



Rep. Jennifer Gong-Gershowitz

Filed: 1/31/2022

10200HB1780ham001

LRB102 13555 CPF 35681 a

1 AMENDMENT TO HOUSE BILL 1780

2 AMENDMENT NO. _____. Amend House Bill 1780 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the Drug
5 Take-Back Act.

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

7 (1) A safe system for the collection and disposal of
8 unused, unwanted, and expired medicines is a key element
9 of a comprehensive strategy to prevent prescription drug
10 abuse and pharmaceutical pollution. Home medicine cabinets
11 are full of unused and expired prescription drugs, only a
12 fraction of which get disposed of properly.

13 (2) Storing unused, unwanted, or expired medicines can
14 lead to accidental poisoning, drug abuse, and even drug
15 trafficking, but disposing of medicines by flushing them
16 down the toilet or placing them in the garbage can

1 contaminate groundwater and other bodies of water,
2 contributing to long-term harm to the environment and
3 animal life.

4 (3) Manufacturers of these drugs hold the ultimate
5 responsibility for the lasting impacts of the drugs they
6 produce.

7 (4) The General Assembly therefore finds that it is in
8 the interest of public health and environmental protection
9 to establish a single, uniform, statewide system of
10 regulation for safe and secure collection and disposal of
11 medicines through a uniform drug "take-back" program
12 operated and funded by drug manufacturers.

13 Section 10. Definitions. In this Act:

14 "Agency" means the Environmental Protection Agency.

15 "Authorized collector" means any of the following who
16 collect covered drugs through participation in a drug
17 take-back program:

18 (1) a person who is registered with the United States
19 Drug Enforcement Administration to collect controlled
20 substances for the purpose of destruction;

21 (2) a law enforcement agency;

22 (3) a unit of local government working in conjunction
23 with a law enforcement agency; or

24 (4) a household waste drop-off point or one-day
25 household waste collection event, as those terms are

1 defined in Section 22.55 of the Environmental Protection
2 Act.

3 "Collection site" means the location where an authorized
4 collector collects covered drugs as part of a drug take-back
5 program under this Act.

6 "Consumer" means a person who possesses a covered drug for
7 personal use or for the use of a member of the person's
8 household.

9 "Covered drug" means a legend drug, nonlegend drug, brand
10 name drug, or generic drug. "Covered drug" does not include:

11 (1) a dietary supplement as defined by 21 U.S.C. 321
12 (ff);

13 (2) drugs that are defined as Schedule I controlled
14 substances under the Illinois Controlled Substances Act or
15 the federal Controlled Substances Act;

16 (3) personal care products, including, but not limited
17 to, cosmetics, shampoos, sunscreens, lip balms,
18 toothpastes, and antiperspirants, that are regulated as
19 both cosmetics and nonprescription drugs under the federal
20 Food, Drug, and Cosmetic Act, 21 U.S.C. 301.

21 (4) drugs for which manufacturers provide a
22 pharmaceutical product stewardship or drug take-back
23 program as part of a federal managed risk evaluation and
24 mitigation strategy under 21 U.S.C. 355-1;

25 (5) biological products, as defined by 42 U.S.C.
26 262(i)(1);

1 (6) drugs that are administered in a clinical setting;

2 (7) emptied injector products or emptied medical
3 devices and their component parts or accessories;

4 (8) needles or sharps;

5 (9) pet pesticide products contained in pet collars,
6 powders, shampoos, topical applications, or other forms;
7 or

8 (10) dialysate drugs or other saline solutions
9 required to perform kidney dialysis.

10 "Covered manufacturer" means a manufacturer of a covered
11 drug that is sold or offered for sale in Illinois. "Covered
12 manufacturer" does not include a pharmacy.

13 "Drug" has the same meaning as defined in Section 2.4 of
14 the Illinois Food, Drug and Cosmetic Act.

15 "Drug take-back program" means a program implemented under
16 this Act by a manufacturer program operator for the
17 collection, transportation, and disposal of covered drugs.

18 "Generic drug" means a drug determined to be
19 therapeutically equivalent to a brand name drug by the United
20 States Food and Drug Administration and that is available for
21 substitution in Illinois in accordance with the Illinois Food,
22 Drug and Cosmetic Act and the Pharmacy Practice Act.

23 "Legend drug" has the same meaning as defined in Section
24 3.23 of the Illinois Food, Drug and Cosmetic Act.

25 "Manufacturer program operator" means a covered
26 manufacturer, a group of covered manufacturers, or an entity

1 acting on behalf of a covered manufacturer or group of covered
2 manufacturers, that implements a drug take-back program.

3 "Medical practitioner" has the same meaning as defined in
4 Section 3.23 of the Illinois Food, Drug and Cosmetic Act.

5 "Nonlegend drug" means a drug that does not require
6 dispensing by prescription and which is not restricted to use
7 by practitioners only.

8 "Person" means any individual, partnership,
9 co-partnership, firm, company, limited liability company,
10 corporation, association, joint stock company, trust, estate,
11 political subdivision, State agency, or any other legal
12 entity, or their legal representative, agent, or assign.

13 "Pharmacy" has the meaning provided in Section 3 of the
14 Pharmacy Practice Act. A "pharmacy" is not a covered
15 manufacturer.

16 "Potential authorized collector" means a person who is
17 eligible to be an authorized collector by participating in a
18 drug take-back program.

19 "Prescription drug" has the same meaning as defined in
20 Section 2.37 of the Illinois Food, Drug and Cosmetic Act.

21 "Private label distributor" has the same meaning as
22 defined in 21 CFR 207.1.

23 "Program year" means a calendar year, except that the
24 first program year is from January 1, 2024 through December
25 31, 2024.

26 "Proprietary information" means information that is

1 submitted under this Act.

2 "Repackager" means a repacker as that term is defined in
3 21 CFR 207.1.

