

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.
- Studies show that after smoke-free laws take effect, there is a significant reduction in asthma attacks, heart attacks, and cancer rates. In addition, employees report having less wheezing, excessive coughing, shortness of breath, and irritation of the eye, nose, and throat.

How do I comply with the law?

- Beginning January 1, 2008, you may not allow smoking in any indoor space within your establishment, including breakrooms, or within 15 feet from any door, windows that open, or intake vents.
- You may not permit smoke to drift/infiltrate into an indoor workplace or public place.
- Post non-smoking signs at each entrance.
- Remove all ashtrays from areas where smoking is prohibited.
- Inform all existing employees and all applicants for employment at the time of application that smoking is prohibited.

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

- Yes.

Can I create a designated smoking area inside my establishment?

- No. The only exemptions to the Smoke-Free Illinois Act are some tobacco retailers, 25% of hotel/motel rooms, and some nursing home rooms.

Can I create a smoking area on an outdoor patio?

- Yes, however, any outdoor smoking area must be at least 15 feet away from any doorways, windows, and intake vents. The area cannot be enclosed. If partially enclosed, the space may not trap smoke. Employees may not be required to enter the space. Specific rules on outdoor structures are currently being drafted by the Illinois Department of Public Health.
- Make sure to check with your local municipality about local regulations as well.

Can I make my entire property smoke-free?

- Yes. Any person in control of a public place or place of employment may designate additional outdoor areas, such as outdoor patios or the entire grounds, as smoke-free.

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. Train your staff what to say to customers, for example: "The new 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, use your normal protocol for removing a disruptive customer from your premises.

How do I enforce the 15 feet rule?

- The most important thing is to train your staff about the new law and post adequate signage before the effective date of the law.

What are the penalties?

- Individuals who refuse to comply with the law may be fined not less than \$100 and not more than \$250.
- An owner or manager who allows smoking to continue in their establishment can be fined not less than \$250 for the first violation, not less than \$500 for the second violation, and not less than \$2500 for the third violation in the same year of the first violation. Each day is a separate violation.

How do I file a complaint?

- The Illinois Department of Public Health has established a website and a toll free hotline number for complaints.
- If your community has a local ordinance, check with your village/city hall.

What is the economic impact on my business?

- For all businesses:** Research shows that companies with smoke-free policies save an average of 10% on cleaning costs and up to seven percent on construction and maintenance. Smokefree businesses also report lower health insurance costs, increased productivity, and reduced absenteeism.
- For restaurants and bars:** Although there tends to be a dip in business in the beginning, especially in cold months like January, restaurants and bars can ultimately expect an increase in revenue. Research shows that after time, business will go up as people begin to discover establishments they previously avoided because of the smoky air.

Where can I get more information?

- For frequently asked questions, including links to the full text of the Act and the proposed administrative rules visit:
http://www.idph.state.il.us/tobacco/Smoke_Free_Act_q&a.htm
- For implementation resources and more information on smoke-free laws, visit:
Smoke-Free Illinois, www.smokefreeillinois.org
Americans for Nonsmokers Rights, www.no-smoke.org
Toolkit for Implementing Smoke-free Laws, www.goingsmokefree.org