



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

SB1394

Introduced 1/29/2025, by Sen. David Koehler

#### SYNOPSIS AS INTRODUCED:

New Act

Creates the Household Hazardous Waste Stewardship Act. Requires manufacturers, beginning January 1, 2027, to implement a stewardship program for covered products. Details manufacturer obligations under the stewardship program, including in the context of a stewardship organization comprised of manufacturers. Requires registration by April 1, 2026, and annually, for each manufacturer who sells covered products in the State and each stewardship organization. Details the roles of retailers and collections sites. Outlines stewardship plan components. Provides requirements for the Environmental Protection Agency for stewardship plan approval. Details requirements for a stewardship organization implementing a stewardship plan, as well as other statewide collection requirements. Details reporting requirements. Requires a stewardship organization to pay to the Agency an annual fee of \$200,000, split if there is more than one stewardship organization. Provides for responsibilities for the Agency. Provides for immunity from antitrust laws. Provides for rulemaking authority for the Agency. Provides for civil and criminal penalties. Allows collection of covered products by a premium collection service. Makes findings. Defines terms. Effective immediately.

LRB104 06517 BDA 16553 b

1 AN ACT concerning safety.

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

4 Section 1. Short title. This Act may be cited as the  
5 Household Hazardous Waste Stewardship Act.

6 Section 5. Findings. The General Assembly finds that:

7 (1) It is in the best interest of the State of Illinois for  
8 manufacturers of products for household use that contain  
9 hazardous substances to assume responsibility for the  
10 development, financing, and implementation of a statewide  
11 stewardship program that conveniently serves all areas of the  
12 State for the collection and environmentally sound management  
13 of waste from those products. There are hundreds of products  
14 purchased by consumers that contain hazardous substances,  
15 including, but not limited to, aerosol products, fertilizers,  
16 herbicides, pesticides, fluorescent lamps, furniture stripper  
17 and varnish, gasoline, kerosene, used oil, antifreeze,  
18 electronic cigarettes, household cleaners, solvent cleaners,  
19 and pool or hot tub chemicals.

20 (2) Improper management and disposal of household  
21 hazardous waste is a threat to public health and the  
22 environment.

23 (3) In 1991, the need for household hazardous waste

1 collection programs throughout the State was recognized and  
2 the Household Hazardous Waste Collection Act was enacted.  
3 Since then, the Illinois Environmental Protection Agency and  
4 local governments have worked together to support collection  
5 events and develop 5 permanent household hazardous waste  
6 collection facilities. However, these existing services do not  
7 provide convenient collection services statewide, and the cost  
8 of these programs for the Agency and local governments exceeds  
9 \$6,000,000 annually.

10 Section 10. Definitions. In this Act:

11 "Agency" means the Illinois Environmental Protection  
12 Agency.

13 "Agency contractor" means the company under a contractual  
14 agreement with the Agency to provide transportation and final  
15 disposition of covered products collected by collection sites.

16 "Antifreeze" means propylene glycol or ethylene glycol,  
17 including aggregated batches of propylene glycol or ethylene  
18 glycol, used as a heat transfer medium in an internal  
19 combustion engine; heating, ventilating, and air conditioning  
20 units; and electronics cooling applications; or used for  
21 winterizing equipment.

22 "Brand" means a name, symbols, words, or marks that  
23 identify a covered product and attribute the product to the  
24 owner of the brand as the manufacturer.

25 "Collection cost" means costs related to the collection of

1 covered products, including, but not limited to, facility  
2 siting costs; facility permitting costs; facility construction  
3 costs; facility maintenance costs; equipment costs; fork lift  
4 costs; truck costs; labor and benefits; costs for supplies,  
5 including traffic control devices, test kits for unknown  
6 waste, tape, plastic sheeting, and spill clean-up kits;  
7 building and equipment maintenance costs; event costs,  
8 including marketing costs; third-party contractor costs,  
9 including event set-up costs; environmental service fees;  
10 insurance fees; costs for shipping containers and materials;  
11 pallet costs; and personal protective equipment costs.