4 Section 15. Participation in a drug take-back program.
5 Each covered manufacturer must, beginning January 1, 2024 or 6
6 months after becoming a covered manufacturer, whichever is
7 later, individually or collectively implement an approved drug
8 take-back program that complies with the requirements of this
9 Act. A covered manufacturer must establish, fund, and
10 implement a drug take-back program independently or as part of
11 a group of covered manufacturers.

12 Section 20. Identification of covered manufacturers.

13 (a) No later than April 1, 2023, each pharmacy, private
14 label distributor, and repackager that sells or offers for
15 sale in Illinois, under its own label, a covered drug must
16 provide written notification to the Agency identifying the
17 covered manufacturer from which the covered drug is obtained.

18 (b) All covered manufacturers of covered drugs sold or
19 offered for sale in Illinois must register with the Agency and
20 pay to the Agency the annual registration fee as set forth
21 under Section 60.

22 Section 25. Drug take-back program requirements.

23 (a) At least 120 days prior to submitting a proposal under

1 Section 35, a manufacturer program operator must notify
2 potential authorized collectors of the opportunity to serve as
3 an authorized collector for the proposed drug take-back
4 program. No later than 30 days after a potential authorized
5 collector expresses interest in participating in a proposed
6 program, the manufacturer program operator must commence good
7 faith negotiations with the potential authorized collector
8 regarding the collector's participation in the program.

9 (b) A person may serve as an authorized collector for a
10 drug take-back program voluntarily or in exchange for
11 compensation. Nothing in this Act requires any person to serve
12 as an authorized collector for a drug take-back program.

13 (c) A pharmacy shall not be required to participate in a
14 drug take-back program.

15 (d) A drug take-back program must include as a collector
16 any person who (i) is a potential authorized collector and
17 (ii) offers to participate in the program. The manufacturer
18 program operator must include the person in the program as an
19 authorized collector no later than 90 days after receiving a
20 written offer to participate.

21 (e) A drug take-back program must pay for all
22 administrative and operational costs of the drug take-back
23 program, as outlined in subsection (a) of Section 55.

24 (f) An authorized collector operating a drug take-back
25 program collection site must accept all covered drugs from
26 consumers during the hours that the location used as a

1 collection site is normally open for business to the public.

2 (g) A drug take-back program collection site must collect
3 covered drugs and store them in compliance with State and
4 federal law, including United States Drug Enforcement
5 Administration regulations. The manufacturer program operator
6 must provide for transportation and disposal of collected
7 covered drugs in a manner that ensures each collection site is
8 serviced as often as necessary to avoid reaching capacity and
9 that collected covered drugs are transported to final disposal
10 in a manner compliant with State and federal law, including a
11 process for additional prompt collection service upon
12 notification from the collection site. Covered drugs shall be
13 disposed of at:

14 (1) a permitted hazardous waste facility that meets
15 the requirements under 40 CFR 264 and 40 CFR 265;

16 (2) a permitted municipal waste incinerator that meets
17 the requirements under 40 CFR 50 and 40 CFR 62; or

18 (3) a permitted hospital, medical, and infectious
19 waste incinerator that meets the requirements under
20 subpart Hhh of 40 CFR part 62, an applicable State plan for
21 existing hospital, medical, and infectious waste
22 incinerators, or subpart EC of 40 CFR part 60 for new
23 hospital, medical, and infectious waste incinerators.

24 (h) Authorized collectors must comply with all State and
25 federal laws and regulations governing the collection,
26 storage, and disposal of covered drugs, including United

1 States Drug Enforcement Administration regulations.

2 (i) A drug take-back program must provide for the
3 collection, transportation, and disposal of covered drugs on
4 an ongoing, year-round basis and must provide access for
5 residents across the State as set forth in subsection (j).

6 (j) A drug take-back program shall provide, in every
7 county with a potential authorized collector, one authorized
8 collection site and a minimum of at least one additional
9 collection site for every 50,000 county residents, provided
10 that there are enough potential authorized collectors offering
11 to participate in the drug take-back program.

12 All potential authorized collection sites that offer to
13 participate in a drug take-back program shall be counted
14 towards meeting the minimum number of authorized collection
15 sites within a drug take-back program. Collection sites funded
16 in part or in whole under a contract between a covered
17 manufacturer and a pharmacy entered into on or before the
18 effective date of this Act shall be counted towards the
19 minimum requirements within this Section for so long as the
20 contract continues.

21 (k) A drug take-back program may include mail-back
22 distribution locations or periodic collection events for each
23 county in the State. The manufacturer program operator shall
24 consult with each county authority identified in the written
25 notice prior to preparing the program plan to determine the
26 role that mail-back distribution locations or periodic

1 collection events will have in the drug take-back program.

2 The requirement to hold periodic collection events shall
3 be deemed to be satisfied if a manufacturer program operator
4 makes reasonable efforts to arrange periodic collection events
5 but they cannot be scheduled due to lack of law enforcement
6 availability.

7 A drug take-back program must permit a consumer who is a
8 homeless, homebound, or disabled individual to request
9 prepaid, preaddressed mailing envelopes. A manufacturer
10 program operator shall accept the request through a website
11 and toll-free telephone number that it must maintain to comply
12 with the requests.

13 Section 30. Manufacturer program operator requirements. A
14 manufacturer program operator shall:

15 (1) Adopt policies and procedures to be followed by
16 persons handling covered drugs collected under the program
17 to ensure compliance with State and federal laws, rules,
18 and regulations, including regulations adopted by the
19 United States Drug Enforcement Administration.

20 (2) Ensure the security of patient information on drug
21 packaging during collection, transportation, recycling,
22 and disposal.

23 (3) Promote the program by providing consumers,
24 pharmacies, and other entities with educational and
25 informational materials as required under Section 45.

1 (4) Consider:

2 (A) the use of existing providers of
3 pharmaceutical waste transportation and disposal
4 services;

5 (B) separation of covered drugs from packaging to
6 reduce transportation and disposal costs; and

7 (C) recycling of drug packaging.

