



# Lake County Illinois

## Legislation Text

File #: 15-0376, Version: 1

Ordinance amending Chapter 95: Smoke-Free Environment ordinance, of the Lake County Code.

- The Lake County Board adopted an ordinance on May 8, 2007 prohibiting smoking in public places and places of employment in accordance with Public Act 94-917.
- Amendments to the ordinance are needed to clarify provisions in the ordinance and to provide for administrative adjudication as an additional enforcement mechanism.
- These changes are part of an overall package of ordinance amendments and proposed ordinances by the Lake County Sheriff's Office.

### ORDINANCE

**WHEREAS**, the Lake County Board finds that tobacco smoke is dangerous to human beings and a hazard to public health and welfare; and

**WHEREAS**, the 2006 U.S. Surgeon General's Report, *The Health Consequences of Involuntary Exposure to Tobacco Smoke*, has concluded that (1) secondhand smoke exposure causes disease and premature death in children and adults who do not smoke; (2) children exposed to secondhand smoke are at an increased risk for sudden infant death syndrome (SIDS), acute respiratory problems, ear infections, and asthma attacks, and that smoking by parents causes respiratory symptoms and slows lung growth in their children; (3) exposure of adults to secondhand smoke has immediate adverse effects on the cardiovascular system and causes coronary heart disease and lung cancer; (4) there is no risk-free level of exposure to secondhand smoke; (5) establishing smoke free workplaces is the only effective way to ensure that secondhand smoke exposure does not occur in the workplace, because ventilation and other air cleaning technologies cannot completely control for exposure of nonsmokers to secondhand smoke; and (6) evidence from peer-reviewed studies shows that smoke free policies and laws do not have an adverse economic impact on the hospitality industry. (U.S. Department of Health and Human Services. *The Health Consequences of Involuntary Exposure to Tobacco Smoke: A Report of the Surgeon General*. U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2006); and

**WHEREAS**, numerous studies have found that tobacco smoke is a major contributor to indoor air pollution, and that breathing secondhand smoke (also known as environmental tobacco smoke) is a cause of disease in healthy nonsmokers, including heart disease, stroke, respiratory disease, and lung cancer. The National Cancer Institute determined in 1999 that secondhand smoke is responsible for the early deaths of approximately 53,000 Americans annually. (National Cancer Institute (NCI), "Health effects of exposure to environmental tobacco smoke: the report of the California Environmental Protection Agency. Smoking and Tobacco Control Monograph 10," *Bethesda, MD: National Institutes of Health, National Cancer Institute (NCI)*, August 1999); and

**WHEREAS**, the U.S. Centers for Disease Control and Prevention has determined that the risk of

acute myocardial infarction and coronary heart disease associated with exposure to tobacco smoke is non-linear at low doses, increasing rapidly with relatively small doses such as those received from secondhand smoke or actively smoking one or two cigarettes a day, and has warned that all patients at increased risk of coronary heart disease or with known coronary artery disease should avoid all indoor environments that permit smoking. (Pechacek, Terry F.; Babb, Stephen, "Commentary: How acute and reversible are the cardiovascular risks of secondhand smoke?" *British Medical Journal* 328: 980- 983, April 24, 2004); and

**WHEREAS**, the U.S. Surgeon General has determined that the simple separation of smokers and nonsmokers within the same air space may reduce, but does not eliminate, the exposure of nonsmokers to secondhand smoke. (Department of Health and Human Services. *The Health Consequences of Involuntary Smoking: A Report of the Surgeon General*. Public Health Service, Centers for Disease Control, 1986); and

**WHEREAS**, given the fact that there is no safe level of exposure to secondhand smoke, the American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE) bases its ventilation standards on totally smokefree environments. ASHRAE has determined that there is currently no air filtration or other ventilation technology that can completely eliminate all the carcinogenic components in secondhand smoke and the health risks caused by secondhand smoke exposure, and recommends that indoor environments be smokefree in their entirety. (Samet, J.; Bohanon, Jr., H.R.; Coultas, D.B.; Houston, T.P.; Persily, A.K.; Schoen, L.J.; Spengler, J.; Callaway, C.A., "ASHRAE position document on environmental tobacco smoke," *American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE)*, 2005); and

**WHEREAS**, numerous economic analyses examining restaurant and hotel receipts and controlling for economic variables have shown either no difference or a positive economic impact after enactment of laws requiring restaurants to be smoke free and the creation of smoke free workplaces is sound economic policy and provides the maximum level of employee health and safety. (Glantz, S.A. & Smith, L., The effect of ordinances requiring smoke free restaurants on restaurant sales in the United States., *American Journal of Public Health*, 87:1687-1693, 1997; Colman, R.; Urbonas, C.M., The economic impact of smoke-free workplaces: an assessment for Nova Scotia, prepared for Tobacco Control Unit, Nova Scotia Department of Health, GPI Atlantic, September 2001); and

**WHEREAS**, smoking is a potential cause of fires; cigarette and cigar burns and ash stains on merchandise and fixtures causes economic damage to businesses. ("The high price of cigarette smoking," *Business & Health* 15(8), Supplement A: 6-9, August 1997); and

**WHEREAS**, Public Act 94-917 effective June 26, 2006 (410 ILCS 80/11) amends the Illinois Indoor Clean Air Act to allow non-home rule counties, within the unincorporated territory of the county, to regulate smoking in enclosed indoor areas used by the public or serving as a place of work; and

**WHEREAS**, on April 14, 2015 the Lake County Sheriff's Office recommended amendments to the ordinance to clarify certain provisions and provide for administrative adjudication as an enforcement mechanism; and

**WHEREAS**, pursuant to 55 ILCS 5/5-43005, specified counties including the County of Lake were given authority to create a system of administrative adjudication for any violation of a county ordinance; and

**WHEREAS**, on September 13, 2011, the Lake County Board adopted the Lake County Administrative Adjudication Ordinance.

**NOW, THEREFORE, BE IT RESOLVED**, by this County Board of Lake County, Illinois, that the amendment, attached as Exhibit A hereto, be adopted and be made effective May 1st, 2015.

**DATED**, at **WAUKEGAN, LAKE COUNTY, ILLINOIS**, on this 14th day of April, A.D., 2015.