



Oppose House Bill 5029 (Rep. Kay) Exemption to Smoke Free Illinois Act

**77% of Illinois voters SUPPORT Smoke Free Illinois
Over half of Illinois Smokers (53%) SUPPORT Smoke Free Illinois**

Statewide poll taken December 2012

FACTS:

A veterans' organization in Collinsville, Illinois claims that they sought a permit to construct a building that would be exempt from the requirements of the Smoke-Free Illinois Act.

The Smoke Free Illinois Act does not provide for the issuance of permits for the construction of buildings that would violate the Act.

This veterans' organization approached Representative Kay to request a bill that would exempt their building from the Smoke Free Illinois Act.

Below are the facts related to complainants filed:

- 9/2/2009 Madison County Health Department issued a citation imposing a \$250 fine on American Legion Post 365 in Collinsville, IL for violating the Smoke Free Illinois Act. (IDPH Docket #R4 SFI 09-07051)
- 9/10/2009 the American Legion Post 365 requested an administrative hearing.
- 8/31/2011 The Administrative Law Judge affirmed the violation in favor of Madison County Health Department in a Final Order.
- Sept. 27, 2011 The American Legion filed with the Circuit Court.
- December 13, 2013 The Circuit Court ruled in favor of Madison County and ordered American Legion to pay the fines.
- To date, American Legion Lost 365 has never paid the violation.

Claims JCAR Rules changed bills intent: FALSE

- JCAR Rules for Smoke Free were adopted in 2015. It clarified the definition of enclosures to ensure Smoke Free Illinois was being properly administrated, but it did not change the definition.

For more information, please contact Kathy Drea at (217)971-7274 or Kathy.Drea@lung.org or contact Shana Harrison at (309)645-6909 or sharrison@jandjlegislative.com



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Exemption to Smoke Free Illinois Act

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Bill Summary:

- This bill would allow for smoking in any structure built before August 14, 2015 to comply with Smoke Free Illinois. **Smoke Free Illinois does not allow for buildings to be built for smoking-only purposes.**
- This bill states: “**But not limited to**, buildings created solely for the purpose of smoking at which no food or alcohol is served and outdoor smoking areas, provided that such facilities or areas have signs clearly stating that the building or area is used for smoking (pg. 4 Amend. 1 HB5029).”
- Exemption applies to any structure owned by a veteran organizations including but not limited to American Legions, the Legion of Honor, the Patriot Guard, the Missing in American Project, the Vietnam Veterans of America, and the Veterans of Foreign Wars.
- This bill applies to EVERY part of the state. Not just specific cases or structures.

Why now?

- Smoke Free Illinois Act has been in effect since 2008.
- The purpose of Smoke Free Illinois was to ensure all public places were smoke free to protect the health and welfare of all people in Illinois.
- There is no safe level of exposure to secondhand smoke. People who spend just 30 minutes in a smoke-filled room have a measurable decrease in oxygen delivered to their heart.

There is nothing patriotic about second-hand smoke.