8 Section 35. Drug take-back program approval.

9 (a) By July 1, 2023, each covered manufacturer must
10 individually or collectively submit to the Agency for review
11 and approval a proposal for the establishment and
12 implementation of a drug take-back program. The proposal must
13 demonstrate that the drug take-back program will fulfill the
14 requirements under Section 25. If the Agency receives more
15 than one proposal for a drug take-back program, the Agency
16 shall review all proposals in conjunction with one another to
17 ensure the proposals are coordinated to achieve the authorized
18 collection site coverage set forth in subsection (j) of
19 Section 25.

20 (b) The Agency shall approve a proposed program if each
21 covered manufacturer and manufacturer program operator
22 participating in the program has registered and paid the fee
23 under Section 60, the program proposal demonstrates the
24 program fulfills the requirements under Section 25, and the
25 proposal includes the following information on forms

1 prescribed by the Agency:

2 (1) The identity and contact information for the
3 manufacturer program operator and each participating
4 covered manufacturer.

5 (2) The identity and contact information for the
6 authorized collectors participating in the drug take-back
7 program.

8 (3) The identity of transporters and waste disposal
9 facilities that the program will use to transport and
10 dispose of collected covered drugs.

11 (4) The identity of all potential authorized
12 collectors that were notified of the opportunity to serve
13 as an authorized collector, including how they were
14 notified.

15 (c) Within 90 days after receiving a drug take-back
16 program proposal, the Agency shall either approve, reject, or
17 approve with modification the proposal in writing to the
18 manufacturer program operator. If the Agency rejects the
19 proposal, it shall provide the reason for rejection.

20 (d) No later than 90 days after receipt of a notice of
21 rejection under subsection (c) of this Section, the
22 manufacturer or manufacturers participating in the program
23 shall submit a revised proposal to the Agency. Within 90 days
24 of receipt of a revised proposal the Agency shall either
25 approve or reject the revised proposal in writing to the
26 manufacturer program operator.

1 (e) After approval, covered manufacturers must,
2 individually or collectively, initiate operation of a drug
3 take-back program meeting the requirements under Section 25 no
4 later than December 1, 2023.

5 Section 40. Changes or modifications to the approved
6 manufacturer drug take-back program. A manufacturer program
7 operator shall maintain records for 5 years of any changes to
8 an approved drug take-back program. These include, but are not
9 limited to, changes in:

- 10 (1) participating covered manufacturers;
11 (2) collection methods;
12 (3) collection site locations; or
13 (4) contact information for the program operator or
14 authorized collectors.

15 Section 45. Drug take-back program promotion. Each drug
16 take-back program must include a system of promotion,
17 education, and public outreach about the proper collection and
18 management of covered drugs. If there is more than one drug
19 take-back program operated by more than one manufacturer
20 program operator, the requirements of this Section shall be
21 implemented by all drug take-back programs collectively using
22 a single toll-free number and website and similar education,
23 outreach, and promotional materials. This may include, but is
24 not limited to, signage, written materials to be provided at

1 the time of purchase or delivery of covered drugs, and
2 advertising or other promotional materials. At a minimum,
3 promotion, education, and public outreach must include the
4 following:

5 (1) Promoting the proper management of drugs by
6 residents and the collection of covered drugs through a
7 drug take-back program.

8 (2) Discouraging residents from disposing of drugs in
9 household waste, sewers, or septic systems.

10 (3) Promoting the use of the drug take-back program so
11 that where and how to return covered drugs is readily
12 understandable to residents.

13 (4) Maintaining a toll-free telephone number and web
14 site publicizing collection options and collection sites,
15 and discouraging improper disposal practices for covered
16 drugs, such as disposal in household waste, sewers, or
17 septic systems.

18 (5) Preparing and distributing to program collection
19 sites, for dissemination to consumers, the educational and
20 outreach materials. The materials must use plain language
21 and explanatory images to make collection services and
22 discouraged disposal practices readily understandable by
23 residents, including residents with limited English
24 proficiency.

25 (6) Promotional materials prepared and distributed in
26 conjunction with an approved drug take-back program under

1 this Section may not be used to promote in-home disposal
2 products of any kind, including, but not limited to,
3 in-home disposal products of authorized collectors
4 participating in a drug take-back program.

5 Section 50. Annual program report.

6 (a) By April 1, 2025, and each April 1 thereafter, a
7 manufacturer program operator must submit to the Agency a
8 report describing implementation of the drug take-back program
9 during the previous calendar year. The report must include:

10 (1) a list of the covered manufacturers participating
11 in the drug take-back program during the program year;

12 (2) the total amount, by weight, of covered drugs
13 collected and the amount, by weight, from each collection
14 method used during the program year, reported by county;

15 (3) the total amount, by weight, of covered drugs
16 collected from each collection site during the prior year;

17 (4) the following details regarding the program's
18 collection system:

19 (A) a list of collection sites, with addresses;

20 (B) collection sites where mailers to program
21 collection sites, for dissemination to consumers, and
22 education and outreach materials were made available
23 to the public;

24 (C) dates and locations of collection events held;

25 and

1 (D) the transporters and disposal facility or
2 facilities used to dispose of the covered drugs
3 collected; and

4 (5) a description of the promotion, education, and
5 public outreach activities implemented;

6 (6) a description of how collected packaging was
7 recycled to the extent feasible; and

8 (7) an evaluation of the program's effectiveness in
9 collecting covered drugs during the program year and of
10 any program changes that have been implemented.

11 Section 55. Manufacturer drug take-back program funding.

12 (a) A covered manufacturer or group of covered
13 manufacturers must pay all administrative and operational
14 costs associated with establishing and implementing the drug
15 take-back program in which it participates. Such
16 administrative and operational costs include, but are not
17 limited to:

18 (1) collection and transportation supplies for each
19 collection site;

20 (2) purchase of collection receptacles for each
21 collection site;

22 (3) ongoing maintenance or replacement of collection
23 receptacles when requested by authorized collectors;

24 (4) costs related to prepaid, preaddressed mail;

25 (5) compensation of authorized collectors, if

1 applicable;

2 (6) operation of periodic collection events,
3 including, but not limited to, the cost of law enforcement
4 staff time;

5 (7) transportation of all collected covered drugs to
6 final disposal;

7 (8) proper disposal of all collected covered drugs in
8 compliance with State and federal laws, rules, and
9 regulations; and

10 (9) program promotion and outreach.