12 "Collection site" means a permanent facility permitted by  
13 the Agency to accept, manage, and store covered products or a  
14 location where a one-day collection event is held to collect  
15 covered products which are then transported offsite for proper  
16 management.

17 "Covered entity" means any person who presents a covered  
18 product to a collection site from that person's use at a  
19 household, with the exception of large quantity generators,  
20 small quantity generators, or very small quantity generators.

21 "Covered product" means any product offered for retail  
22 sale for household use contained in the receptacle in which  
23 the product is offered for retail sale, except for used oil,  
24 antifreeze, gasoline, and kerosene, if the product has any of  
25 the following characteristics:

26 (1) the physical properties of the product meet the

1 criteria for characteristic wastes under the federal  
2 Resource Conservation and Recovery Act of 1976, 42 U.S.C.  
3 6901 et seq., including ignitability, corrosivity,  
4 reactivity or toxicity as defined in 40 CFR 261.20 to  
5 261.24;

6 (2) the physical properties of the product meet the  
7 criteria for designation as a class 2, 3, 4, 5, 6 or 8  
8 hazardous material, as defined in 49 CFR 173, by the  
9 United States Department of Transportation under the  
10 Hazardous Materials Transportation Act of 1975, 49 U.S.C.  
11 5101 et seq.; or

12 (3) the product requires registration under the  
13 Federal Insecticide, Fungicide, and Rodenticide Act, 7  
14 U.S.C. 136.

15 "Covered product" includes:

16 (1) automotive fluids, including household "do it  
17 yourself" used oil, as defined in 35 Ill. Adm. Code  
18 739.100, and antifreeze; and

19 (2) a product added by rule under Section 70 of this  
20 Act.

21 "Covered product" does not include:

22 (1) a covered battery, as defined in the Portable and  
23 Medium-Format Battery Stewardship Act;

24 (2) a drug, as defined in 21 U.S.C. 321(g)(1); a  
25 biological product, as defined in 42 U.S.C. 262(i); a  
26 device, as defined by 21 U.S.C. 3231(h)(1); or any

1 combination of those items;

2 (3) products sold for commercial agricultural use that  
3 require registration under the Federal Insecticide,  
4 Fungicide, and Rodenticide Act, 7 U.S.C. 136;

5 (4) architectural paint or any other covered product,  
6 as defined in the Paint Stewardship Act;

7 (5) a covered electronic device, as defined in the  
8 Consumer Electronics Recycling Act;

9 (6) a vitamin or dietary supplement;

10 (7) a liquefied petroleum or other gas container,  
11 cylinder or receptacle;

12 (8) a fire extinguisher;

13 (9) an oil filter;

14 (10) a smoke detector, ionizing type;

15 (11) ammunition, fireworks, explosives projectile  
16 marine flares;

17 (12) potentially infectious medical waste, as defined  
18 in Section 3.360 of the Illinois Environmental Protection  
19 Act;

20 (13) electronic cigarettes, as defined in the  
21 Prevention of Tobacco Use by Persons under 21 Years of Age  
22 and Sale and Distribution of Tobacco Products Act, and  
23 their apparatuses, including, but not limited to, vape  
24 pods;

25 (14) an antimicrobial product that requires  
26 registration under the Federal Insecticide, Fungicide, and

1 Rodenticide Act, 7 U.S.C. 136, and is labeled in  
2 accordance with federal requirements for pesticide  
3 products intended for household use only; and

4 (15) a product that is subtracted by rule under  
5 Section 70 of this Act.

6 "Disposal cost" means the costs related to the final  
7 disposition of the collected covered products.

8 "Environmental justice community" means environmental  
9 justice community, as defined in the Illinois Solar for All  
10 Program, as that definition is updated from time to time by the  
11 Illinois Power Agency and the Administrator of the Illinois  
12 Solar for All Program.

