



Sen. Rachel Ventura

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1 AMENDMENT TO SENATE BILL 3518

2 AMENDMENT NO. _____. Amend Senate Bill 3518 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Deforestation-Free Illinois Act.

6 Section 2. Legislative findings.

7 (a) The General Assembly finds and declares the following:

8 (1) According to the Food and Agriculture Organization
9 of the United Nations, 31% of land on earth is covered in
10 forests, but that area is rapidly decreasing. An estimated
11 1,600,000 square miles of forest have been converted to
12 other land uses since 1990, with 42,500 square miles
13 converted annually since 2010.

14 (2) Studies show that preventing deforestation is
15 among the most cost-effective climate mitigation
16 strategies with large global mitigation benefits.

1 Preventing deforestation is also one of the few large
2 mitigation options that does not risk trade-offs to
3 solving other challenges. On the contrary, it provides
4 co-benefits, such as enhanced health, clean water, and
5 sanitation.

6 (3) Cost-effective greenhouse gas emission mitigation
7 from forests and land use can provide roughly one-third of
8 the mitigation required by 2030 to hold the increase in
9 the global average temperature below 2 degrees Celsius
10 above pre-industrial levels. Studies also suggest that
11 protecting existing forests and allowing them to mature
12 could potentially store 151.7 gigatons of carbon or about
13 a quarter of the excess carbon emissions since
14 industrialization.

15 (4) Deforestation and forest degradation generates
16 between 4.3 and 5.5 gigatons of carbon dioxide equivalent
17 emissions annually. This amount is between 7% and 10% of
18 all carbon dioxide equivalent emissions from all sources
19 globally. Emissions associated with deforestation and
20 forest degradation contribute most of the 13% of total
21 anthropogenic carbon dioxide emissions attributed to
22 agriculture.

23 (5) The Intergovernmental Science-Policy Platform on
24 Biodiversity and Ecosystem Services found, in 2019, that
25 (i) the rate of global species extinction is accelerating
26 and is now tens to hundreds of times higher than the

1 average rate over the last 10,000,000 years, threatening
2 the loss of 1,000,000 species, and (ii) rampant land-use
3 change has an overwhelming relative impact on terrestrial
4 ecosystems.

5 (6) Most forest destruction is caused by a few
6 high-risk commodities, including, but not limited to,
7 cocoa, coffee, soy, palm oil, paper, rubber, and foreign
8 cattle products.

9 (b) The State should endeavor to use and purchase products
10 from supply chains that do not contribute to deforestation,
11 forest degradation, and interrelated human rights abuses.

12 Section 3. Definitions. As used in this Act:

13 "Beef" means any product that contains beef as an
14 ingredient.

15 "Cocoa" means any product that contains chocolate, cocoa,
16 or cocoa butter.

17 "Contractor" means any person or entity that receives
18 grant moneys from the State or has a contract with a State
19 agency for any of the following:

20 (1) public works or improvements;

21 (2) a franchise, concession, or lease of property; or

22 (3) goods and services or supplies to be purchased at
23 the expense of the State agency or to be paid for out of
24 moneys deposited into the State treasury or out of trust
25 fund moneys that are under the control of or collected by

1 the State agency.

2 "Deforestation" means direct, human-induced conversion of
3 forest to a tree plantation or other agricultural or
4 non-forest land use.

5 "Foreign beef" means beef that does not qualify for the
6 voluntary "Product of U.S.A." label under rules adopted by the
7 Food Safety and Inspection Service of the U.S. Department of
8 Agriculture.

9 "Forest degradation" means changes to forest structure
10 that result from human intervention and negatively impact
11 species composition or natural ecological functions, as
12 indicated by factors, including reductions in carbon storage
13 and other ecosystem services, abundance of native species, or
14 distribution of trees by age class.

15 "Forest-risk commodity" means:

16 (1) any commodity, including any agricultural or
17 nonagricultural commodity, whether in raw or processed
18 form, that is commonly extracted from or grown, derived,
19 harvested, reared, or produced on land where deforestation
20 or primary forest or old-growth forest degradation has
21 occurred or is likely to occur; or

22 (2) any product derived from a product described in
23 paragraph (1).

24 "Forest-risk commodity" includes cocoa and foreign beef.