11 (b) A manufacturer program operator shall allocate to
12 covered manufacturers participating in the drug take-back
13 program the administration and operational costs of the
14 programs. The method of cost allocation shall be included in
15 the drug take-back program proposal required under Section 35.

16 (c) A manufacturer program operator, covered manufacturer,
17 authorized collector, or other person may not charge:

18 (1) a specific point-of-sale fee to consumers to
19 recoup the costs of a drug take-back program;

20 (2) a specific point-of-collection fee at the time
21 covered drugs are collected from a person; or

22 (3) an increase in the cost of covered drugs to recoup
23 the costs of a drug take-back program.

24 (d) A manufacturer program operator or covered
25 manufacturer shall not charge any fee to an authorized
26 collector or authorized collection site.

1 (e) The funding requirements in this Section shall not
2 apply to a pharmacy location that is part of an existing
3 contractual agreement entered into prior to the effective date
4 of this Act between a pharmacy and a covered manufacturer to
5 fund in part or whole the collection, transportation, or
6 disposal of a covered drug so long as that contractual
7 arrangement continues.

8 Section 60. Registration fee.

9 (a) By January 1, 2023, and by January 1 of each year
10 thereafter, each covered manufacturer and manufacturer program
11 operator shall register with the Agency and submit to the
12 Agency a \$5,000 registration fee.

13 (b) All fees collected under this Section must be
14 deposited in the Solid Waste Management Fund to be used solely
15 for the administration of this Act.

16 Section 65. Rules; enforcement; penalties.

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

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

24 (c) The penalties provided for in this Section may be

1 recovered in a civil action brought in the name of the People
2 of the State of Illinois by the State's Attorney of the county
3 in which the violation occurred or by the Attorney General.
4 Any penalties collected under this Section in an action in
5 which the Attorney General has prevailed shall be deposited in
6 the Environmental Protection Trust Fund.

7 (d) The Attorney General or the State's Attorney of a
8 county in which a violation occurs may institute a civil
9 action for an injunction, prohibitory or mandatory, to
10 restrain violations of this Act or to require such actions as
11 may be necessary to address violations of this Act.

12 (e) The penalties and injunctions provided in this Act are
13 in addition to any penalties, injunctions, or other relief
14 provided under any other law. Nothing in this Act bars a cause
15 of action by the State for any other penalty, injunction, or
16 other relief provided by any other law.

17 (f) Any person who knowingly makes a false, fictitious, or
18 fraudulent material statement, orally or in writing, to the
19 Agency, related to or required by this Act or any rule adopted
20 under this Act commits a Class 4 felony, and each such
21 statement or writing shall be considered a separate Class 4
22 felony. A person who, after being convicted under this
23 subsection (f), violates this subsection (f) a second or
24 subsequent time, commits a Class 3 felony.

25 Section 70. Antitrust immunity. The activities authorized

1 by this Act require collaboration among covered manufacturers
2 and among authorized collectors. These activities will enable
3 safe and secure collection and disposal of covered drugs in
4 Illinois and are therefore in the best interest of the public.
5 The benefits of collaboration, together with active State
6 supervision, outweigh potential adverse impacts. Therefore,
7 the General Assembly intends to exempt from State antitrust
8 laws, and provide immunity through the state action doctrine
9 from federal antitrust laws, activities that are undertaken
10 pursuant to this Act that might otherwise be constrained by
11 such laws. The General Assembly does not intend and does not
12 authorize any person or entity to engage in activities not
13 provided for by this Act, and the General Assembly neither
14 exempts nor provides immunity for such activities.

15 Section 75. Public disclosure. Proprietary information
16 submitted to the Agency under this Act is exempted from
17 disclosure as provided under paragraphs (g) and (mm) of
18 subsection (1) of Section 7 of the Freedom of Information Act.

19 Section 90. Home rule.

20 (a) It is the intent of the General Assembly that, in order
21 to ensure a uniform, statewide solution, on and after the
22 effective date of this Act no unit of local government shall
23 mandate that a new drug take-back or disposal program be
24 created and no expansion or change of an existing program or

1 program requirement by a unit of local government shall occur
2 that is inconsistent with this Act.

3 (b) A home rule municipality may not regulate drug
4 take-back programs in a manner inconsistent with the
5 regulation by the State of drug take-back programs under this
6 Act. This Section is a limitation under subsection (i) of
7 Section 6 of Article VII of the Illinois Constitution on the
8 concurrent exercise by home rule units of powers and functions
9 exercised by the State.

10 Section 95. The Freedom of Information Act is amended by
11 changing Section 7 as follows:

12 (5 ILCS 140/7) (from Ch. 116, par. 207)

13 Sec. 7. Exemptions.

14 (1) When a request is made to inspect or copy a public
15 record that contains information that is exempt from
16 disclosure under this Section, but also contains information
17 that is not exempt from disclosure, the public body may elect
18 to redact the information that is exempt. The public body
19 shall make the remaining information available for inspection
20 and copying. Subject to this requirement, the following shall
21 be exempt from inspection and copying:

22 (a) Information specifically prohibited from
23 disclosure by federal or State law or rules and
24 regulations implementing federal or State law.

1 (b) Private information, unless disclosure is required
2 by another provision of this Act, a State or federal law or
3 a court order.

4 (b-5) Files, documents, and other data or databases
5 maintained by one or more law enforcement agencies and
6 specifically designed to provide information to one or
7 more law enforcement agencies regarding the physical or
8 mental status of one or more individual subjects.

