



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB4760

by Rep. Theresa Mah

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
410 ILCS 37/20

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 employers in the construction industry to provide their workers who menstruate and are performing construction activities on a work site with minimum sanitary conditions. Describes the required minimum sanitary conditions. Requires employers in the construction industry, upon request, to provide their workers who are lactating and performing construction activities on a work site with reasonable accommodations needed to express breast milk. Describes reasonable accommodations for lactation. Provides that, on or before January 1, 2027, the Department of Public Health shall provide guidance to employers on the accommodations to be provided. Authorizes employees of construction sites to call the certified local public health agency with jurisdiction over a construction site to request an inspection if noncompliance with the Act is suspected. Prohibits retaliation by employers if a call is made by an employee on a construction site for suspected noncompliance with the Act. Provides that any owner who fails or refuses to comply with the provisions of the Act commits a petty offense and is subject to a fine to be determined by the certified local public health agency (rather than only being subject to a petty offense). Defines "employer". Effective immediately.

LRB104 18656 TRT 32099 b

A BILL FOR

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 that
10 ~~which~~ 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, express milk, or both.

20 (a) Employers in the construction industry shall provide
21 their workers who menstruate and are performing construction
22 activities on a work site with the following minimum sanitary
23 conditions:

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

25 (A) a minimum size bathroom that is equivalent to

1 a standard sized portable chemical toilet and can be
2 secured with a latch upon entry; or

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

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

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

11 (A) located in all gender-neutral bathrooms, for
12 work sites with fewer than 10 workers;

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

16 (C) provided in kits for each employee who needs
17 the products.

18 As used in this subsection (a), "a sufficient amount or
19 supply of menstrual hygiene products" means at least 10 units
20 of the products.

21 (c) Employers in the construction industry shall 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. Minimum reasonable
25 accommodations shall comply with this Section and the Nursing
26 Mothers in the Workplace Act. Reasonable accommodations under

1 this Section 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 employee 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 employee to
10 clean and wash hands and milk expression equipment. The
11 water source must be in a private location near the
12 location where the breast milk is expressed.

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

16 (e) On or before January 1, 2027, the Department of Public
17 Health shall provide guidance to employers on reasonable
18 accommodations under this Section.

19 (410 ILCS 37/15)

20 Sec. 15. Enforcement. Inspectors employed by
21 municipalities and counties may inspect construction sites to
22 ensure compliance with this Act. Employees of construction
23 sites may call the certified local public health agency with
24 jurisdiction over that construction site to request an
25 inspection if noncompliance with this Act is suspected.

1 Retaliation by employers is prohibited.

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

3 (410 ILCS 37/20)

4 Sec. 20. Penalty.

5 (a) Any owner who fails or refuses to comply with the
6 provisions of this Act shall be deemed guilty of a petty
7 offense and shall be issued a fine as determined by the
8 certified local public health agency.

9 (b) Any owner convicted of violating the provisions of
10 this Act shall be subject to a conviction for succeeding
11 offenses for each day he or she fails or refuses to comply with
12 the provisions of this Act.

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

14 Section 99. Effective date. This Act takes effect upon
15 becoming law.