or visit [www.smoke-free.illinois.gov](http://www.smoke-free.illinois.gov).

### **Does the law prohibit smoking outdoors?**

Smoking in outdoor areas is not prohibited. However, the law does prohibit smoking within fifteen (15) feet of all entrances, windows that open, and ventilation intakes.

### **Do signs need to be posted?**

Signs clearly stating smoking is prohibited must be prominently displayed at all public and employee entrances. Signs must bear the international 'No Smoking' symbol or the words "No Smoking", and be no smaller than 5"x7". The sign should also bear the phone number and website for reporting violations. Letters, numbers and symbols must be of sufficient size to be clearly legible to an individual of normal vision from a distance of 5 feet. In government and public vehicles, the signs must be no smaller than 2" x 3" and include the same information. Visit [www.SmokeFreeIllinois.org](http://www.SmokeFreeIllinois.org) to download and print signs that comply with the law.

## **Where can I get information about how to quit smoking?**

There are many smoking cessation resources available. The Illinois Tobacco Quitline, 1-866-QUIT-YES (866-784-8937), provides one-on-one phone counseling and support for smokers. When a smoker calls, they are provided encouragement, a personalized plan and tools to quit smoking. Services are free of charge to all residents of Illinois. The Illinois Tobacco Quitline can also provide you with information on other smoking cessation services available in your area, or you may contact your local public health department.

## **Signage**

*Signs are required to be posted by all workplaces and public places in order to be in compliance with the new law.*

## **What kind of signs do I have to post in my business?**

The signs must:

- Be no smaller than 5" x 7"
- Include the website ([www.smoke-free.illinois.gov](http://www.smoke-free.illinois.gov)) to file complaints
- Include the phone number (866-973-4646) to file complaints
- Include the international 'No Smoking' symbol or the words "No Smoking",
- Have letters, numbers and symbols of sufficient size to be clearly legible to an individual of normal vision from a distance of 5 feet.

In government and public vehicles, the signs must be no smaller than 2" x 3" and include the same information. Visit [www.SmokeFreeIllinois.org](http://www.SmokeFreeIllinois.org) to download and print signs that comply with the law.

## **Where do I put signs in my building?**

The signs must be placed at all public and employee entrances and exits.

## **I have two doors in my entryway that are connected. Do I need one sign per door?**

No. You only need to have one sign posted in the entryway itself, not each door.

## **How long must the signs be posted in my business?**

Once the law takes effect on January 1, 2008, the signs must always remain at all entryways of the building. The law states that these signs must be posted.

**My business or workplace is already smoke-free. Do I need to put up new signs?**

Everyone must put up new signs that meet the requirements of the law. See above for requirements.

**What if our entire campus or property is already smoke-free?**

Smoke-free campuses still require new signs that meet the requirements of the new law to be posted at all entrances and exits of the building (see above for requirements). Since smoking is not allowed on the campus, you are not required to have the 15ft information on your signage. Visit [www.SmokeFreeIllinois.org](http://www.SmokeFreeIllinois.org) to download and print signs that comply with the law, specifically for a smoke-free campus.

**Outdoor Smoking Areas**

*The law states that there is no smoking allowed within 15 feet of entrances, exits, windows that open and ventilation intakes.*

**Am I still allowed to have an outdoor smoking area, as long as it's is not within the 15 feet?**

Yes. You may still have an outdoor smoking area. See below for more details.

**What are the requirements for the outdoor smoking area?**

The outdoor smoking area must:

- Be at least 15 feet from all entrances, exits, windows that open and ventilation intakes
- Not meet the definition of an enclosed area as stated in the law (see the definition below)

*"Enclosed area" means all space between a floor and a ceiling that is enclosed or partially enclosed with (i) solid walls or windows, exclusive of doorways, or (ii) solid walls with partitions and no windows, exclusive of doorways, that extend from the floor to the ceiling, including, without limitation, lobbies and corridors."*

**Is it a violation if smoke drifts into the 15 foot barrier?**

No. The 15 foot barrier is to prevent the smoke from drifting into the enclosed public place.

**Are employees permitted to enter or pass through the outdoor smoking area?**

Yes. The law only governs indoor workplaces.

## Casinos & Private Clubs

### **Can I still smoke on the gaming floor of the casino?**

No. All areas of the casino, including the gaming floors, are required to be smoke-free as of January 1, 2008.

### **Can private clubs, such as VFW halls, still allow smoking?**

No. Smoking will be prohibited in all public places, including private clubs.

### **Can private clubs allow smoking during times when we are not open to the public for private events and meetings?**

Smoking will be prohibited at all times, even during private functions at the facility.

