



## The History of Smoke Free Illinois

Smoke Free Illinois was founded in 2004 to educate Illinois residents on the detrimental health effects of secondhand smoke and to advocate for smoke free workplaces and public places.

### The Clean Indoor Air Act

The original Illinois Clean Indoor Air Act (ICIAA) was passed into law in 1989. The original Clean Indoor Air Act established separation areas for smoking and non-smoking in most public places, excluding bars and bowling centers. The original Illinois Clean Indoor Air Act included a preemption clause.

The preemption clause in the original act prohibits local governments from regulating smoking in public places. The clause was inserted into the ICIAA by the tobacco industry lobbyists. The tobacco industry favors keeping the power to regulate smoking in public places at the state level. They can be more successful lobbying a short list of state legislators rather than every local elected official in every municipality across the state.

### The Original 21

Preemption did allow for any community that had previously regulated smoking in public places to be exempt from the ICIAA. This allowed for 21 Illinois communities to maintain the power to regulate smoking in public places – Arlington Heights, Champaign, Chicago, DeKalb, Des Plaines, Downers Grove, Elgin, Elmhurst, Evanston, Glenview, Highland Park, Hoffman Estates, Joliet, Northbrook, Oak Park, Orland Park, Park Ridge, Schaumburg, Skokie, Urbana & Wilmette.

Of the 21 exempted communities, 5 (Evanston, Highland Park, Skokie, Wilmette and Chicago) had implemented stronger smoking restriction prior to 2006. Skokie & Wilmette, both located in Cook County, passed laws in 2003. Skokie's law included an exemption for free-standing bars, while Wilmette passed a 100% comprehensive law. In 2004, Evanston passed a workplace only law (exempting restaurants & bars), and in 2005 Highland Park passed the 2<sup>nd</sup> 100% comprehensive smoke free law in Illinois. In December 2005, the city of Chicago passed a smoke free law, with a 2 ½ year delay for bars and restaurant bar areas.

### Reversing Preemption

After the passage of the ICIAA in 1989, health advocates immediately began working to remove the preemption clause from the state law. A tactic knowingly used by the tobacco industry during the time, Illinois was among 19 states to become restricted by a preemption clause. Every year since 1989, a bill was introduced to repeal preemption, and every year the tobacco lobby successfully fought it.

In 2005, Illinois State Representative Karen Yarbrough and Illinois State Senator John Cullerton sponsored House Bill (HB) 672. Despite the tobacco industry and their front group opposition, HB672 passed out of both houses. On August 10, 2005 House Bill (HB) 672 was signed by Governor Rod Blagojevich, making Illinois the first state to partially reverse preemption. House Bill 672 became Public Act # 94-0517, effective January 1, 2006. PA #94-0517 gave home rule municipalities the authority to regulate smoking in all public places, while non-home rule municipalities could regulate smoking everywhere except bars and bowling alleys. Non-home rule counties were not given the authority to regulate smoking.

Recognizing the limitations of HB672, health advocates worked again with Illinois State Senator John Cullerton and Illinois State Representative Karen Yarbrough to further repeal preemption with the introduction of SB2400. This bill would allow all municipalities (home rule and non-home rule) to regulate smoking in all public places, as well as giving non-home rule counties the authority to regulate smoking in the unincorporated areas of the county. SB2400 passed out of both houses and was signed by Governor Blagojevich on June 28, 2006, effective immediately.

#### The Smoke Free Movement

Prior to HB672's effective date, many village boards and city councils across the state began looking at the smoke free issue. In the first 6 months since the passage of HB672, 12 communities who received this new authority passed smoke free laws in Illinois. An additional 6 communities from the original 21 also passed or strengthened their smoke free law.

Deerfield became the first newly empowered community to pass a 100% smoke free law in December 2005, with its effective date after the enactment of HB672. Springfield, the state capital, also passed a 100% smoke free law in January 2006. Champaign and Urbana, home of the University of Illinois, had been campaigning for a smoke free law for over 2 years, as part of the original 21. In June 2006, both communities passed 100% smoke free laws.

There are also over 40 communities who are considering or are actively discussing the smoke free issue throughout Illinois, and the number of new laws increases constantly. (Please visit [www.SmokeFreeIllinois.org/communities](http://www.SmokeFreeIllinois.org/communities) for an up to date list of smoke free communities.)