



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

SB4045

Introduced 2/6/2026, by Sen. Robert Peters

#### SYNOPSIS AS INTRODUCED:

New Act  
30 ILCS 105/5.1038 new

Creates the Building Remedies to End Abusive Tear Gas and Harmful Exposures Act. Establishes the Chemical Agent Review Board within the Department of Public Health, and sets forth the Board's membership and duties. Prohibits deployment or possession of lachrymatory agents in the State, except for limited purposes. Requires the Department to adopt rules for approval of pepper spray formulations, including safety standards, testing protocols, and restrictions on delivery mechanisms. Directs the Department to maintain a public database of approved formulations and adverse event reports. Provides for reporting of chemical irritant deployments other than for personal self-defense. Creates a private right of action and enforcement authority for the Attorney General and certain organizations, with remedies including damages, civil penalties, and injunctive relief. Establishes the Illinois Human Rights Enforcement Fund. Includes home rule limitation and severability provisions and transition and compliance periods. Amends the State Finance Act to make conforming changes. Effective immediately.

LRB104 20770 BDA 34276 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 Building Remedies to End Abusive Tear Gas and Harmful  
6 Exposures Act.

7 Section 5. Findings; purpose.

8 (a) The General Assembly finds that:

9 (1) Illinois has a compelling interest in protecting  
10 all persons within its territorial boundaries from  
11 exposure to dangerous chemical agents that cause severe  
12 pain, respiratory distress, permanent injury, and death.

13 (2) The deployment of chemical irritant agents,  
14 including tear gas and pepper spray, poses serious public  
15 health risks to Illinois residents and all persons present  
16 in Illinois, particularly vulnerable populations,  
17 including children, pregnant individuals, elderly persons,  
18 and persons with pre-existing respiratory, cardiac, or  
19 other medical conditions.

20 (3) Tear gas and other lachrymatory agents have been  
21 associated with severe injuries including permanent  
22 respiratory damage, miscarriages, vision impairment,  
23 chemical burns, and death, and present unacceptable public

1 health risks when deployed in populated areas or enclosed  
2 spaces.

3 (4) Unregulated pepper spray formulations may contain  
4 concentrations of active ingredients and additional  
5 compounds that cause injuries far exceeding their intended  
6 temporary incapacitating effect.

7 (5) Illinois law enforcement agencies have  
8 demonstrated that tear gas is unnecessary for effective  
9 crowd control and public safety operations. Public  
10 reporting indicates that since 2021, the Chicago Police  
11 Department has emphasized crowd-management strategies that  
12 avoid tear gas and successfully managed major events,  
13 including the 2024 Democratic National Convention, without  
14 resorting to tear gas or other lachrymatory agents.

15 (b) The purposes of this Act are:

16 (1) to protect all persons in Illinois from serious  
17 injury caused by dangerous chemical irritant agents;

18 (2) to establish science-based public health standards  
19 for chemical irritant agents;

20 (3) to prohibit the deployment of tear gas and other  
21 lachrymatory agents that pose unacceptable public health  
22 risks;

23 (4) to ensure that pepper spray formulations used in  
24 Illinois meet rigorous safety standards;

25 (5) to provide comprehensive remedies for persons  
26 injured by prohibited or unapproved chemical agents; and

1           (6) to ensure even enforcement of public health  
2           protections on behalf of affected communities.

3           Section 10. Definitions. As used in this Act:

4           "Approved formulation" means a pepper spray or oleoresin  
5           capsicum formulation that has received approval from the  
6           Department under this Act and for which approval is current  
7           and has not been suspended or revoked.

8           "Board" means the Chemical Agent Review Board established  
9           under Section 15 of this Act.

10          "Capsaicinoid content" means the total concentration of  
11          capsaicinoids, expressed as a percentage by weight, contained  
12          in a chemical irritant agent.

13          "Chemical irritant agent" means any substance, compound,  
14          or mixture designed, intended, or used to cause temporary or  
15          permanent incapacitation, pain, irritation, disorientation, or  
16          impairment through chemical action affecting the eyes,  
17          respiratory system, skin, or nervous system.

18          "Chemical irritant agent" includes, without limitation:

19               (1) any lachrymatory agent;

20               (2) oleoresin capsicum, pepper spray, and any  
21               capsaicinoid-based irritant; and

22               (3) any compound, mixture, or formulation marketed,  
23               labeled, or commonly known as tear gas, pepper spray,  
24               mace, or chemical agent.