9 (c) Personal information contained within public
10 records, the disclosure of which would constitute a
11 clearly unwarranted invasion of personal privacy, unless
12 the disclosure is consented to in writing by the
13 individual subjects of the information. "Unwarranted
14 invasion of personal privacy" means the disclosure of
15 information that is highly personal or objectionable to a
16 reasonable person and in which the subject's right to
17 privacy outweighs any legitimate public interest in
18 obtaining the information. The disclosure of information
19 that bears on the public duties of public employees and
20 officials shall not be considered an invasion of personal
21 privacy.

22 (d) Records in the possession of any public body
23 created in the course of administrative enforcement
24 proceedings, and any law enforcement or correctional
25 agency for law enforcement purposes, but only to the
26 extent that disclosure would:

1 (i) interfere with pending or actually and
2 reasonably contemplated law enforcement proceedings
3 conducted by any law enforcement or correctional
4 agency that is the recipient of the request;

5 (ii) interfere with active administrative
6 enforcement proceedings conducted by the public body
7 that is the recipient of the request;

8 (iii) create a substantial likelihood that a
9 person will be deprived of a fair trial or an impartial
10 hearing;

11 (iv) unavoidably disclose the identity of a
12 confidential source, confidential information
13 furnished only by the confidential source, or persons
14 who file complaints with or provide information to
15 administrative, investigative, law enforcement, or
16 penal agencies; except that the identities of
17 witnesses to traffic accidents, traffic accident
18 reports, and rescue reports shall be provided by
19 agencies of local government, except when disclosure
20 would interfere with an active criminal investigation
21 conducted by the agency that is the recipient of the
22 request;

23 (v) disclose unique or specialized investigative
24 techniques other than those generally used and known
25 or disclose internal documents of correctional
26 agencies related to detection, observation or

1 investigation of incidents of crime or misconduct, and
2 disclosure would result in demonstrable harm to the
3 agency or public body that is the recipient of the
4 request;

5 (vi) endanger the life or physical safety of law
6 enforcement personnel or any other person; or

7 (vii) obstruct an ongoing criminal investigation
8 by the agency that is the recipient of the request.

9 (d-5) A law enforcement record created for law
10 enforcement purposes and contained in a shared electronic
11 record management system if the law enforcement agency
12 that is the recipient of the request did not create the
13 record, did not participate in or have a role in any of the
14 events which are the subject of the record, and only has
15 access to the record through the shared electronic record
16 management system.

17 (d-6) Records contained in the Officer Professional
18 Conduct Database under Section 9.2 ~~9.4~~ of the Illinois
19 Police Training Act, except to the extent authorized under
20 that Section. This includes the documents supplied to the
21 Illinois Law Enforcement Training Standards Board from the
22 Illinois State Police and Illinois State Police Merit
23 Board.

24 (e) Records that relate to or affect the security of
25 correctional institutions and detention facilities.

26 (e-5) Records requested by persons committed to the

1 Department of Corrections, Department of Human Services
2 Division of Mental Health, or a county jail if those
3 materials are available in the library of the correctional
4 institution or facility or jail where the inmate is
5 confined.

6 (e-6) Records requested by persons committed to the
7 Department of Corrections, Department of Human Services
8 Division of Mental Health, or a county jail if those
9 materials include records from staff members' personnel
10 files, staff rosters, or other staffing assignment
11 information.

12 (e-7) Records requested by persons committed to the
13 Department of Corrections or Department of Human Services
14 Division of Mental Health if those materials are available
15 through an administrative request to the Department of
16 Corrections or Department of Human Services Division of
17 Mental Health.

18 (e-8) Records requested by a person committed to the
19 Department of Corrections, Department of Human Services
20 Division of Mental Health, or a county jail, the
21 disclosure of which would result in the risk of harm to any
22 person or the risk of an escape from a jail or correctional
23 institution or facility.

24 (e-9) Records requested by a person in a county jail
25 or committed to the Department of Corrections or
26 Department of Human Services Division of Mental Health,

1 containing personal information pertaining to the person's
2 victim or the victim's family, including, but not limited
3 to, a victim's home address, home telephone number, work
4 or school address, work telephone number, social security
5 number, or any other identifying information, except as
6 may be relevant to a requester's current or potential case
7 or claim.

8 (e-10) Law enforcement records of other persons
9 requested by a person committed to the Department of
10 Corrections, Department of Human Services Division of
11 Mental Health, or a county jail, including, but not
12 limited to, arrest and booking records, mug shots, and
13 crime scene photographs, except as these records may be
14 relevant to the requester's current or potential case or
15 claim.

16 (f) Preliminary drafts, notes, recommendations,
17 memoranda and other records in which opinions are
18 expressed, or policies or actions are formulated, except
19 that a specific record or relevant portion of a record
20 shall not be exempt when the record is publicly cited and
21 identified by the head of the public body. The exemption
22 provided in this paragraph (f) extends to all those
23 records of officers and agencies of the General Assembly
24 that pertain to the preparation of legislative documents.

25 (g) Trade secrets and commercial or financial
26 information obtained from a person or business where the

1 trade secrets or commercial or financial information are
2 furnished under a claim that they are proprietary,
3 privileged, or confidential, and that disclosure of the
4 trade secrets or commercial or financial information would
5 cause competitive harm to the person or business, and only
6 insofar as the claim directly applies to the records
7 requested.

8 The information included under this exemption includes
9 all trade secrets and commercial or financial information
10 obtained by a public body, including a public pension
11 fund, from a private equity fund or a privately held
12 company within the investment portfolio of a private
13 equity fund as a result of either investing or evaluating
14 a potential investment of public funds in a private equity
15 fund. The exemption contained in this item does not apply
16 to the aggregate financial performance information of a
17 private equity fund, nor to the identity of the fund's
18 managers or general partners. The exemption contained in
19 this item does not apply to the identity of a privately
20 held company within the investment portfolio of a private
21 equity fund, unless the disclosure of the identity of a
22 privately held company may cause competitive harm.