25 "Illinois State product" means:

26 (1) a product that is grown, harvested, or produced in

1 this State; or

2 (2) a product that is processed inside or outside of
3 this State comprising over 51%, by weight or volume, raw
4 materials that are grown, harvested, or produced in this
5 State.

6 "Industrial development" means the processes and
7 operations involved in the large-scale production of goods,
8 including, but not limited to, manufacturing, processing,
9 warehousing, transporting, or repairing. "Industrial
10 development" also means the creation of facilities and
11 transportation infrastructure for these activities, such as
12 power generation, ship building, road development, and waste
13 storage and treatment.

14 "Large contractor" means any contractor whose annual
15 revenue, or that of its parent company, is equal to or greater
16 than \$100,000,000.

17 "Master contract" has the meaning given to that term in
18 Section 1-15.47 of the Illinois Procurement Code.

19 "Medium-sized business" means a business that operates in
20 this State, is independently owned and operated, not dominant
21 in its field, and employs between 100 and 500 persons.

22 "Minority-owned business" has the meaning given to that
23 term in Section 2 of the Business Enterprise for Minorities,
24 Women, and Persons with Disabilities Act.

25 "Old-growth forest" means a forest ecosystem distinguished
26 by old trees and related structural attributes, encompassing

1 the later stages of stand development that typically differ
2 from earlier stages in a variety of characteristics, which may
3 include advanced tree size, accumulations of large dead woody
4 material, multiple canopy layers, later successional species
5 composition, and ecosystem function. In the United States, the
6 attributes of old-growth forests vary depending on forest
7 type, geography and history, but typically contain trees that
8 are over 120 years of age and at least 40 centimeters in
9 diameter.

10 "Peat" means a soil that is rich in organic matter
11 composed of partially decomposed and decaying plant materials,
12 and comprises 40 centimeters of the top 100 centimeters of the
13 soil profile.

14 "Peatlands" means wetlands with a layer of peat.
15 "Peatlands" includes moors, bogs, mires, peat swamp forests,
16 and permafrost tundra.

17 "Primary forest" or "pre-industrial forest" means a forest
18 that has never been disturbed by industrial development or
19 large-scale harvesting and has developed following natural
20 disturbances and under natural processes, regardless of its
21 age. "Primary forest" includes a forest in any geography that
22 has experienced nonindustrial-scale human impacts, including
23 traditional or subsistence activities carried out by
24 indigenous communities.

25 "Recovered fiber" means postconsumer fiber such as paper,
26 paperboard, and fibrous materials from places including retail

1 stores, office buildings, and homes, after having passed
2 through its end usage, including used corrugated boxes, old
3 newspapers, old magazines, mixed waste paper, tabulating
4 cards, and used cordage, and all paper, paperboard, and
5 fibrous materials that enter and are collected from municipal
6 solid waste and manufacturing waste, such as dry paper and
7 paperboard waste generated after completion of the papermaking
8 process, including envelope cuttings, bindery trimmings, and
9 other paper and paperboard waste resulting from printing,
10 cutting, forming, and other converting operations, bag, box,
11 and carton manufacturing wastes, and butt rolls, mill
12 wrappers, and rejected unused stock, and repulped finished
13 paper and paperboard from obsolete inventories of paper and
14 paperboard manufacturers, merchants, wholesalers, dealers,
15 printers, converters, and others.

16 "Small business" has the meaning given to that term in
17 Section 45-45 of the Illinois Procurement Code.

18 "State agency" has the meaning given to that term in
19 Section 1-15.100 of the Illinois Procurement Code.

20 "Tropical forest" means a natural ecosystem within the
21 tropical regions, approximately bounded geographically by the
22 tropics of Cancer and Capricorn, but possibly affected by
23 other factors such as prevailing winds, containing native
24 species composition, structure, and ecological function, with
25 a tree canopy cover of more than 10% over an area of at least
26 0.5 hectares. "Tropical forest" includes all of the following:

1 (i) human-managed tropical forests or partially degraded
2 tropical forests that are regenerating; and (ii) tropical
3 forests identified by multi-objective conservation-based
4 assessment methodologies, such as High Conservation Value
5 areas (HCV), as defined by the HCV Resource Network, or High
6 Carbon Stock Forests, as defined by the High Carbon Stock
7 Approach, or by another methodology with equivalent or higher
8 standards that includes primary forests and tropical peatlands
9 of any depth.