25          "Chemical irritant agent" does not include common

1 household products such as cleaning agents or personal care  
2 products not specifically designed, marketed, or intended for  
3 use as incapacitating agents.

4 "Deploy" means to release, discharge, dispense, spray,  
5 apply, or cause to be released any chemical irritant agent, or  
6 to use any device or mechanism to expose any person to a  
7 chemical irritant agent.

8 "Deploy" includes both direct application to a person and  
9 area dispersal that causes or is reasonably likely to cause  
10 exposure to any person.

11 "Department" means the Department of Public Health.

12 "Interested party organization" means a not-for-profit  
13 corporation, as defined by the General Not For Profit  
14 Corporation Act of 1986, or a labor organization, as defined  
15 by 29 U.S.C. 152(5), that:

16 (1) has as a significant part of its mission the  
17 protection of civil rights, immigrant rights, civil  
18 liberties, or public health;

19 (2) has provided services to or advocated on behalf of  
20 communities in Illinois for at least one year before  
21 bringing an action under this Act; and

22 (3) has members, clients, or constituents who reside  
23 in or are present in this State.

24 "Lachrymatory agent" means any compound or substance  
25 designed or intended to cause lachrimation, eye pain, temporary  
26 blindness, or irritation of mucous membranes, and includes,

1 without limitation, tear gas, ortho-chlorobenzylidene  
2 malononitrile, chloroacetophenone, dibenzoxazepine, and any  
3 similar compound.

4 "Person" means any individual, corporation, partnership,  
5 association, governmental entity or agency, or any other legal  
6 entity.

7 Section 15. Chemical Agent Review Board.

8 (a) The Department shall establish the Chemical Agent  
9 Review Board within 90 days after the effective date of this  
10 Act. The Board shall consist of 11 members appointed by the  
11 Director of Public Health as follows:

12 (1) two members who are physicians licensed under the  
13 Medical Practice Act of 1987, at least one of whom has  
14 expertise in emergency medicine and at least one of whom  
15 has expertise in pulmonology or toxicology;

16 (2) one member who is a toxicologist with expertise in  
17 chemical exposure and public health employed by an  
18 academic institution or research organization;

19 (3) one member who is a chemist with expertise in  
20 analytical chemistry or chemical safety employed by an  
21 academic institution or research organization;

22 (4) one member who is an attorney with expertise in  
23 civil rights, constitutional law, or tort law;

24 (5) three members who represent community  
25 organizations focused on immigrant rights, police

1 accountability, civil liberties, or public health  
2 advocacy;

3 (6) one member who represents a municipal law  
4 enforcement agency in Illinois; and

5 (7) two members of the public who have no financial  
6 interest in the manufacture, sale, distribution, or use of  
7 chemical irritant agents.

8 (b) In appointing members under paragraphs (5) and (7) of  
9 subsection (a), the Director shall prioritize individuals with  
10 expertise in or experience with communities disproportionately  
11 affected by chemical irritant agent deployments.

12 (c) Members shall serve 3-year terms and may be  
13 reappointed for one additional term. Initial appointments  
14 shall be staggered so that approximately one-third of members'  
15 terms expire each year. The Director shall designate a  
16 chairperson from among the Board members.

17 (d) Board members shall receive no compensation but shall  
18 be reimbursed for reasonable travel expenses and other  
19 expenses necessarily incurred in the performance of their  
20 duties.

21 (e) The Board shall meet at least quarterly and at  
22 additional times the chairperson deems necessary. Six members  
23 shall constitute a quorum.

24 (f) The Board shall advise the Department on:

25 (1) scientific and medical criteria for evaluating  
26 pepper spray formulations;

1           (2) testing protocols and evidentiary standards for  
2 approval;

3           (3) ongoing monitoring of adverse health effects  
4 associated with approved formulations;

5           (4) review of new peer-reviewed scientific evidence  
6 regarding chemical irritant agents;

7           (5) recommendations for revision of standards and  
8 rules; and

9           (6) public health impacts of chemical irritant agent  
10 deployments in Illinois.

11          (g) The Department shall provide adequate administrative  
12 and technical support for the Board, including staff, meeting  
13 space, and resources necessary to fulfill the Board's duties.