13 "Environmentally sound management" means management  
14 practices implemented in a manner that is designed to protect  
15 public health, safety, and the environment, including, but not  
16 limited to:

17 (1) adequate recordkeeping;

18 (2) keeping detailed documentation of the methods used

19 to:

20 (A) manage covered products; and

21 (B) track and document the fate of covered  
22 products from collection through final disposition  
23 within this State and outside this State;

24 (3) performance audits and inspections;

25 (4) compliance with worker health and safety  
26 requirements; and

1           (5) maintenance of adequate environmental liability  
2           insurance and financial assurances for a stewardship  
3           organization and contractors working for the stewardship  
4           organization.

5           "Final disposition" means the point beyond which no  
6           further processing takes place and the covered product has  
7           been either transformed for direct use as a feedstock in  
8           producing new products, discarded in a manner approved by the  
9           Agency, processed for energy recovery in permitted facilities,  
10          or incinerated without energy recovery in permitted  
11          facilities.

12          "Manufacturer" means a person who:

13               (1) manufactures or manufactured a covered product  
14               under its own brand or label for sale in the State;

15               (2) sells in the State under its own brand or label a  
16               covered product produced by another supplier;

17               (3) owns a brand that it licenses or licensed to  
18               another person for use on a covered product sold in the  
19               State;

20               (4) imports a covered product manufactured by a person  
21               without a presence in the United States into the United  
22               States for sale in the United States;

23               (5) manufactures a covered product for sale in the  
24               State without affixing a brand name; or

25               (6) is the manufacturer of a covered product sold,  
26               offered for sale, or distributed in or into this State, as



1 defined in this Section, except if another party has  
2 contractually accepted responsibility as a responsible  
3 manufacturer and has joined a stewardship organization as  
4 the manufacturer for that covered product.

5 "Manufacturer" does not include a person who  
6 manufacturers, sells, licenses, or imports less than  
7 \$5,000,000 of covered products in or into the United States in  
8 a program year and provides documentation on an annual basis  
9 with a stewardship organization that it is not a manufacturer  
10 as defined by this Act.

11 "Orphan covered product" means a covered product for which  
12 no manufacturer can be identified.

13 "Person" has the meaning given to that term in Section  
14 3.315 of the Environmental Protection Act.

15 "Premium collection service" means collection service  
16 provided at a location that is not a collection site such as  
17 at-home pickup service, including curbside pickup service.

18 "Program year" means a calendar year. The first program  
19 year is 2027.

20 "Retailer" means a person who first sells, through any  
21 means, including a sales outlet, catalog, the Internet, or  
22 electronic means, a covered product to a customer for  
23 residential use or any permanent establishment where  
24 merchandise is displayed, held, stored, or offered for sale to  
25 the public.

26 "Stewardship organization" means a manufacturer that

1 directly implements a stewardship program required under this  
2 Act, a corporation designated by a manufacturer or group of  
3 manufacturers to implement a stewardship program under this  
4 Act, or a nonprofit organization designated by a manufacturer  
5 or group of manufacturers to implement a stewardship program  
6 under this Act.

7 "Stewardship plan" means a plan developed by a  
8 manufacturer or a stewardship organization that is consistent  
9 with this Act and approved by the Agency. "Stewardship  
10 program" means a program implemented by a stewardship  
11 organization consistent with this Act and the approved  
12 stewardship plan.

13 "Transfer facility" has the meaning given to that term in  
14 35 Ill. Adm. Code 723.112.

15 "Transfer station" has the meaning given to that term in  
16 Section 3.500 of the Environmental Protection Act.

17 "Transportation cost" means the cost associated with  
18 loading and shipping covered products to a transfer station,  
19 transfer facility, or final disposition location.