10 "Tropical hardwood" means any of the following species
11 (examples of common or trade names given in parenthesis):

- 12 (1) *Prunus Africana* (African cherry, red stinkwood);
- 13 (2) *Caryocar* species (pequi, pequiá, aji, garlic
14 tree);
- 15 (3) *Calophyllum* species (bintangor);
- 16 (4) *Cedrela* species (cedar, Spanish cedar, South
17 American cedar);
- 18 (5) *Neobalanocarpus Heimii* (chengal);
- 19 (6) *Octomeles Sumatrana* (Benuang);
- 20 (7) *Myroxylon Balsamum* (balsamo);
- 21 (8) *Apuleia* species (garapa, garapeira);
- 22 (9) *Parastemon Urophyllus* (malas);
- 23 (10) *Spicatus Ridley Hopea* species (merawan);
- 24 (11) *Araucaria Araucana* (monkey puzzle, Chilean pine);
- 25 (12) *Senna Siamea* (Siamese cassia);
- 26 (13) *Pometia Pinnata* (taun);

1 (14) Millettia Leucantha, Millettia Stuhlmannii,
2 Millettia Laurentii (sathon, panga panga, wenge);

3 (15) Bulnesia Arborea, Bulnesia Sarmientoi (verawood,
4 Argentine lignum vitae);

5 (16) Tristaniopsis Laurina (water gum);

6 (17) Terminalia species (limba, afara, ofram, idigbo,
7 framire, black afara, amarillo, nargusta);

8 (18) Homalium Foetidum (malas);

9 (19) Dillenia Papuana (dillenia);

10 (20) Canarium species (red canarium, grey canarium);

11 (21) Burkrella Macropoda (rang rang);

12 (22) Dracontomelon Dao (New Guinea walnut);

13 (23) Planchonella species (white planchonella, red
14 planchonella);

15 (24) Lophopetalum species (perupok);

16 (25) Cariniana species (Colombian Mahogany, abarco,
17 jequitiba, tauari-vermelho);

18 (26) Mitragyna Ciliata (abura);

19 (27) Vouacapoua Americana (acapu);

20 (28) Amburana Cearensis (amburana, cerejeira, cumare);

21 (29) Lovoa species (African walnut, tigerwood);

22 (30) Pericopsis Elata (aformosia);

23 (31) Peltogyne species (amaranth, purpleheart);

24 (32) Pterogyne Nitens (amendoim);

25 (33) Carapa species (andiroba, crabwood);

26 (34) Aningeria species (aningeria, anegre, anigre);

- 1 (35) *Dipterocarpus* species (apitong, keruing);
- 2 (36) *Centrolobium* species (arariba);
- 3 (37) *Brosimum* species (baco, breadnut, snakewood,
- 4 letterwood, leopardwood, muirapiranga, amapa);
- 5 (38) *Ochroma Lagopus*, *Ochroma Pyramidale* (balsa);
- 6 (39) *Berlinia* species (berlinia, rose zebrano);
- 7 (40) *Symphonia Globulifera* (boarwood);
- 8 (41) *Detarium Senegalense* (boire);
- 9 (42) *Caesalpinia Echinata*, *Paubrasilia Echinata*
- 10 (Brazilwood, pernambuco);
- 11 (43) *Bertholletia Excelsa* (Brazil nut, mora);
- 12 (44) *Guibourtia* species (bubinga, African rosewood,
- 13 kevazingo, amazique);
- 14 (45) *Toona Calantas* (calantas);
- 15 (46) *Prioria copaifera* (cativo);
- 16 (47) *Ceiba Pentandra* (ceiba);
- 17 (48) *Antiaris africana* (chechen, antiaris);
- 18 (49) *Tabebuia* species (ipê, ironwood, pau d'arco,
- 19 poui, roble, lapacho, copal);
- 20 (50) *Daniellia* species (daniellia);
- 21 (51) *Cordia* species (cordia wood, bocote, ziricote,
- 22 louro, freijo);
- 23 (52) *Hymenaea* species (jatoba, Brazilian cherry,
- 24 courbaril, algarrobo, West Indian locust);
- 25 (53) *Dipteryx* species (cumaru, Brazilian teak);
- 26 (54) *Piptadeniastrum Africanum* (dahoma);

