



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB4489

Introduced 1/20/2026, by Rep. Anne Stava

SYNOPSIS AS INTRODUCED:

410 ILCS 37/1
410 ILCS 37/5
410 ILCS 37/10
410 ILCS 37/10.5 new
410 ILCS 37/15

Amends the Construction Site Temporary Restroom Facility Act. Changes the Act's short title to the Construction Site Temporary Restroom Facility and Sanitary Conditions for Menstruation and Lactation Act. Repeals a provision which specifies that separate toileting facilities are not required for males and females if individual portable toilet facilities are used by an owner of a portable building or building under construction to provide access to a restroom. Provides that, if a woman or an individual who menstruates is present on a work site and there are 10 or more workers of any gender at the work site, then a separate toilet facility shall be provided at the work site and designated for use by women and individuals who menstruate. Requires the Department of Labor to adopt rules that govern construction safety standards, that apply only to employers in the construction industry, and that require employers in the construction industry to provide their workers who menstruate and are performing construction activities at a work site with minimum sanitary conditions and, upon request, to provide their workers who are lactating and are performing construction activities at a work site with reasonable accommodations necessary to express breast milk. Provides that, at multi-employer work sites, each employer is responsible for ensuring that facilities for their own workers are provided. Authorizes employees of construction sites to call the certified local public health agency to request an inspection of the construction site if noncompliance with the Act is suspected. Effective immediately.

LRB104 17491 TRT 30917 b

1 AN ACT concerning health.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Construction Site Temporary Restroom
5 Facility Act is amended by changing Sections 1, 5, 10, 15, and
6 20 and by adding Section 10.5 as follows:

7 (410 ILCS 37/1)

8 Sec. 1. Short title. This Act may be cited as the
9 Construction Site Temporary Restroom Facility and Sanitary
10 Conditions for Menstruation and Lactation Act.

11 (Source: P.A. 94-42, eff. 6-17-05.)

12 (410 ILCS 37/5)

13 Sec. 5. Legislative finding. It has been established by
14 scientific evidence that improper plumbing can result in the
15 introduction of pathogenic organisms into the potable water
16 supply, result in the escape of toxic gases into the
17 environment, and result in potentially lethal disease and
18 epidemic. It is further found that minimum numbers of plumbing
19 facilities and fixtures are necessary for the comfort and
20 convenience of workers and persons in public places and that
21 individuals who are employed on construction sites and who are
22 menstruating, lactating, or both need additional support from

1 their employers to ensure work site safety and a construction
2 industry that is inclusive of all workers.

3 (Source: P.A. 94-42, eff. 6-17-05.)

4 (410 ILCS 37/10)

5 Sec. 10. Temporary restroom facility. The owner or the
6 owner's representative of a temporary building or building
7 under construction~~7~~ that is not yet occupied for its intended
8 purpose~~7~~ shall ensure that employees working on the
9 construction site have access to restroom facilities which
10 meet the following requirements:

11 (1) Toileting facilities shall be enclosed and
12 discharged into a sanitary sewer. In lieu of connecting to
13 a sewer, the sanitary facility may be a portable,
14 enclosed, chemically-treated tank-tight unit.

15 (2) If a woman or an individual who menstruates is
16 present on the work site and there are 10 or more workers
17 of any gender at the work site, then a separate toilet
18 facility shall be provided at the work site and designated
19 for use by women and individuals who menstruate ~~individual~~
20 ~~portable units are used, separate toileting facilities are~~
21 ~~not required for males and females.~~ Otherwise, toileting
22 ~~Toileting~~ facilities shall be provided based on the
23 Occupational Safety and Health Administration construction
24 sanitation standards, which are as follows:

25 (A) For 20 employees or less, one toilet facility

1 shall be provided.

2 (B) For 20 employees or more, one toilet facility
3 and one urinal per 40 workers shall be provided.

4 (C) For 200 or more employees, one toilet facility
5 and one urinal per 50 workers shall be provided.

6 (3) Hand cleansing units shall be provided.

7 (4) All non-sewered units shall be pumped and cleansed
8 regularly to ensure adequate working facilities.

9 (5) For non-residential temporary buildings or
10 non-residential buildings, the restroom facilities shall
11 be located within 300 feet of the entrance of the building
12 under construction.

13 (6) For residential temporary buildings or residential
14 buildings, the restroom facilities shall be made readily
15 available in nearby areas.

16 (Source: P.A. 94-42, eff. 6-17-05.)

17 (410 ILCS 37/10.5 new)

18 Sec. 10.5. Sanitary conditions for construction workers
19 who menstruate, lactate, or both.

20 (a) The Department of Labor must adopt rules that govern
21 construction safety standards, that apply only to employers in
22 the construction industry, and that require employers in the
23 construction industry to provide workers who menstruate and
24 are performing construction activities on a work site with the
25 following minimum sanitary conditions:

1 (1) access on the work site either to:

2 (A) a minimum size bathroom that is equivalent to
3 a standard sized portable chemical toilet and that can
4 be secured with a latch upon entry; or

5 (B) a permanent structure with a bathroom with
6 toileting facilities that can be secured with a latch
7 upon entry;

8 (2) an adequate amount of time to accommodate for
9 multiple layers of clothing while using the bathroom; and

10 (3) a sufficient amount or supply of menstrual hygiene
11 products that are available at no cost to the workers and
12 are:

13 (A) located in all gender-neutral bathrooms, for
14 work sites with fewer than 10 employees;

15 (B) located in bathrooms designated for workers
16 who menstruate, for work sites with 10 or more
17 employees; or

18 (C) provided in kits for each worker who needs the
19 products.

20 (c) The rules adopted by the Department under this Section
21 must require employers in the construction industry to provide
22 their workers who are lactating and performing construction
23 activities on a work site with reasonable accommodations upon
24 request as needed to express breast milk. The Department of
25 Labor must identify minimum reasonable accommodations in
26 compliance with this Section and the Nursing Mothers in the

1 Workplace Act. Reasonable accommodations may include:

2 (1) a flexible work schedule, including scheduling
3 breaks that provide time for expressing breast milk;

4 (2) a location, other than the bathroom, that is
5 convenient and sanitary for the worker to express breast
6 milk and that is private and lockable from the inside;

7 (3) convenient hygienic refrigeration on the work site
8 for the storage of milk; and

9 (4) a convenient water source for the worker to clean
10 and wash hands and milk expression equipment. The water
11 source must be in a private location near the location
12 where the breast milk is expressed.

13 (d) On multiemployer work sites, each employer is
14 responsible for ensuring that facilities for their own workers
15 are provided according to this Section.

16 (410 ILCS 37/15)

17 Sec. 15. Enforcement. Inspectors employed by
18 municipalities and counties may inspect construction sites to
19 ensure compliance with this Act. Employees of construction
20 sites may call the local public health agency to request an
21 inspection of the construction site if noncompliance with this
22 Act is suspected.

23 (Source: P.A. 94-42, eff. 6-17-05.)

24 Section 99. Effective date. This Act takes effect upon
25 becoming law.