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House OKs smoking ban

Blagojevich says he'll sign it; bill would take effect Jan. 1

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SPRINGFIELD -- The Illinois House overwhelmingly approved a statewide smoking ban in public places Tuesday that would eliminate a confusing patchwork of local laws and leave smokers in every community with one place in common to light up—outside.

For residents of Chicago, the biggest change is timing: Smokers would have to snuff out their cigarettes in taverns and restaurants with bar areas on Jan. 1, six months earlier than the deadline set by Chicago.

The House's 73-42 vote sent the measure to Gov. Rod Blagojevich, who indicated he would sign legislation that advocates say would make Illinois the 19th state to impose a broad smoking ban.

Cheers erupted in the House chambers as Rep. Karen Yarbrough (D-Maywood), the bill's sponsor, embraced colleagues and slapped high-fives.

"Smokers have a right to smoke, but . . . they should not have a right to force others to breathe their smoke," Yarbrough said. "Government has a right to speak up and step in when the actions of one person harm another."

Supporters said the bill would fix the crazy-quilt of smoking bans passed by municipalities after the legislature in 2005 gave them the power to adopt local rules. Chicago is among 44 Illinois communities with smoking bans, creating an environment in which bars and restaurants that still have smoking aggressively court smokers to cross town borders, taking business and their sales tax money with them.

Chicago's smoking ban took effect Jan. 16, 2006, and covered areas ranging from restaurants to CTA train platforms and bingo halls. But free-standing bars and restaurants with bar areas were given until July 1, 2008, to eliminate smoking.

The state legislation kick in before the Chicago deadline and supersede weaker rules in any community. Local officials could impose more restrictive rules, however.

The state legislation would prohibit smoking in all public buildings and in most businesses and government vehicles. Smoking would be illegal in bars and restaurants, as well as places ranging from student dormitories to private homes in which businesses open to the public are operated.

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With growing concerns over the long-term effects of second-hand smoke, Yarbrough maintained the intent of the legislation underscored the "rights of non-smokers, of children, the elderly, and the hard-working people who take our dinner orders and cook our food and clean our tables."

Opponents contended the legislation would destroy already troubled small businesses, such as mom-and-pop bars that provide customers a place to party down and light up.

"This is heavy-handed and flies in the face of the free-enterprise system, flies in the face of the free-market system," said Rep. Bill Black (R-Danville), who opposed the measure despite being a non-smoker. "The marketplace is fully capable of taking care of this issue."

The tide turned quickly in favor of a statewide smoking ban in recent years. Chicago's own ban on public smoking became the first major domino that caused a change in attitude of officials around the state, said Mike Grady, state public policy director for the American Cancer Society.

The U.S. surgeon general issued a study last year that found there is no safe level of exposure to second-hand smoke and that even brief exposure can cause immediate harm. The study found that non-smokers exposed to second-hand smoke at home and work increased their risk of developing heart disease and lung cancer by up to 30 percent. The report said the only way to protect from the dangers of second-hand smoke is to eliminate indoor smoking.

In Chicago, Blagojevich said he would likely sign the ban, adding that he "would be shocked if there were something in that bill that I didn't like and would keep me from signing it."

After the vote, Rep. Frank Mautino (D-Spring Valley), a smoker whose wife owns a restaurant, said a ban should be a local issue.

"If I go to a restaurant where there is no smoking, I'll go outside," Mautino said. "But it's better if it's their choice."

Steve Riedl, executive director of the Illinois Licensed Beverage Association, maintained a ban will send smokers fleeing across state borders. He said only homogenized corporate-backed establishments will stay afloat at the expense of neighborhood bars "with great personality and charm."

Some research on smoking bans in other states has not found a significant impact on small businesses. The Illinois Restaurant Association, which for years had lobbied against smoking bans, declared neutrality three months ago.

"We have some folks who feel very passionately about not allowing smoke in their facilities, and we have other members who feel very passionate about being able to make their own choice," said association chairman Bill Linardos, who owns Billy's Beef, Hot Dogs & More in Spring Grove. In the end, the argument that prevailed in the Illinois House was very simple.

"Second-hand smoke is bad for you," said House Majority Leader Barbara Flynn Currie (D-Chicago). "Scientists tell us they cannot measure an amount of second-hand smoke that is not dangerous. As a matter of public health, we ought to be respectful of our citizens, no matter what community they live in."

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