20 Section 15. Requirement that manufacturers implement a  
21 stewardship program.

22 (a) Beginning January 1, 2027, a manufacturer selling,  
23 making available for sale, or distributing covered products in  
24 or into the State of Illinois shall participate in the  
25 approved stewardship plan.

1 (b) Beginning January 1, 2027, no manufacturer shall sell  
2 covered products covered by this Act in or into the State who  
3 does not participate in a stewardship organization and  
4 stewardship plan.

5 (c) Beginning January 1, 2027, no manufacturer shall sell  
6 covered products covered by this Act unless the product is  
7 labeled with a brand and the original manufacturer is  
8 identified on the label.

9 Section 20. Manufacturer obligations.

10 (a) A manufacturer shall establish, fund, and implement a  
11 stewardship program individually or collectively as part of a  
12 stewardship organization. The proportion of funding by  
13 manufacturers shall be:

14 (1) 100% of the collection cost for all collection  
15 sites in an approved stewardship program; and

16 (2) 50% of the transportation cost and disposal cost  
17 for covered products and orphan covered products in  
18 program year 2027, 60% in 2028, 70% in 2029, 80% in 2030  
19 and thereafter manufacturers shall be responsible for 90%  
20 of the transportation cost and disposal cost for covered  
21 products and orphan covered products unless the Agency is  
22 not appropriated funding by the State in which case  
23 manufacturers shall be responsible for 100% of the  
24 transportation cost and disposal cost; and

25 (3) 100% of the collection cost, transportation cost,

1 and disposal cost for collection sites operated by the  
2 stewardship organization.

3 (b) If there is more than one stewardship organization  
4 representing manufacturers, manufacturers shall jointly submit  
5 a single stewardship plan that meets the requirements of  
6 Section 40 and a single annual report that meets the  
7 requirements of Section 55.

8 (c) If there is more than one stewardship organization,  
9 manufacturers shall designate one stewardship organization to  
10 enter into mutual agreements with collection sites.

11 (d) Each stewardship organization shall equitably allocate  
12 stewardship program costs to manufacturers participating in  
13 the stewardship program. The method of cost allocation shall  
14 be included in the stewardship plan required under Section 40.

15 (e) A manufacturer, stewardship organization, or retailer  
16 shall not charge:

17 (1) a specific point-of-sale fee to a covered entity  
18 to recoup the costs of the stewardship program; or

19 (2) a specific fee at the time the covered products  
20 are collected from a covered entity.

21 (f) A manufacturer or stewardship organization shall not  
22 charge a fee to any person collecting covered products under  
23 this Act.

24 (g) Beginning January 1, 2027, units of local government  
25 and any person with a permanent collection site, an Agency  
26 sponsored one-day collection site, or a contractually

1 obligated one-day collection site shall be included in the  
2 stewardship organization's plan and stewardship program and  
3 shall be counted toward complying with the collection  
4 requirements in Section 50. A stewardship organization must  
5 reimburse collection sites for collection costs incurred due  
6 to serving as a collection site for a stewardship program. A  
7 stewardship organization must establish a mutual agreement  
8 with each collection site and provide reimbursement for  
9 collection costs no less frequently than every 3 months.

10 (h) A stewardship organization must reimburse the Agency's  
11 contractor for transportation costs and disposal costs  
12 incurred by the Agency's contractor for the transportation  
13 cost and disposal cost incurred by the collection sites. A  
14 stewardship organization must establish a mutual agreement  
15 with the Agency and provide reimbursement to the Agency's  
16 contractor in compliance with the Agency's contract with its  
17 contractor.

18 (i) A stewardship organization must accept and fund the  
19 collection, transportation, and disposal costs associated with  
20 orphan covered products.

21 (j) A stewardship organization is not responsible for  
22 funding the cost associated with premium collection service.