14          (h) All meetings of the Board shall be open to the public  
15 under the Open Meetings Act, except that the Board may meet in  
16 closed session to discuss pending litigation or proprietary  
17 information as permitted by law.

18          Section 20. Prohibition on lachrymatory agents.

19          (a) Except as provided in subsection (c), no person shall  
20 deploy any lachrymatory agent in this State.

21          (b) Except as provided in subsection (c), no person shall  
22 possess any lachrymatory agent in this State for the purpose  
23 of deploying the agent in this State.

24          (c) This Section does not apply:

25           (1) if the possession or transportation of the

1 lachrymatory agent is in the course of interstate commerce  
2 and the agent is not deployed in this State;

3 (2) to possession by manufacturers, distributors, or  
4 retailers in sealed containers in the ordinary course of  
5 business, if the persons do not sell, transfer, or provide  
6 lachrymatory agents to any person for use in this State;  
7 or

8 (3) to possession of commercially available personal  
9 defense devices containing lachrymatory agents in  
10 quantities of less than 2 ounces for personal  
11 self-defense, if the lachrymatory agents are not deployed  
12 except in lawful self-defense.

13 (d) The prohibitions in this Section apply to all persons  
14 operating within or causing injury in this State.

15 Section 25. Department rulemaking for pepper spray  
16 approval.

17 (a) Within 180 days after the effective date of this Act,  
18 the Department shall adopt rules, in consultation with the  
19 Board, establishing comprehensive standards for the approval  
20 of pepper spray and oleoresin capsicum formulations. The rules  
21 shall establish:

22 (1) the maximum permissible capsaicinoid content,  
23 which shall not exceed 1.3% by weight unless an applicant  
24 demonstrates by clear and convincing peer-reviewed  
25 scientific evidence that a higher concentration is

1 necessary for legitimate law enforcement purposes and does  
2 not present unacceptable health risks to the general  
3 population or to vulnerable subpopulations;

4 (2) prohibited compounds, additives, propellants, and  
5 carriers, including:

6 (A) UV marking dyes or any substance designed to  
7 permanently mark or identify exposed individuals;

8 (B) any compound identified by the International  
9 Agency for Research on Cancer, the National Toxicology  
10 Program, or other recognized scientific authorities as  
11 a known or probable human carcinogen;

12 (C) any compound identified by recognized  
13 scientific or medical authorities as neurotoxic,  
14 mutagenic, or a reproductive toxin;

15 (D) any propellant or carrier that independently  
16 causes respiratory distress, chemical burns, or other  
17 injury beyond the intended temporary incapacitating  
18 effect of capsaicinoids; and

19 (E) any compound that impedes or delays  
20 decontamination;

21 (3) mandatory testing protocols that applicants must  
22 complete using protocols approved by the Department,  
23 including:

24 (A) testing on the effects on individuals with  
25 asthma, chronic obstructive pulmonary disease, and  
26 other respiratory conditions;

1 (B) testing on the effects on individuals with  
2 cardiovascular disease;

3 (C) testing on pregnant subjects or, if such  
4 testing is ethically prohibited, peer-reviewed  
5 literature review and risk assessment regarding  
6 effects on pregnant individuals and fetal development;

7 (D) assessment of long-term health consequences of  
8 single and repeated exposure;

9 (E) testing regarding interactions with commonly  
10 prescribed medications, including, but not limited to,  
11 anticoagulants, bronchodilators, and cardiac  
12 medications;

13 (F) testing regarding efficacy and safety of  
14 decontamination procedures;

15 (G) environmental persistence and contamination  
16 studies;

17 (H) testing regarding effects on children, elderly  
18 persons, and persons with compromised immune systems;  
19 and

20 (I) any other testing the Department determines is  
21 necessary to assess public health risks;

22 (4) restrictions on delivery mechanisms that:

23 (A) permit only targeted stream delivery  
24 mechanisms designed to affect a single individual;

25 (B) prohibit area dispersal systems, foggers,  
26 aerosol clouds, and any delivery mechanism designed or

1 reasonably likely to expose multiple persons  
2 simultaneously;

3 (C) prohibit any delivery mechanism that results  
4 in environmental contamination affecting persons not  
5 directly targeted; and

6 (D) establish maximum discharge volume and  
7 duration standards;

8 (5) application procedures, including required  
9 documentation, testing data, chemical composition  
10 disclosure, and certification by a qualified toxicologist;