23 Nothing contained in this paragraph (g) shall be
24 construed to prevent a person or business from consenting
25 to disclosure.

26 (h) Proposals and bids for any contract, grant, or

1 agreement, including information which if it were
2 disclosed would frustrate procurement or give an advantage
3 to any person proposing to enter into a contractor
4 agreement with the body, until an award or final selection
5 is made. Information prepared by or for the body in
6 preparation of a bid solicitation shall be exempt until an
7 award or final selection is made.

8 (i) Valuable formulae, computer geographic systems,
9 designs, drawings and research data obtained or produced
10 by any public body when disclosure could reasonably be
11 expected to produce private gain or public loss. The
12 exemption for "computer geographic systems" provided in
13 this paragraph (i) does not extend to requests made by
14 news media as defined in Section 2 of this Act when the
15 requested information is not otherwise exempt and the only
16 purpose of the request is to access and disseminate
17 information regarding the health, safety, welfare, or
18 legal rights of the general public.

19 (j) The following information pertaining to
20 educational matters:

21 (i) test questions, scoring keys and other
22 examination data used to administer an academic
23 examination;

24 (ii) information received by a primary or
25 secondary school, college, or university under its
26 procedures for the evaluation of faculty members by

1 their academic peers;

2 (iii) information concerning a school or
3 university's adjudication of student disciplinary
4 cases, but only to the extent that disclosure would
5 unavoidably reveal the identity of the student; and

6 (iv) course materials or research materials used
7 by faculty members.

8 (k) Architects' plans, engineers' technical
9 submissions, and other construction related technical
10 documents for projects not constructed or developed in
11 whole or in part with public funds and the same for
12 projects constructed or developed with public funds,
13 including, but not limited to, power generating and
14 distribution stations and other transmission and
15 distribution facilities, water treatment facilities,
16 airport facilities, sport stadiums, convention centers,
17 and all government owned, operated, or occupied buildings,
18 but only to the extent that disclosure would compromise
19 security.

20 (l) Minutes of meetings of public bodies closed to the
21 public as provided in the Open Meetings Act until the
22 public body makes the minutes available to the public
23 under Section 2.06 of the Open Meetings Act.

24 (m) Communications between a public body and an
25 attorney or auditor representing the public body that
26 would not be subject to discovery in litigation, and

1 materials prepared or compiled by or for a public body in
2 anticipation of a criminal, civil, or administrative
3 proceeding upon the request of an attorney advising the
4 public body, and materials prepared or compiled with
5 respect to internal audits of public bodies.

6 (n) Records relating to a public body's adjudication
7 of employee grievances or disciplinary cases; however,
8 this exemption shall not extend to the final outcome of
9 cases in which discipline is imposed.

10 (o) Administrative or technical information associated
11 with automated data processing operations, including, but
12 not limited to, software, operating protocols, computer
13 program abstracts, file layouts, source listings, object
14 modules, load modules, user guides, documentation
15 pertaining to all logical and physical design of
16 computerized systems, employee manuals, and any other
17 information that, if disclosed, would jeopardize the
18 security of the system or its data or the security of
19 materials exempt under this Section.

20 (p) Records relating to collective negotiating matters
21 between public bodies and their employees or
22 representatives, except that any final contract or
23 agreement shall be subject to inspection and copying.

24 (q) Test questions, scoring keys, and other
25 examination data used to determine the qualifications of
26 an applicant for a license or employment.

1 (r) The records, documents, and information relating
2 to real estate purchase negotiations until those
3 negotiations have been completed or otherwise terminated.
4 With regard to a parcel involved in a pending or actually
5 and reasonably contemplated eminent domain proceeding
6 under the Eminent Domain Act, records, documents, and
7 information relating to that parcel shall be exempt except
8 as may be allowed under discovery rules adopted by the
9 Illinois Supreme Court. The records, documents, and
10 information relating to a real estate sale shall be exempt
11 until a sale is consummated.

12 (s) Any and all proprietary information and records
13 related to the operation of an intergovernmental risk
14 management association or self-insurance pool or jointly
15 self-administered health and accident cooperative or pool.
16 Insurance or self insurance (including any
17 intergovernmental risk management association or self
18 insurance pool) claims, loss or risk management
19 information, records, data, advice or communications.

20 (t) Information contained in or related to
21 examination, operating, or condition reports prepared by,
22 on behalf of, or for the use of a public body responsible
23 for the regulation or supervision of financial
24 institutions, insurance companies, or pharmacy benefit
25 managers, unless disclosure is otherwise required by State
26 law.

1 (u) Information that would disclose or might lead to
2 the disclosure of secret or confidential information,
3 codes, algorithms, programs, or private keys intended to
4 be used to create electronic signatures under the Uniform
5 Electronic Transactions Act.

6 (v) Vulnerability assessments, security measures, and
7 response policies or plans that are designed to identify,
8 prevent, or respond to potential attacks upon a
9 community's population or systems, facilities, or
10 installations, the destruction or contamination of which
11 would constitute a clear and present danger to the health
12 or safety of the community, but only to the extent that
13 disclosure could reasonably be expected to jeopardize the
14 effectiveness of the measures or the safety of the
15 personnel who implement them or the public. Information
16 exempt under this item may include such things as details
17 pertaining to the mobilization or deployment of personnel
18 or equipment, to the operation of communication systems or
19 protocols, or to tactical operations.

20 (w) (Blank).

21 (x) Maps and other records regarding the location or
22 security of generation, transmission, distribution,
23 storage, gathering, treatment, or switching facilities
24 owned by a utility, by a power generator, or by the
25 Illinois Power Agency.

26 (y) Information contained in or related to proposals,

1 bids, or negotiations related to electric power
2 procurement under Section 1-75 of the Illinois Power
3 Agency Act and Section 16-111.5 of the Public Utilities
4 Act that is determined to be confidential and proprietary
5 by the Illinois Power Agency or by the Illinois Commerce
6 Commission.