23 Section 25. Manufacturer registration.

24 (a) By April 1, 2026, and by April 1 of each year  
25 thereafter for the upcoming program year, beginning with

1 program year 2027, each manufacturer who sells covered  
2 products in the State must register with a stewardship  
3 organization by submitting to the stewardship organization a  
4 list of all the brands under which the manufacturer sells or  
5 offers for sale in the State. Each stewardship organization  
6 shall subsequently register with the Agency, on a form  
7 prescribed by the Agency, and provide a list of all the brands  
8 and manufacturers covered by the stewardship organization.

9 (b) By January 1, 2027, each stewardship organization  
10 shall post on the single, coordinated website, as required by  
11 Section 40, a list of all registered manufacturers and  
12 associated brands.

13 (c) Beginning in program year 2027, a manufacturer whose  
14 covered products are sold or offered for sale in this State for  
15 the first time on or after April 1 of the program year must  
16 register with a stewardship organization within 30 days after  
17 the date the covered products are first sold or offered for  
18 sale in the State. The stewardship organization must provide  
19 the Agency the name of the manufacturer and its brand or  
20 brands, in writing, within 30 days of the date the  
21 manufacturer registered with the stewardship organization.

22 (d) Beginning in program year 2027, no manufacturer may  
23 sell or offer to sell a covered product in this State unless  
24 the manufacturer is registered and operates a stewardship  
25 program either individually or as part of a stewardship  
26 organization.

1           Section 30. Role of retailers.

2           (a) Beginning July 1, 2027, a retailer may not sell, offer  
3           for sale, distribute, or otherwise make available for sale a  
4           covered product unless the manufacturer of the covered product  
5           is identified as a participant in a stewardship organization  
6           whose stewardship plan has been approved by the Agency.

7           (b) A retailer is not in violation of the requirements of  
8           subsection (a) of this Section if the website made available  
9           under subsection (b) of Section 25 lists the manufacturer as a  
10          participant in a stewardship organization whose stewardship  
11          plan has been approved by the Agency.

12          (c) A retailer selling or offering covered products for  
13          sale in the State shall provide information to covered  
14          entities, provided by the stewardship organization, regarding  
15          available end-of-life management options for covered products.  
16          The information that a stewardship organization must make  
17          available to retailers for use by retailers must include, but  
18          is not limited to, in-store signage, written materials, and  
19          other promotional materials that retailers may use to inform  
20          customers of the available end-of-life management options for  
21          covered products.

22          Section 35. Role of collection sites.

23          (a) Collection sites must keep accurate records to  
24          demonstrate collection costs associated with the stewardship

1 program.

2 (b) Collection sites must provide data as required by a  
3 stewardship organization to comply with the requirements of  
4 Section 55.

5 Section 40. Stewardship plan components.

6 (a) By June 1, 2026, each stewardship organization must  
7 coordinate and submit to the Agency for approval a single  
8 stewardship plan for covered products. The Agency shall review  
9 and approve a plan based on whether it:

10 (1) lists each manufacturer and brand of covered  
11 products registered with each stewardship organization,  
12 including manufacturers who have contractually accepted  
13 responsibility as a manufacturer in accordance with  
14 paragraph (6) of the definition of "manufacturer" in this  
15 Act;

16 (2) provides for free, convenient, and accessible  
17 statewide access for the collection of covered products  
18 from covered entities in the State;

19 (3) describes how retailers will be made aware of  
20 their obligation to sell only covered products from  
21 manufacturers participating in an approved stewardship  
22 plan;

23 (4) describes the education and communications  
24 strategy being implemented to promote participation in the  
25 stewardship program by covered entities and provides the



1 information necessary for effective participation in the  
2 stewardship program, including the development of a single  
3 website and providing information to retailers under  
4 subsection (c) of Section 30 of this Act;

5 (5) describes the information to be provided on a  
6 single website, including, but not limited to, information  
7 about collection site locations, including a map showing  
8 the locations of all collection sites, hours of operation,  
9 contact information, and a list of acceptable covered  
10 products and nonacceptable items;