11 (6) application fees, which shall not exceed the  
12 Department's reasonable costs of review and shall not  
13 create a barrier to smaller manufacturers seeking  
14 approval;

15 (7) timelines for Department review, which shall not  
16 exceed 180 days from receipt of a complete application;

17 (8) standards for approval, conditional approval, or  
18 denial, which shall prioritize public health protection;

19 (9) requirements for annual recertification, including  
20 submission of any new safety data and reports of adverse  
21 events;

22 (10) procedures for immediate suspension of approval  
23 upon evidence of serious adverse health effects not  
24 disclosed or anticipated at the time of approval; and

25 (11) public access to information regarding approved  
26 formulations, including a requirement that the Department

1 maintain a publicly accessible database containing  
2 chemical composition, testing data, adverse event reports,  
3 and approval status, subject to applicable trade secret  
4 protections that do not impair public health and safety.

5 (b) In adopting rules under this Section, the Department  
6 shall prioritize the protection of public health and shall  
7 interpret any ambiguity in favor of greater protection for  
8 vulnerable populations.

9 (c) The Department may deny approval to any formulation if  
10 the applicant fails to provide adequate testing data, if the  
11 formulation presents unacceptable health risks, or if approval  
12 would be contrary to the purposes of this Act.

13 Section 30. Approved formulations database.

14 (a) The Department shall establish and maintain a publicly  
15 accessible online database, updated within 5 business days of  
16 any change, that lists:

17 (1) all approved pepper spray formulations, identified  
18 by manufacturer name, product name or designation, and a  
19 unique approval number assigned by the Department;

20 (2) the capsaicinoid content and other active  
21 ingredients in each approved formulation;

22 (3) the approval date and expiration date for each  
23 approval;

24 (4) a summary of testing data supporting approval,  
25 including key findings regarding safety;

1           (5) any conditions, limitations, or restrictions on  
2           the approval;

3           (6) the status of each approval, including whether the  
4           approval is current, expired, suspended, or revoked; and

5           (7) a summary of any adverse event reports received  
6           regarding each approved formulation.

7           (b) The database shall be searchable by manufacturer,  
8           product name, approval number, and approval status.

9           (c) Information in the database is public information,  
10          except as provided under this subsection. The Department may  
11          withhold specific manufacturing process information that  
12          constitutes a trade secret under the Illinois Trade Secrets  
13          Act, except that no information may be withheld if disclosure  
14          is necessary to protect public health and safety or to enable  
15          enforcement of this Act.

16          Section 35. Prohibition on deployment of unapproved pepper  
17          spray.

18          (a) Beginning one year after the effective date of this  
19          Act, no person shall deploy any pepper spray, oleoresin  
20          capsicum spray, or other capsaicinoid-based chemical irritant  
21          agent in this State unless the specific formulation has been  
22          approved by the Department under this Act and the approval for  
23          the formulation is current and has not been suspended or  
24          revoked.

25          (b) Any person who deploys pepper spray in this State is

1 responsible for ensuring that the formulation deployed is an  
2 approved formulation.

3 (c) The prohibitions in this Section apply to all persons  
4 operating within or causing injury in this State.

5 (d) This Section does not apply to:

6 (1) possession or use of pepper spray by private  
7 individuals in quantities of 2 ounces or less for personal  
8 self-defense purposes only, if the use is otherwise lawful  
9 and not in connection with employment or official duties;  
10 or

11 (2) possession by manufacturers, distributors, or  
12 retailers in sealed containers in the ordinary course of  
13 business, provided that the persons do not sell, transfer,  
14 or provide unapproved formulations to any person for use  
15 in this State.

16 Section 40. Private right of action.

17 (a) Any person who suffers injury in this State, including  
18 physical injury, respiratory distress, pain and suffering,  
19 emotional distress, or property damage, as a result of  
20 deployment of a chemical irritant agent in violation of  
21 Section 20 or 35 may bring a civil action for damages and  
22 injunctive relief in any court of competent jurisdiction in  
23 this State.

24 (b) An action under this Section may be brought against:

25 (1) any person who deployed the prohibited or

1 unapproved chemical irritant agent;

2 (2) any person who ordered, directed, or authorized  
3 the deployment of the prohibited or unapproved chemical  
4 irritant agent;

5 (3) any agency, entity, or organization whose  
6 employee, agent, or contractor deployed the prohibited or  
7 unapproved chemical irritant agent while acting within the  
8 scope of employment or agency; or

9 (4) any person who provided the prohibited or  
10 unapproved chemical irritant agent to another person  
11 knowing or having reason to know it would be deployed in  
12 this State.