- 1 (55) Calycophyllum Candidissimum (dagame, lemonwood);
- 2 (56) Afzelia species (doussie);
- 3 (57) Diospyros species (ebony, ceylon ebony,
- 4 marblewood);
- 5 (58) Lophira Alata (ekki, azobe, red ironwood);
- 6 (59) Combretodendron Macrocarpum (esia);
- 7 (60) Chlorophora Tinctoria, Chlorophora Excelsa
- 8 (fustic, iroko, African teak);
- 9 (61) Aucoumea Klaineana (gaboon, okoume);
- 10 (62) Astronium species (muiracatiara, zebrawood,
- 11 tigerwood, goncalo alves);
- 12 (63) Chlorocardium species (greenheart);
- 13 (64) Enterolobium Cyclocarpum (guanacaste,
- 14 elephant-ear tree);
- 15 (65) Guarea species (guarea, bosse);
- 16 (66) Phoebe Porosa (imbuia, Brazilian walnut);
- 17 (67) Handroanthus species (ipe, pau d'arco, lapacho);
- 18 (68) Jacaranda Copaia (jacaranda);
- 19 (69) Machaerium Villosum (jacaranda pardo);
- 20 (70) Dyera Costulata (jelutong);
- 21 (71) Dryobalanops species (kapur, keladan);
- 22 (72) Koompassia Malaccensis (kempas);
- 23 (73) Acacia Koa (koa);
- 24 (74) Pterygota Macrocarpa (koto, African pterygota);
- 25 (75) Oxandra Lanceolata (lancewood);
- 26 (76) Shorea species (lauan, luan, lawaan, meranti,

seraya, Philippine mahogany, balau);

(77) Nothofagus Pumilio, Nothofagus Obliqua (lenga beech, roble);

(78) Guaiacum Officinale (roughbark lignum-vitae);

(79) Aniba Rosaeodora, Aniba Duckei (pau rosa);

(80) Nectandra species (louro preto);

(81) Khaya species (African mahogany);

(82) Swietenia species (mahogany, West Indian mahogany, Honduran mahogany, Cuban mahogany, big-leaf mahogany);

(83) Tieghemella Heckelii (makora);

(84) Intsia species (merbau, kwila, Borneo teak);

(85) Anisoptera species (mersawa, krabak, palosapis);

(86) Distemonanthus Benthamianus (movingui, ayan);

(87) Pterocarpus species (narra, amboyna, Papua New Guinea rosewood, mukula, kosso, zitan, hongmu, padauk, vermillion wood);

(88) Palaquium species (nyatoh);

(89) Triplochiton Scleroxylon (African whitewood, obeche, sambawawa);

(90) Nauclea Diderrichii (opepe);

(91) Balfourodendron Riedelianum (marfim);

(92) Aspidosperma species (peroba rosa);

(93) Paratecoma Peroba (peroba branca);

(94) Gonystylus species (ramin);

(95) Melanorrhoea Curtisii (rengas, Borneo rosewood);

- 1 (96) *Hevea Brasiliensis* (rubber tree);
- 2 (97) *Dalbergia* species (rosewood, Indian rosewood,
- 3 Honduras rosewood, cocobolo, granadillo, pinkwood,
- 4 tulipwood, African blackwood);
- 5 (98) *Entandrophragma cylindricum*, *Entandrophragma*
- 6 *Candollei*, *Entandrophragma Utile* (sapele, sapelli, kosipo,
- 7 omu, utile, sipo);
- 8 (99) *Acanthopanax Ricinofolius* (sen);
- 9 (100) *Goupia* species (cupiuba, kabukalli, kopie);
- 10 (101) *Juglans* species (South American walnut, Peruvian
- 11 walnut);
- 12 (102) *Sterculia Rhinopetalia* (sterculia);
- 13 (103) *Tectona Grandis* (teak);
- 14 (104) *Virola* species (virola, cumala);
- 15 (105) *Pentacme Contorta* (white lauan);
- 16 (106) *Microberlinia* species (zebrawood, zingana);
- 17 (107) *Couratari* species (tauari);
- 18 (108) *Dicorynia* species (basralocus, angelique);
- 19 (109) *Bagassa* species (tatajuba);
- 20 (110) *Eschweilera* species (manbarklak, kakaralli,
- 21 coquirana, mata-matá);
- 22 (111) *Manilkara* species (maçaranduba, bulletwood,
- 23 sapodilla, ausubo, quinilla);
- 24 (112) *Hymenolobium* species (angelim-pedra);
- 25 (113) *Vatairea* species (angelim-amargoso);
- 26 (114) *Dinizia* species (angelim-vermelho);