11 (6) describes efforts by manufacturers to reduce the  
12 environmental health and safety impacts of covered  
13 products;

14 (7) provides for the environmentally sound management  
15 of covered products;

16 (8) provides the name, location and permit status of  
17 final disposition facilities where covered products will  
18 be transported and the covered products managed by each  
19 final disposition facility;

20 (9) demonstrates compliance with the collection  
21 convenience standard requirements in Section 50;

22 (10) describes how data regarding the covered products  
23 collected in a program year will be reported, including  
24 independent data for each collection site regarding the  
25 amount of covered products collected and the number of  
26 covered entities that participated in the stewardship

1 program;

2 (11) describes how a stewardship organization will  
3 incorporate existing permanent collection sites and  
4 one-day collection sites into the stewardship program;

5 (12) describes the method to establish and administer  
6 a means for fully funding the stewardship program in a  
7 manner that equitably distributes the stewardship  
8 program's costs among the manufacturers that are part of  
9 each stewardship organization. For manufacturers that  
10 choose to meet the requirements of this Act individually,  
11 without joining a stewardship organization, the plan must  
12 describe the proposed method to establish and administer a  
13 means for fully funding the stewardship program; and

14 (13) describes efforts that will be made to ensure  
15 that areas designated as environmental justice communities  
16 will have convenient access to collection sites.

17 (b) A stewardship organization must submit a new  
18 stewardship plan to the Agency for approval no less than every  
19 5 years.

20 (c) A stewardship organization must provide plan  
21 amendments to the Agency for approval when proposing changes  
22 to the approved stewardship plan or when requested by the  
23 Agency due to deficiencies in the stewardship program being  
24 implemented under the stewardship plan in effect.

25 Section 45. Stewardship plan approval.

1           (a) The Agency shall approve the proposed stewardship plan  
2           if each manufacturer participating in the stewardship plan has  
3           registered under Section 25 and the stewardship plan  
4           demonstrates compliance with the requirements of Section 40.

5           (b) Within 90 days after receiving the stewardship plan,  
6           the Agency shall either approve, reject, or approve with  
7           modification the stewardship plan in writing for each  
8           stewardship organization. If the Agency rejects the  
9           stewardship plan, it shall provide the reason for the  
10          rejection in the written notification to the stewardship  
11          organization.

12          (c) No later than 60 days after receipt of a notice of  
13          rejection under subsection (b) of this Section, a revised  
14          stewardship plan must be submitted to the Agency. Within 30  
15          days after receipt of the revised stewardship plan, the Agency  
16          shall either approve or reject the revised stewardship plan in  
17          writing for the stewardship organization.

18          (d) After approval, manufacturers must, either  
19          individually or collectively as a stewardship organization,  
20          initiate operation of the stewardship program outlined in the  
21          stewardship plan no later than January 1, 2027.

22           Section 50. Collection convenience standard requirements.

23          (a) A stewardship organization implementing a stewardship  
24          plan must provide for the collection of all covered products  
25          to all covered entities on a free, continuous, and statewide

1 basis. If there is more than one stewardship organization,  
2 those stewardship organizations may coordinate and meet the  
3 requirements of this Section jointly.

4 (b) For covered products, by the beginning of program year  
5 2027, statewide collection requirements must include all  
6 permanent collection sites permitted to collect covered  
7 products as of January 1, 2027, all Agency sponsored one-day  
8 collection sites under which the Agency has an agreement to  
9 conduct one-day events, and all one-day collection sites that  
10 are contractually obligated by any person.

11 (c) For covered products, statewide collection  
12 requirements by the beginning of program year 2029 must  
13 include:

14 (1) at least one collection site that is a permanent  
15 collection site for covered products within a 15-mile  
16 radius for at least 60% of State residents; and

17 (2) at least one collection site that is a one-day  
18 collection site for covered products within a 25-mile  
19 radius for at least an additional 20% of State residents.