### **Am I able to purchase a permit from the state that will allow me to be a smoking facility?**

No. No such permit exists.

## Exemptions

*There are a few limited exemptions from the Smoke Free Illinois Act.*

### **Can I still allow smoking if I declare myself a retail tobacco store?**

Retail tobacco stores are exempt from the law, but to be considered a retail tobacco store you must meet the following requirements:

- **The establishment must not hold any type of liquor, food, or restaurant license**
- The establishment must that derive more than 80% of its gross revenue from the sale of loose tobacco, plants, or herbs and cigars, cigarettes, pipes, and other smoking devices for burning tobacco and related smoking accessories
- The sale of other products is merely incidental, and
- The establishment may not be part of the tobacco department or section of a larger commercial establishment

### **Are hookah bars included in the law?**

To be exempt from the Smoke Free Illinois Act, a hookah bar must meet the requirements (defined above) for a retail tobacco store. If it does not meet the requirements for a retail tobacco store, a hookah bar will be required to become smoke-free.

**In multi-unit housing buildings, such as apartment and condominiums, is smoking allowed in common areas?**

Yes. The entire building is considered to be a private residence, and therefore smoking is still allowed in common areas. *NOTE:* If the city, county or residential community has already passed a law to prohibit smoking in common areas in multi-unit housing, then that law still applies. Multi-unit housing buildings are also allowed to pass their own policy prohibiting smoking in common areas.

**Other Workplaces**

**I work in construction. Can we smoke in the huts located on the site?**

Construction huts are indoor workplaces, so smoking is prohibited.

**Enforcement**

**Who will enforce this policy?**

The Illinois Department of Public Health (IDPH), certified local public health departments, and local law enforcement have all been designated as the enforcers of this law. All complaints can be filed with IDPH by calling 1-866-973-4646 and more information can be obtained from [www.smoke-free.illinois.gov](http://www.smoke-free.illinois.gov).

**In my business, if someone lights up a cigarette inside after January 1, what do I do?**

You and your staff must advise them of the new law. Politely explain that they must step outside to smoke. If the customer still refuses to comply, refer to your company's policy on dealing with difficult customers. You may wish to refuse service to customers who refuse to comply with the Act, as your business may still be held accountable.

**Do people have to put out their cigarettes at midnight on January 1?**

The American Lung Association of Illinois-Greater Chicago is not encouraging law enforcement or health departments to issue tickets on New Year's Eve. We would prefer that enforcement wait until the open of business on the morning of January 1, 2008.

## Local Ordinances

### **Can my municipality or county still pass a local smoke-free ordinance?**

Yes. The new state law does still permit local control, as long as the local ordinance is no less strict than the state law. Local laws can also increase fine structures for violations, add enforcement agencies and protocol, and prohibit smoking in other areas.

### **Why should my municipality or county pass a local smoke-free ordinance if the state law is already in place?**

A local ordinance would allow the municipality or county to enforce more stringent rules, as well as to collect all fines collected from violations of the ordinance. (In the Smoke Free Illinois Act, fines are split between the local enforcement agency and IDPH.)

### **Can my municipality pass a local ordinance that exempts bars, private clubs or casinos?**

No. A local law cannot be less strict than the state law.

### **My community had already passed a smoke-free ordinance. Some parts of our law are stronger than the state, while some parts are weaker. Can we still enforce the parts that are stronger?**

Yes. The portions of your local law that are more strict than the new state law can still be enforced. The portions of the local law that are weaker will no longer be enforceable and the state requirements will need to be followed. It is recommended to pass a new ordinance that removes the weaker portions and replaces them with language as strong as the state law.

### **What are some examples of other areas in which smoking could be prohibited by a local ordinance?**

A local law can be more strict than the state law. Examples of other areas that a community can make smoke-free include: parks and beaches, tobacco retail stores, and common areas of multi-unit housing buildings.

## Quitting Smoking

**I want to quit smoking or know someone who wants to quit. Where can they go for help?**

The Illinois Tobacco Quitline operates from 7:00 a.m. to 9:00 p.m. CST. The team of respiratory therapists, registered nurses and cessation counselors are able to assist smokers in developing a plan to quit smoking successfully. The toll-free number for Illinois is 1-866-QUIT-YES (1-866-784-8937) or visit us online at [www.quityes.org](http://www.quityes.org).

**I'm a business owner and I want to provide smoking cessation services for my employees. Does American Lung Association offer any programs?**

Yes. To learn more about how to bring the *Freedom From Smoking*<sup>®</sup> cessation program to your worksite, visit [www.LungIL.org](http://www.LungIL.org) to download our information packet.