



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB3465

Introduced 2/5/2026, by Sen. Graciela Guzmán

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 20521 TRT 33995 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 with
20 exterior signage using inclusive language to mark the
21 individuals who shall have access ~~individual portable~~
22 ~~units are used, separate toileting facilities are not~~
23 ~~required for males and females.~~ Otherwise, toileting
24 ~~Toileting~~ facilities shall be provided based on the
25 Occupational Safety and Health Administration construction

1 sanitation standards, which are as follows:

2 (A) For 20 employees or less, one toilet facility
3 shall be provided.

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

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

8 (3) Hand cleansing units shall be provided.

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

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

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

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

19 (410 ILCS 37/10.5 new)

20 Sec. 10.5. Sanitary conditions for construction workers
21 who menstruate, express milk, or both.

22 (a) Employers in the construction industry shall provide
23 their workers who menstruate and are performing construction
24 activities on a work site with the following minimum sanitary
25 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 can be
4 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 workers;

15 (B) located in bathrooms designated for workers
16 who menstruate with exterior signage that marks the
17 individuals who shall have access, for work sites with
18 10 or more workers; or

19 (C) provided in kits for each employee who needs
20 the products.

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

24 (c) Employers in the construction industry shall provide
25 their workers who are lactating and performing construction
26 activities on a work site with reasonable accommodations upon

1 request as needed to express breast milk. Minimum reasonable
2 accommodations shall comply with this Section and the Nursing
3 Mothers in the Workplace Act. Reasonable accommodations under
4 this Section may include:

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

7 (2) a location, other than the bathroom, that is
8 convenient and sanitary for the employee to express breast
9 milk and that is private and lockable from the inside that
10 is identified by exterior signage that designates who
11 shall have access;

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

14 (4) a convenient water source for the employee to
15 clean and wash hands and milk expression equipment. The
16 water source must be in a private location near the
17 location where the breast milk is expressed.

18 (d) On multiemployer work sites, each employer is
19 responsible for ensuring that facilities for their own
20 employees are provided either directly or through agreement
21 with the prime contractor.

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

1 Sec. 15. Enforcement. Inspectors employed by
2 municipalities and counties may inspect construction sites to
3 ensure compliance with this Act. Employees of construction
4 sites may call the certified local public health agency with
5 jurisdiction over that construction site to request an
6 inspection if noncompliance with this Act is suspected.
7 Retaliation by employers is prohibited.

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

9 (410 ILCS 37/20)

10 Sec. 20. Penalty.

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

15 (b) Any owner convicted of violating the provisions of
16 this Act shall be subject to a conviction for succeeding
17 offenses for each day he or she fails or refuses to comply with
18 the provisions of this Act.

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

20 Section 99. Effective date. This Act takes effect upon
21 becoming law.