13 (c) Notwithstanding Section 2-1117 of the Code of Civil  
14 Procedure, defendants found liable under this Section are  
15 jointly and severally liable for all damages awarded. The  
16 trier of fact shall apportion fault among the plaintiff and  
17 all defendants for purposes of contribution, but apportionment  
18 does not limit the plaintiff's right to collect the full  
19 amount of the judgment from any defendant.

20 (d) In any action under this Section:

21 (1) The plaintiff need not prove intent, negligence,  
22 or any culpable mental state. Deployment of a prohibited  
23 or unapproved chemical irritant agent that causes injury  
24 is a strict liability tort under this State's law.

25 (2) The affirmative defense of qualified immunity or  
26 any similar immunity defense based on official capacity or

1 discretionary function is not available to any defendant.

2 (3) The plaintiff may recover:

3 (A) all actual damages, including medical  
4 expenses, lost wages, pain and suffering, and  
5 emotional distress;

6 (B) statutory damages of not less than \$5,000 per  
7 violation; each deployment that causes injury to a  
8 plaintiff shall constitute a separate violation; if a  
9 single deployment causes injury to a plaintiff on  
10 multiple occasions or results in multiple distinct  
11 injuries, each such occasion or injury may constitute  
12 a separate violation;

13 (C) punitive damages, notwithstanding the  
14 provisions of Section 2-102 of the Local Governmental  
15 and Governmental Employees Tort Immunity Act, if the  
16 defendant acted with reckless disregard for the safety  
17 of others or with knowledge that the chemical irritant  
18 agent was prohibited or unapproved;

19 (D) reasonable attorney's fees and costs,  
20 including expert witness fees; and

21 (E) injunctive relief prohibiting future  
22 violations.

23 (4) Causation is established if deployment of the  
24 prohibited or unapproved agent was a contributing factor  
25 in causing the plaintiff's injury. The plaintiff need not  
26 prove that the prohibited or unapproved nature of the

1 agent was the sole or primary cause of injury.

2 (e) The statute of limitations for actions under this  
3 Section shall be 2 years from the date of injury, or 2 years  
4 from the date the plaintiff discovers or reasonably should  
5 have discovered that the injury was caused by a prohibited or  
6 unapproved chemical irritant agent, whichever is later, but in  
7 no event more than 5 years from the date of deployment.

8 (f) Venue for actions under this Act shall be proper in any  
9 county where:

10 (1) the deployment occurred;

11 (2) the injury occurred;

12 (3) the plaintiff resides; or

13 (4) any defendant resides or maintains a principal  
14 place of business.

15 (g) Nothing in this Section shall be construed to modify  
16 or limit defenses or immunities available under the Local  
17 Governmental and Governmental Employees Tort Immunity Act,  
18 except as expressly provided in subparagraph (C) of paragraph  
19 (3) of subsection (d) of this Section.

20 Section 45. Interested party organization standing and  
21 enforcement actions.

22 (a) Upon a reasonable belief that any person or entity is  
23 in violation of Section 20 or 35, an interested party  
24 organization may bring a civil action in the county where the  
25 alleged violation occurred or where any party to the action

1 resides, in the name of the State or for the benefit of any  
2 impacted persons.

3 (1) No later than 30 days after filing an action, the  
4 interested party organization shall serve upon the State  
5 through the Attorney General a copy of the complaint and  
6 written disclosure of substantially all material evidence  
7 and information the interested party organization  
8 possesses.

9 (2) The State may elect to intervene and proceed with  
10 the action no later than 60 days after it receives both the  
11 complaint and the material evidence and information. The  
12 State may, for good cause shown, move the court for an  
13 extension of the time to intervene and proceed with the  
14 action.

15 (3) Before the expiration of the 60-day period or any  
16 extensions under paragraph (2), the State shall:

17 (A) proceed with the action, in which case the  
18 action shall be conducted by the State; or

19 (B) notify the court that it declines to take the  
20 action, in which case the interested party  
21 organization bringing the action shall have the right  
22 to conduct the action.