1 (115) Pouteria species (bullytree, aniegre, jacana,
2 nyatoh);

3 (116) Mezilaurus species (itaúba, Brazilian walnut);

4 (117) Ocotea species (stinkwood, camphorwood,
5 Brazilian walnut);

6 (118) Lecythis species (jarana, sapucaia, monkey pot,
7 wadaduri);

8 (119) Tetragastris species (barrote, amesclao); and

9 (120) Copaifera species (copaíba, podói, pau d'óleo).

10 "Tropical hardwood product" means any product that
11 contains tropical hardwood, regardless of whether it is sold
12 at wholesale or retail, including, but not limited to,
13 plywood, veneer, furniture, cabinets, paneling, siding,
14 moldings, doors, doorskins, joinery, flooring, or sawnwood.

15 "Tropical peatland" means tropical wetlands with a layer
16 of peat. "Tropical peatland" includes moors, bogs, mires, and
17 peat swamp forests.

18 "Wholly or in part" shall have the meaning given to that
19 term by rule. The term shall be defined in a manner designed to
20 limit the administrative burden on the State while maximizing
21 this Act's effectiveness at preventing deforestation and
22 primary forest and old-growth forest degradation.

23 "Women-owned business" has the meaning given to that term
24 in Section 2 of the Business Enterprise for Minorities, Women,
25 and Persons with Disabilities Act.

1 Section 4. Purchase of tropical hardwoods prohibited.

2 (a) Except as otherwise provided, on and after January 1,
3 2028, neither the State nor any State agency shall allow any
4 person having a contract with the State or with a State agency
5 to purchase, at wholesale or retail, or obtain any tropical
6 hardwood or tropical hardwood product for use in completing a
7 contract with the State or with any State agency.

8 (b) Subsection (a) shall not apply to:

9 (1) any binding contractual obligation for the
10 purchase of commodities entered into before January 1,
11 2028; or

12 (2) any grant, subvention, or contract with an agency
13 of the United States, or any instruction of an authorized
14 representative of an agency of the United States, if the
15 application of subsection (a) violates or is inconsistent
16 with the terms or conditions of the grant, subvention,
17 contract, or instruction.

18 (c) Tropical hardwood or tropical hardwood products
19 sourced via a small-scale harvesting operation by indigenous
20 communities on their traditional lands may be exempted from
21 this Section and Section 6 if the extraction rates are
22 demonstrated to be ecologically sustainable. Any exemptions
23 and associated justifications under this subsection (c) shall
24 be posted publicly in the Illinois Procurement Bulletin
25 published by the chief procurement officer appointed pursuant
26 to paragraph (4) of subsection (a) of Section 10-20 of the

1 Illinois Procurement Code and include the species of hardwood
2 and country of origin.

3 Section 6. Phase-in of forest-risk commodity procurement.

4 (a) One year after the effective date of this Act, every
5 master contract entered into by the Department of Central
6 Management Services that includes the procurement of any
7 covered product made, in whole or in part, of a covered
8 forest-risk commodity shall require the contractor to certify
9 that the product furnished to the State under the contract was
10 not extracted from, grown, derived, harvested, reared, or
11 produced on land where deforestation or primary forest or
12 old-growth forest degradation occurred. The contractor shall
13 agree to comply with this provision of the contract.

14 (b) Two years after the effective date of this Act, every
15 contract entered into by a State agency that includes the
16 procurement of any product that consists, in whole or in part,
17 of a forest-risk commodity shall require the contractor to
18 confirm that the commodity furnished to the State under the
19 contract was not extracted from, grown, derived, harvested,
20 reared, or produced on land where deforestation or primary
21 forest or old-growth forest degradation occurred on or after
22 the effective date of this Act. The contractor shall agree to
23 comply with this provision of the contract.