7 (z) Information about students exempted from
8 disclosure under Sections 10-20.38 or 34-18.29 of the
9 School Code, and information about undergraduate students
10 enrolled at an institution of higher education exempted
11 from disclosure under Section 25 of the Illinois Credit
12 Card Marketing Act of 2009.

13 (aa) Information the disclosure of which is exempted
14 under the Viatical Settlements Act of 2009.

15 (bb) Records and information provided to a mortality
16 review team and records maintained by a mortality review
17 team appointed under the Department of Juvenile Justice
18 Mortality Review Team Act.

19 (cc) Information regarding interments, entombments, or
20 inurnments of human remains that are submitted to the
21 Cemetery Oversight Database under the Cemetery Care Act or
22 the Cemetery Oversight Act, whichever is applicable.

23 (dd) Correspondence and records (i) that may not be
24 disclosed under Section 11-9 of the Illinois Public Aid
25 Code or (ii) that pertain to appeals under Section 11-8 of
26 the Illinois Public Aid Code.

1 (ee) The names, addresses, or other personal
2 information of persons who are minors and are also
3 participants and registrants in programs of park
4 districts, forest preserve districts, conservation
5 districts, recreation agencies, and special recreation
6 associations.

7 (ff) The names, addresses, or other personal
8 information of participants and registrants in programs of
9 park districts, forest preserve districts, conservation
10 districts, recreation agencies, and special recreation
11 associations where such programs are targeted primarily to
12 minors.

13 (gg) Confidential information described in Section
14 1-100 of the Illinois Independent Tax Tribunal Act of
15 2012.

16 (hh) The report submitted to the State Board of
17 Education by the School Security and Standards Task Force
18 under item (8) of subsection (d) of Section 2-3.160 of the
19 School Code and any information contained in that report.

20 (ii) Records requested by persons committed to or
21 detained by the Department of Human Services under the
22 Sexually Violent Persons Commitment Act or committed to
23 the Department of Corrections under the Sexually Dangerous
24 Persons Act if those materials: (i) are available in the
25 library of the facility where the individual is confined;
26 (ii) include records from staff members' personnel files,

1 staff rosters, or other staffing assignment information;
2 or (iii) are available through an administrative request
3 to the Department of Human Services or the Department of
4 Corrections.

5 (jj) Confidential information described in Section
6 5-535 of the Civil Administrative Code of Illinois.

7 (kk) The public body's credit card numbers, debit card
8 numbers, bank account numbers, Federal Employer
9 Identification Number, security code numbers, passwords,
10 and similar account information, the disclosure of which
11 could result in identity theft or impression or defrauding
12 of a governmental entity or a person.

13 (ll) Records concerning the work of the threat
14 assessment team of a school district.

15 (mm) Proprietary information submitted to the
16 Environmental Protection Agency under the Drug Take-Back
17 Act.

18 (1.5) Any information exempt from disclosure under the
19 Judicial Privacy Act shall be redacted from public records
20 prior to disclosure under this Act.

21 (2) A public record that is not in the possession of a
22 public body but is in the possession of a party with whom the
23 agency has contracted to perform a governmental function on
24 behalf of the public body, and that directly relates to the
25 governmental function and is not otherwise exempt under this
26 Act, shall be considered a public record of the public body,

1 for purposes of this Act.

2 (3) This Section does not authorize withholding of
3 information or limit the availability of records to the
4 public, except as stated in this Section or otherwise provided
5 in this Act.

6 (Source: P.A. 101-434, eff. 1-1-20; 101-452, eff. 1-1-20;
7 101-455, eff. 8-23-19; 101-652, eff. 1-1-22; 102-38, eff.
8 6-25-21; 102-558, eff. 8-20-21; revised 11-22-21.)

9 Section 100. The Environmental Protection Act is amended
10 by changing Sections 22.15 and 22.55 as follows:

11 (415 ILCS 5/22.15) (from Ch. 111 1/2, par. 1022.15)

12 Sec. 22.15. Solid Waste Management Fund; fees.

13 (a) There is hereby created within the State Treasury a
14 special fund to be known as the Solid Waste Management Fund, to
15 be constituted from the fees collected by the State pursuant
16 to this Section, from repayments of loans made from the Fund
17 for solid waste projects, from registration fees collected
18 pursuant to the Consumer Electronics Recycling Act, and from
19 amounts transferred into the Fund pursuant to Public Act
20 100-433. Moneys received by either the Agency or the
21 Department of Commerce and Economic Opportunity in repayment
22 of loans made pursuant to the Illinois Solid Waste Management
23 Act shall be deposited into the General Revenue Fund.

24 (b) The Agency shall assess and collect a fee in the amount

1 set forth herein from the owner or operator of each sanitary
2 landfill permitted or required to be permitted by the Agency
3 to dispose of solid waste if the sanitary landfill is located
4 off the site where such waste was produced and if such sanitary
5 landfill is owned, controlled, and operated by a person other
6 than the generator of such waste. The Agency shall deposit all
7 fees collected into the Solid Waste Management Fund. If a site
8 is contiguous to one or more landfills owned or operated by the
9 same person, the volumes permanently disposed of by each
10 landfill shall be combined for purposes of determining the fee
11 under this subsection. Beginning on July 1, 2018, and on the
12 first day of each month thereafter during fiscal years 2019
13 through 2022, the State Comptroller shall direct and State
14 Treasurer shall transfer an amount equal to 1/12 of \$5,000,000
15 per fiscal year from the Solid Waste Management Fund to the
16 General Revenue Fund.

17 (1) If more than 150,000 cubic yards of non-hazardous
18 solid waste is permanently disposed of at a site in a
19 calendar year, the owner or operator shall either pay a
20 fee of 95 cents per cubic yard or, alternatively, the
21 owner or operator may weigh the quantity of the solid
22 waste permanently disposed of with a device for which
23 certification has been obtained under the Weights and
24 Measures Act and pay a fee of \$2.00 per ton of solid waste
25 permanently disposed of. In no case shall the fee
26 collected or paid by the owner or operator under this

1 paragraph exceed \$1.55 per cubic yard or \$3.27 per ton.