20 (d) For covered products, statewide collection  
21 requirements by the beginning of program year 2030 must  
22 include:

23 (1) at least one collection site that is a permanent  
24 collection site for covered products within a 15-mile  
25 radius for at least 70% of State residents; and

26 (2) at least one collection site that is a one-day

1 collection site for covered products within a 25-mile  
2 radius for at least 25% of State residents.

3 (e) Collection convenience shall be for at least the  
4 number of hours allowed by the site's Agency permit for a  
5 permanent collection site. Collection convenience for a  
6 one-day collection site shall be at least once per year or as  
7 contractually obligated and shall be at least 6 hours in  
8 length per collection event.

9 Section 55. Reporting requirements.

10 (a) By June 1, 2028, and each June 1st thereafter, each  
11 stewardship organization must coordinate and submit a single  
12 annual report to the Agency covering the preceding program  
13 year and post the annual report on its website. The report must  
14 include the following:

15 (1) an independent financial assessment of the  
16 stewardship program implemented by each stewardship  
17 organization, including a breakdown of the program's  
18 expenses, including, but not limited to, collection cost,  
19 disposal cost, transportation cost, and administrative  
20 cost;

21 (2) a summary financial statement documenting the  
22 financing of each stewardship organization's program and  
23 an analysis of program costs and expenditures. A  
24 stewardship organization implementing similar programs in  
25 other states may submit a financial statement, including

1 all other covered states, if the statement breaks out  
2 financial information pertinent to Illinois;

3 (3) a breakdown of the type and manifested weight of  
4 covered products collected by the stewardship program for  
5 each collection site and the number of covered entities  
6 who brought covered products to each collection site;

7 (4) the name and address of each collection site used  
8 to collect covered products, including an up-to-date map  
9 indicating the location of all collection sites;

10 (5) a breakdown of the final disposition of the  
11 covered products including a list of the facilities used  
12 in the disposition of the covered products that includes  
13 the name and geographic location of the facilities and any  
14 violations of environmental laws and regulations over the  
15 previous 3 years at each facility;

16 (6) an assessment of whether the collection  
17 convenience standard requirements in Section 50 have been  
18 met or not;

19 (7) a description of the education and communication  
20 efforts, including examples of marketing materials and  
21 efforts used, including an assessment of the success of  
22 the educational efforts; and

23 (8) any recommendations for changes to the stewardship  
24 program.

25 (b) Proprietary information submitted to the Agency under  
26 this Act is exempted from disclosure as provided under

1 paragraphs (g) and (mm) of subsection (1) of Section 7 of the  
2 Freedom of Information Act.

3 (c) Within 30 days after Agency approval of the annual  
4 report, the annual report shall be posted to the program  
5 website required under paragraph (5) of subsection (a) of  
6 Section 40.

7 Section 60. Fee and Agency role.

8 (a) By July 1, 2026, and by July 1 of each year thereafter,  
9 a stewardship organization shall pay to the Agency an annual  
10 fee of \$200,000. If there is more than one stewardship  
11 organization, the stewardship organizations shall equitably  
12 split the annual fee of \$200,000. The fee shall cover the  
13 Agency's full costs of implementing, administering, and  
14 enforcing this Act. The annual fee shall be deposited into the  
15 Solid Waste Management Fund to be used for costs associated  
16 with the administration of this Act.

17 (b) The responsibilities of the Agency in implementing,  
18 administering and enforcing this Act include:

19 (1) reviewing submitted stewardship plans and plan  
20 amendments and making determinations as to whether to  
21 approve the plan or plan amendment;

22 (2) reviewing annual reports submitted under Section  
23 55 within 90 days after submission to ensure compliance  
24 with that Section;

25 (3) maintaining a link on its website to the single

1 website required under paragraph (5) of subsection (a) of  
2 Section 40;

3 (4) maintaining the list of registered manufacturers  
4 on its website; and

5 (5) providing technical assistance to producers,  
6 retailers and collection sites related to the requirements  
7 of this Act.