24 (c) With respect to a certification for foreign beef that
25 consists wholly or in part of beef that was produced on land in

1 a country where the production of beef is not a direct cause of
2 deforestation or primary or old-growth forest degradation,
3 according to scientific assessments of recent land use trends,
4 the contractor shall be required only to demonstrate that the
5 beef originated in that country.

6 (d) This Section does not apply to any grant, subvention,
7 or contract with an agency of the United States, or to any
8 instruction of an authorized representative of an agency of
9 the United States, if the application of subsection (a)
10 violates or is inconsistent with the terms or conditions of
11 the grant, subvention, contract, or instruction.

12 (e) Certified contracts shall be made available for public
13 inspection on the website of the Department of Central
14 Management Services after approval of the contract. The
15 listing must include the identity of the contractor, the
16 contract, the products certified, and the basis for its
17 certification.

18 Section 7. Compliance.

19 (a) Every bid and resulting contract award shall specify
20 that the contractor is required to cooperate fully in
21 providing access to the contractor's records, documents,
22 agents, employees, or premises if required by authorized
23 officials of the contracting State agency, the Department of
24 Central Management Services, or the Office of the Attorney
25 General to determine the contractor's compliance with the

1 requirements of this Act.

2 (b) Contractors shall exercise due diligence in ensuring
3 that their subcontractors comply with Section 6. Contractors
4 shall require each subcontractor to certify in writing that
5 the subcontractor complies with this Act.

6 Section 8. Required forest policies. In addition to the
7 requirements of Sections 6 and 7, large contractors that are
8 subject to Section 6 must confirm that they have adopted a
9 forest policy that includes, at a minimum, the following for
10 each product covered by this Act:

11 (1) procedures for identifying and mitigating the risk
12 of deforestation and primary forest and old-growth forest
13 degradation in forest-risk commodity supply chains; and

14 (2) procedures to ensure compliance with source
15 country laws regarding forest-risk commodity supply chains
16 and respect for national and international human rights
17 standards, including recognized rights of indigenous
18 peoples and local communities; the principle of Free,
19 Prior and Informed Consent; the rights and safety of local
20 environmental and human rights defenders; and the rights
21 of workers.

22 When a large contractor has received a contract award, the
23 forest policy shall be published with the award notice in
24 addition to information demonstrating implementation of the
25 policy, disaggregated by product and updated at least

1 annually, as well as publicly in the Illinois Procurement
2 Bulletin published by the chief procurement officer appointed
3 pursuant to paragraph (4) of subsection (a) of Section 10-20
4 of the Illinois Procurement Code.

5 Section 10. Violations and sanctions.

6 (a) Within 6 months after the effective date of this Act,
7 each chief procurement officer appointed pursuant to Section
8 10-20 of the Illinois Procurement Code shall establish an
9 easily accessible system through which members of the public
10 may make complaints and submit information regarding
11 violations of this Act and a mechanism to provide feedback to
12 the person making the complaint or submitting the information
13 on any action that was taken.

14 (b) If it is determined that any contractor contracting
15 with the State knew or should have known that a product made,
16 wholly or in part, of a forest-risk commodity was furnished to
17 the State in violation of Sections 4, 6, 7, or 8, the
18 contracting State agency shall issue a written notice of
19 violation and provide an opportunity for the contractor to
20 come into compliance with the Act. If, after such notice, a
21 contractor fails to come into compliance within a timeframe
22 established by the Department of Central Management Services
23 and the Capital Development Board, the contractor may have
24 either one or both of the following sanctions imposed:

25 (1) the contract under which the prohibited

1 forest-risk commodity was furnished may be terminated at
2 the option of the State agency to which the commodity was
3 furnished; or

4 (2) the contractor may be assessed a penalty that
5 shall be the greater of \$1,000 or an amount equaling 20% of
6 the value of the product that the State agency
7 demonstrates was made, wholly or in part, of a forest-risk
8 commodity and furnished to the State in violation of
9 Sections 4, 6, 7, and 8.

10 A hearing or opportunity to be heard shall be provided
11 prior to the assessment of any penalty.

12 (c) Each State agency shall report violations of this Act
13 to the chief procurement officers appointed pursuant to
14 Section 10-20 of the Illinois Procurement Code. The chief
15 procurement officers may suspend the contractor or
16 subcontractor from having a contract for supplies and services
17 subject to this Act. Suspension shall be for cause and may be
18 for a period of up to 10 years at the discretion of the
19 applicable chief procurement officer. Contractors or
20 subcontractors may be debarred in accordance with rules
21 promulgated by the chief procurement officer or as otherwise
22 provided by law.