23 (4) When the State conducts the action, the interested  
24 party organization shall have the right to continue as a  
25 party to the action subject to the following limitations:

26 (A) the State may dismiss the action

1           notwithstanding the objections of the interested party  
2           organization initiating the action if the interested  
3           party organization has been notified by the State of  
4           the filing of the motion and the court has provided the  
5           interested party organization with an opportunity for  
6           a hearing on the motion; and

7                   (B) the State may settle the action with the  
8           defendant notwithstanding the objections of the  
9           interested party organization initiating the action if  
10          the court determines, after a hearing, that the  
11          proposed settlement is fair, adequate, and reasonable  
12          under all the circumstances.

13          (5) If an interested party organization brings an  
14          action under this Section, no person other than the State  
15          may intervene or bring a related action on behalf of the  
16          State based on the facts underlying the pending action.

17          (6) An action brought in court by an interested party  
18          organization under this Section may be dismissed only if  
19          the court and the Office of the Attorney General give  
20          written consent to the dismissal and their reasons for  
21          consenting.

22          (b) Any claim or action filed by an interested party  
23          organization under this Section shall be made no later than 3  
24          years after the alleged conduct resulting in the complaint,  
25          plus any period for which the limitations period has been  
26          tolled.

1 (c) In an action brought by an interested party  
2 organization under this Section, an interested party  
3 organization may seek the following relief:

4 (1) temporary, preliminary, or permanent injunctive  
5 relief prohibiting violations of this Act;

6 (2) declaratory relief;

7 (3) civil penalties of not less than \$10,000 per  
8 violation.

9 For purposes of paragraph (3) of this subsection (c), each  
10 deployment of a prohibited or unapproved chemical irritant  
11 agent constitutes a separate violation. If a defendant has  
12 engaged in a pattern and practice of violations, the court may  
13 award enhanced civil penalties of up to \$50,000 per violation.

14 (d) An interested party organization that prevails in a  
15 civil action under this Section shall receive:

16 (1) 20% of any civil penalties assessed, to be used  
17 for enforcement activities, community education regarding  
18 rights under this Act, and provision of services to  
19 affected communities; and

20 (2) reasonable attorney's fees and costs, including  
21 expert witness fees.

22 (e) The remaining 80% of any civil penalties assessed  
23 under this Section shall be deposited into the Illinois Human  
24 Rights Enforcement Fund established in subsection (c) of  
25 Section 50 of this Act.

26 (f) An interested party organization may recover for a

1 violation of this Act under this Section at the interested  
2 party organization's option, but may not recover under more  
3 than one Section. An interested party organization's action  
4 under this Section does not preclude any individual from  
5 bringing a private action under Section 40 of this Act.

6 (g) Venue for actions under this Section shall be proper  
7 in any county where:

8 (1) a violation occurred;

9 (2) the interested party organization maintains an  
10 office; or

11 (3) any defendant resides or maintains a principal  
12 place of business.

13 Section 50. Attorney General enforcement and Illinois  
14 Human Rights Enforcement Fund.

15 (a) The Attorney General may bring a civil action to  
16 enforce this Act pursuant to the authority conferred by  
17 Section 6.3 of the Attorney General Act, including actions for  
18 injunctive relief, civil penalties, and restitution to  
19 affected persons.

20 (b) In an action brought by the Attorney General under  
21 this Section, the court may award:

22 (1) temporary, preliminary, or permanent injunctive  
23 relief prohibiting violations of this Act;

24 (2) declaratory relief;

25 (3) civil penalties of not less than \$10,000 per

1 violation;

2 (4) restitution to persons injured by violations of  
3 this Act; and

4 (5) reasonable costs of investigation and litigation.

5 For purposes of paragraph (3) of this subsection (b), each  
6 deployment of a prohibited or unapproved chemical irritant  
7 agent constitutes a separate violation. If a defendant has  
8 engaged in a pattern and practice of violations, the court may  
9 award enhanced civil penalties of up to \$50,000 per violation.

10 (c) The Illinois Human Rights Enforcement Fund is created  
11 as a special fund in the State treasury. Civil penalties  
12 recovered by the Attorney General under this Section and civil  
13 penalties deposited under Section 45 shall be deposited into  
14 the Illinois Human Rights Enforcement Fund.

