

SB3362



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB3362

Introduced 2/4/2026, by Sen. Mike Simmons

SYNOPSIS AS INTRODUCED:

410 ILCS 720/65
415 ILCS 151/1-50
415 ILCS 175/70

Creates the Make Polluters Pay Act. Amends the Drug Take-Back Act. Provides that any person who violates the act is liable for a civil penalty of \$10,000 (rather than \$7,000). Amends the Consumer Electronics Recycling Act. Provides that any person who violates the Act is liable for a civil penalty of \$10,000 (rather than \$7,000) Amends the Paint Stewardship Act. Provides that any person who violates the Act is liable for a civil penalty of \$10,000 (rather than \$7,000).

LRB104 19569 BDA 33017 b

A BILL FOR

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 5. The Drug Take-Back Act is amended by changing
5 Section 65 as follows:

6 (410 ILCS 720/65)

7 Sec. 65. Rules; enforcement; penalties.

8 (a) The Agency may adopt any rules it deems necessary to
9 implement and administer this Act.

10 (b) Except as otherwise provided in this Act, any person
11 who violates any provision of this Act is liable for a civil
12 penalty of \$10,000 ~~\$7,000~~ per violation per day, provided that
13 the penalty for failure to register or pay a fee under this Act
14 shall be double the applicable registration fee.

15 (c) The penalties provided for in this Section may be
16 recovered in a civil action brought in the name of the People
17 of the State of Illinois by the State's Attorney of the county
18 in which the violation occurred or by the Attorney General.
19 Any penalties collected under this Section in an action in
20 which the Attorney General has prevailed shall be deposited in
21 the Environmental Protection Trust Fund.

22 (d) The Attorney General or the State's Attorney of a
23 county in which a violation occurs may institute a civil

1 action for an injunction, prohibitory or mandatory, to
2 restrain violations of this Act or to require such actions as
3 may be necessary to address violations of this Act.

4 (e) The penalties and injunctions provided in this Act are
5 in addition to any penalties, injunctions, or other relief
6 provided under any other law. Nothing in this Act bars a cause
7 of action by the State for any other penalty, injunction, or
8 other relief provided by any other law.

9 (f) Any person who knowingly makes a false, fictitious, or
10 fraudulent material statement, orally or in writing, to the
11 Agency, related to or required by this Act or any rule adopted
12 under this Act commits a Class 4 felony, and each such
13 statement or writing shall be considered a separate Class 4
14 felony. A person who, after being convicted under this
15 subsection (f), violates this subsection (f) a second or
16 subsequent time, commits a Class 3 felony.

17 (Source: P.A. 102-1055, eff. 6-10-22.)

18 Section 10. The Consumer Electronics Recycling Act is
19 amended by changing Section 1-50 as follows:

20 (415 ILCS 151/1-50)

21 (Section scheduled to be repealed on December 31, 2031)

22 Sec. 1-50. Penalties.

23 (a) Except as otherwise provided in this Act, any person
24 who violates any provision of this Act is liable for a civil

1 penalty of \$10,000 ~~\$7,000~~ per violation, provided that the
2 penalty for failure to register or pay a fee under this Act
3 shall be double the applicable registration fee.

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

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

18 (d) A fine imposed by administrative citation pursuant to
19 Section 1-55 of this Act shall be \$1,000 per violation, plus
20 any hearing costs incurred by the Illinois Pollution Control
21 Board and the Agency. Such fines shall be made payable to the
22 Environmental Protection Trust Fund to be used in accordance
23 with the Environmental Protection Trust Fund Act.

24 (e) The penalties and injunctions provided in this Act are
25 in addition to any penalties, injunctions, or other relief
26 provided under any other law. Nothing in this Act bars a cause

1 of action by the State for any other penalty, injunction, or
2 other relief provided by any other law.

3 (f) A knowing violation of subsections (a), (b), or (c) of
4 Section 1-83 of this Act by anyone other than a residential
5 consumer is a petty offense punishable by a fine of \$500. A
6 knowing violation of subsections (a), (b), or (c) of Section
7 1-83 by a residential consumer is a petty offense punishable
8 by a fine of \$25 for a first violation; however, a subsequent
9 violation by a residential consumer is a petty offense
10 punishable by a fine of \$50.

11 (g) Any person who knowingly makes a false, fictitious, or
12 fraudulent material statement, orally or in writing, to the
13 Agency, related to or required by this Act or any rule adopted
14 under this Act commits a Class 4 felony, and each such
15 statement or writing shall be considered a separate Class 4
16 felony. A person who, after being convicted under this
17 subsection (g), violates this subsection (g) a second or
18 subsequent time, commits a Class 3 felony.

19 (Source: P.A. 100-362, eff. 8-25-17; 100-433, eff. 8-25-17.)

20 Section 15. The Paint Stewardship Act is amended by
21 changing Section 70 as follows:

22 (415 ILCS 175/70)

23 Sec. 70. Penalties.

24 (a) Any person who violates any provision of this Act is

1 liable for a civil penalty of \$10,000 ~~\$7,000~~ per violation,
2 except that the failure to register or pay a fee under this Act
3 shall cause the person who fails to register or pay the fee to
4 be liable for a civil penalty that is double the applicable
5 registration fee.

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

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

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

25 (e) Any person who knowingly makes a false, fictitious, or
26 fraudulent material statement, orally or in writing, to the

1 Agency, related to or required by this Act or any rule adopted
2 under this Act commits a Class 4 felony, and each such
3 statement or writing shall be considered a separate Class 4
4 felony. A person who, after being convicted under this
5 subsection, violates this subsection a second or subsequent
6 time commits a Class 3 felony.

7 (Source: P.A. 103-372, eff. 1-1-24.)