8 Section 65. Antitrust immunity. The activities authorized  
9 by this Act require collaboration among the covered  
10 manufacturers and the collection sites. These activities will  
11 enable safe and secure collection, transportation, and  
12 disposal of covered products in Illinois and are, therefore,  
13 in the best interest of the public. The benefits of  
14 collaboration, together with active State supervision,  
15 outweigh potential adverse impacts. Therefore, the General  
16 Assembly intends to exempt State antitrust laws and provide  
17 immunity through the state action doctrine from federal  
18 antitrust laws, activities that are undertaken under this Act  
19 that might otherwise be constrained by such laws. The General  
20 Assembly does not intend to authorize any person or entity to  
21 engage in activities not provided for by this Act, and the  
22 General Assembly neither exempts nor provides immunity for  
23 such activities.

24 Section 70. Rulemaking authority. The Agency may adopt



1 rules to implement this Act.

2 Section 75. Penalties and civil actions.

3 (a) Any person who violates any provision of this Act is  
4 liable for a civil penalty of \$7,000 per violation, except  
5 that failure to pay a fee under this Act shall cause the person  
6 who fails to pay the fee to be liable for a civil penalty that  
7 is double the applicable fee.

8 (b) The penalties provided in this Section may be  
9 recovered in a civil action brought in the name of the People  
10 of the State of Illinois by the State's Attorney of the county  
11 in which the violation occurred or by the Attorney General.  
12 Any penalties collected under this Section in an action in  
13 which the Attorney General has prevailed shall be deposited  
14 into the Environmental Protection Trust Fund, to be used in  
15 accordance with the provisions of the Environmental Protection  
16 Trust Fund Act.

17 (c) The Attorney General or the State's Attorney of a  
18 county in which a violation occurs may institute a civil  
19 action for an injunction, prohibitory or mandatory, to  
20 restrain violations of this Act or to require such actions as  
21 may be necessary to address violations of this Act.

22 (d) The penalties and injunctions provided in this Act are  
23 in addition to any penalties, injunctions, or other relief  
24 provided under any other State law. Nothing in this Act bars a  
25 cause of action by the State for any other penalty,

1 injunction, or other relief provided by any other law.

2 (e) Any person who makes a false, fictitious, or  
3 fraudulent material statement, orally or in writing, to the  
4 Agency, related to or required by this Act or any rule adopted  
5 under this Act commits a Class 4 felony, and each such  
6 statement or writing shall be considered a separate Class 4  
7 felony. A person who, after being convicted under this  
8 subsection, violates this subsection a second or subsequent  
9 time commits a Class 3 felony.

10 Section 80. Collection of covered products using premium  
11 collection service. Nothing in this Act shall prevent or  
12 prohibit a person from offering or performing a fee-based,  
13 household collection of covered products provided such  
14 person's premium collection services must be performed in  
15 compliance with all applicable federal, State, and local laws  
16 and requirements, including, but not limited to, all  
17 applicable U.S. Department of Transportation laws and  
18 regulations, and all applicable provisions of the  
19 Environmental Protection Act. Such person collecting covered  
20 products may make available to the stewardship organization  
21 some or all of the covered products collected using premium  
22 collection service at no expense. After consolidation of some  
23 or all of the covered products at the person's facilities, the  
24 transport to and processing of such covered products by the  
25 stewardship organization's processors of some or all of the

1 covered products shall be at the stewardship organization's  
2 expense. The stewardship organization may count the households  
3 serviced by premium collection service toward the collection  
4 and convenience standard requirements in Section 50 of this  
5 Act.

6 Section 97. Severability. The provisions of this Act are  
7 severable under Section 1.31 of the Statute on Statutes.

8 Section 99. Effective date. This Act takes effect upon  
9 becoming law.