15 (d) Moneys in the Illinois Human Rights Enforcement Fund  
16 shall be used, subject to appropriation, for the following  
17 purposes:

18 (1) investigation and prosecution of violations of  
19 civil rights, human rights, and constitutional  
20 protections, including, but not limited to, protections  
21 under the Illinois Constitution, the Illinois Human Rights  
22 Act, this Act, and any other statute or common law  
23 doctrine protecting individual rights and dignity;

24 (2) restitution to persons injured by violations of  
25 civil rights, human rights, and constitutional  
26 protections, including, but not limited to, protections

1 under the Illinois Constitution, the Illinois Human Rights  
2 Act, this Act, and any other statute or common law  
3 doctrine protecting individual rights and dignity;

4 (3) public education regarding civil rights, human  
5 rights, and constitutional protections, including, but not  
6 limited to, protections under the Illinois Constitution,  
7 the Illinois Human Rights Act, this Act, and any other  
8 statute or common law doctrine protecting individual  
9 rights and dignity;

10 (4) grants to community-based organizations for legal  
11 assistance, advocacy, and education related to civil  
12 rights, human rights, and constitutional protections,  
13 including, but not limited to, protections under the  
14 Illinois Constitution, the Illinois Human Rights Act, this  
15 Act, and any other statute or common law doctrine  
16 protecting individual rights and dignity; and

17 (5) support for medical treatment, mental health  
18 counseling, and other services for persons injured by  
19 violations of civil rights, human rights, and  
20 constitutional protections, including, but not limited to,  
21 protections under the Illinois Constitution, the Illinois  
22 Human Rights Act, this Act, and any other statute or  
23 common law doctrine protecting individual rights and  
24 dignity.

25 (e) Actions brought by the Attorney General under this  
26 Section do not preclude private actions under Section 40 or

1 interested party organization actions under Section 45 of this  
2 Act.

3 (f) Venue for actions under this Section shall be proper  
4 in any county where a violation occurred or where any  
5 defendant resides or maintains a principal place of business.

6 Section 55. Reporting requirements.

7 (a) Any person who deploys a chemical irritant agent in  
8 this State, other than for personal self-defense as permitted  
9 under this Act, shall report the deployment to the Department  
10 within 48 hours. The report shall include:

11 (1) the date, time, and location of the deployment;

12 (2) the chemical irritant agent used, including  
13 manufacturer and product identification;

14 (3) the circumstances necessitating deployment;

15 (4) the number of persons estimated to have been  
16 exposed;

17 (5) any known injuries resulting from the deployment;

18 and

19 (6) the name and contact information of the person  
20 making the report.

21 (b) The Department shall maintain a public database of all  
22 deployment reports received under this Section, updated  
23 monthly. The database shall exclude personal identifying  
24 information of individuals exposed but shall include aggregate  
25 data on deployments, injuries, and agents used.

1           (c) Failure to report as required by this Section does not  
2 affect civil liability under Sections 40 and 45 of this Act but  
3 may be considered by a court as evidence of recklessness or  
4 disregard for public safety.

5           (d) A report submitted under this Section is inadmissible  
6 against the reporting individual in any criminal proceeding,  
7 except in a prosecution for perjury or false statements made  
8 in the report.

9           Section 60. Home rule. The regulation and certification of  
10 chemical irritant agents and the creation of civil remedies  
11 for injuries arising from their deployment are exclusive  
12 powers and functions of the State. A home rule unit may not  
13 regulate or certify chemical irritant agents or create or  
14 alter civil remedies for injuries arising from their  
15 deployment. This Section is a denial and limitation of home  
16 rule powers and functions under subsection (h) of Section 6 of  
17 Article VII of the Illinois Constitution.

18           Section 65. Transition; compliance period.

19           (a) The prohibitions under Section 20 concerning  
20 lachrymatory agents apply beginning 180 days after the  
21 effective date of this Act.

22           (b) The prohibitions under Section 35 concerning  
23 unapproved pepper spray formulations apply beginning one year  
24 after the effective date of this Act.

1           (c) The civil liability provisions under Sections 40 and  
2 45 apply to all violations occurring on or after the dates  
3 specified in subsections (a) and (b).

4           (d) Nothing in this Act affects civil liability under  
5 common law or other statutory law for deployments occurring  
6 before the applicable dates under this Section.

7           Section 90. The State Finance Act is amended by adding  
8 Section 5.1038 as follows:

9           (30 ILCS 105/5.1038 new)

10           Sec. 5.1038. The Illinois Human Rights Enforcement Fund.

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

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