23 Any contract subject to this Act that was procured under
24 the Illinois Procurement Code shall be subject to Section
25 50-60 of the Illinois Procurement Code.

1 Section 11. Investigation of violations.

2 (a) Any State agency that investigates a complaint against
3 a contractor or subcontractor for a violation of this Act may
4 limit its investigation to evaluating the information provided
5 by the person or entity submitting the complaint and the
6 information provided by the contractor or subcontractor.

7 (b) Whenever a contracting State agency has reason to
8 believe that the contractor failed to comply with Sections 4,
9 6, 7, and 8, the State agency may refer the matter for
10 investigation to the Office of the Attorney General.

11 Section 12. Preference for Illinois State products.

12 (a) If a contract for the purchase of a commodity or
13 product covered by this Act is to be awarded to the lowest
14 responsible bidder, an otherwise qualified bidder who is a
15 small business, medium-sized business, minority-owned
16 business, women-owned business, or who will fulfill the
17 contract through the use of Illinois State products may be
18 given preference over other bidders, as long as (i) the
19 product does not contribute to deforestation or primary forest
20 or old-growth forest degradation and (ii) the cost included in
21 the bid is not more than 10% greater than the cost included in
22 a bid that is not from a small business, medium-sized
23 business, minority-owned business, women-owned business, or
24 fulfilled through the use of Illinois State products.

25 (b) This Section shall not apply if the head of the

1 contracting State agency purchasing the products determines
2 that giving preference to bidders under this Section:

3 (1) would be against the public interest;

4 (2) would increase the cost of the contract by an
5 unreasonable amount; or

6 (3) would be impracticable because Illinois products
7 cannot be obtained in sufficient and reasonable available
8 quantities and of satisfactory quality to meet the
9 contracting State agency's requirements.

10 (c) Nothing in this Section shall be construed to conflict
11 with or otherwise limit the goals and requirements set forth
12 by Article 45 of the Illinois Procurement Code or the Business
13 Enterprise for Minorities, Women, and Persons with
14 Disabilities Act.

15 Section 14. Assessment. All work products produced under
16 Section 6 shall be made available to the public in the Illinois
17 Procurement Bulletin published by the chief procurement
18 officer appointed pursuant to paragraph (4) of subsection (a)
19 of Section 10-20 of the Illinois Procurement Code.

20 Section 16. Report. Beginning 2 years after the effective
21 date of this Act and biennially thereafter, the Director of
22 Central Management Services and the Director of the Capital
23 Development Board shall issue a report to each chief
24 procurement officer appointed pursuant to Section 10-20 of the

1 Illinois Procurement Code, the Governor, and the General
2 Assembly on the implementation of this Act.

3 Section 17. Applicability.

4 (a) This Act shall apply to all contracts entered into,
5 extended, or renewed on or after the effective date of the Act.

6 (b) If the Governor or the Director of the Department of
7 Public Health has issued a disaster declaration because of a
8 disaster, as defined in Section 4 of the Illinois Emergency
9 Management Agency Act, and compliance with the terms of this
10 Act would be impracticable because critical commodities cannot
11 be obtained in sufficient and reasonable available quantities
12 and of satisfactory quality to meet the contracting State
13 agency's requirements, then the comprehensive requirements of
14 this Act shall be suspended for a period of 60 days beginning
15 on the day of the disaster declaration, in accordance with
16 which critical commodities regulated by this Act cannot be
17 obtained in sufficient and reasonable available quantities and
18 of satisfactory quality to meet the contracting State agency's
19 requirements.

20 (c) Ongoing suspension of the comprehensive requirements
21 of this Act for terms beyond the initial 60 days must be
22 formally renewed by the Department of Central Management
23 Services and

24 (1) must be dependent upon the existence of an ongoing
25 disaster declaration as defined in Section 4 of the

1 Illinois Emergency Management Agency Act, and

2 (2) a reality where compliance with all of the terms
3 of this Act would be impracticable because critical
4 commodities cannot be obtained in sufficient and
5 reasonable available quantities and of satisfactory
6 quality to meet the contracting State agency's
7 requirements.

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