2 (2) If more than 100,000 cubic yards but not more than
3 150,000 cubic yards of non-hazardous waste is permanently
4 disposed of at a site in a calendar year, the owner or
5 operator shall pay a fee of \$52,630.

6 (3) If more than 50,000 cubic yards but not more than
7 100,000 cubic yards of non-hazardous solid waste is
8 permanently disposed of at a site in a calendar year, the
9 owner or operator shall pay a fee of \$23,790.

10 (4) If more than 10,000 cubic yards but not more than
11 50,000 cubic yards of non-hazardous solid waste is
12 permanently disposed of at a site in a calendar year, the
13 owner or operator shall pay a fee of \$7,260.

14 (5) If not more than 10,000 cubic yards of
15 non-hazardous solid waste is permanently disposed of at a
16 site in a calendar year, the owner or operator shall pay a
17 fee of \$1050.

18 (c) (Blank).

19 (d) The Agency shall establish rules relating to the
20 collection of the fees authorized by this Section. Such rules
21 shall include, but not be limited to:

22 (1) necessary records identifying the quantities of
23 solid waste received or disposed;

24 (2) the form and submission of reports to accompany
25 the payment of fees to the Agency;

26 (3) the time and manner of payment of fees to the

1 Agency, which payments shall not be more often than
2 quarterly; and

3 (4) procedures setting forth criteria establishing
4 when an owner or operator may measure by weight or volume
5 during any given quarter or other fee payment period.

6 (e) Pursuant to appropriation, all monies in the Solid
7 Waste Management Fund shall be used by the Agency for the
8 purposes set forth in this Section and in the Illinois Solid
9 Waste Management Act, including for the costs of fee
10 collection and administration, and for the administration of
11 ~~(1) the Consumer Electronics Recycling Act and the Drug~~
12 ~~Take-Back Act (2) until January 1, 2020, the Electronic~~
13 ~~Products Recycling and Reuse Act.~~

14 (f) The Agency is authorized to enter into such agreements
15 and to promulgate such rules as are necessary to carry out its
16 duties under this Section and the Illinois Solid Waste
17 Management Act.

18 (g) On the first day of January, April, July, and October
19 of each year, beginning on July 1, 1996, the State Comptroller
20 and Treasurer shall transfer \$500,000 from the Solid Waste
21 Management Fund to the Hazardous Waste Fund. Moneys
22 transferred under this subsection (g) shall be used only for
23 the purposes set forth in item (1) of subsection (d) of Section
24 22.2.

25 (h) The Agency is authorized to provide financial
26 assistance to units of local government for the performance of

1 inspecting, investigating and enforcement activities pursuant
2 to Section 4(r) at nonhazardous solid waste disposal sites.

3 (i) The Agency is authorized to conduct household waste
4 collection and disposal programs.

5 (j) A unit of local government, as defined in the Local
6 Solid Waste Disposal Act, in which a solid waste disposal
7 facility is located may establish a fee, tax, or surcharge
8 with regard to the permanent disposal of solid waste. All
9 fees, taxes, and surcharges collected under this subsection
10 shall be utilized for solid waste management purposes,
11 including long-term monitoring and maintenance of landfills,
12 planning, implementation, inspection, enforcement and other
13 activities consistent with the Solid Waste Management Act and
14 the Local Solid Waste Disposal Act, or for any other
15 environment-related purpose, including, but not limited to, an
16 environment-related public works project, but not for the
17 construction of a new pollution control facility other than a
18 household hazardous waste facility. However, the total fee,
19 tax or surcharge imposed by all units of local government
20 under this subsection (j) upon the solid waste disposal
21 facility shall not exceed:

22 (1) 60¢ per cubic yard if more than 150,000 cubic
23 yards of non-hazardous solid waste is permanently disposed
24 of at the site in a calendar year, unless the owner or
25 operator weighs the quantity of the solid waste received
26 with a device for which certification has been obtained

1 under the Weights and Measures Act, in which case the fee
2 shall not exceed \$1.27 per ton of solid waste permanently
3 disposed of.

4 (2) \$33,350 if more than 100,000 cubic yards, but not
5 more than 150,000 cubic yards, of non-hazardous waste is
6 permanently disposed of at the site in a calendar year.

7 (3) \$15,500 if more than 50,000 cubic yards, but not
8 more than 100,000 cubic yards, of non-hazardous solid
9 waste is permanently disposed of at the site in a calendar
10 year.

11 (4) \$4,650 if more than 10,000 cubic yards, but not
12 more than 50,000 cubic yards, of non-hazardous solid waste
13 is permanently disposed of at the site in a calendar year.

14 (5) \$650 if not more than 10,000 cubic yards of
15 non-hazardous solid waste is permanently disposed of at
16 the site in a calendar year.

17 The corporate authorities of the unit of local government
18 may use proceeds from the fee, tax, or surcharge to reimburse a
19 highway commissioner whose road district lies wholly or
20 partially within the corporate limits of the unit of local
21 government for expenses incurred in the removal of
22 nonhazardous, nonfluid municipal waste that has been dumped on
23 public property in violation of a State law or local
24 ordinance.

25 For the disposal of solid waste from general construction
26 or demolition debris recovery facilities as defined in

1 subsection (a-1) of Section 3.160, the total fee, tax, or
2 surcharge imposed by all units of local government under this
3 subsection (j) upon the solid waste disposal facility shall
4 not exceed 50% of the applicable amount set forth above. A unit
5 of local government, as defined in the Local Solid Waste
6 Disposal Act, in which a general construction or demolition
7 debris recovery facility is located may establish a fee, tax,
8 or surcharge on the general construction or demolition debris
9 recovery facility with regard to the permanent disposal of
10 solid waste by the general construction or demolition debris
11 recovery facility at a solid waste disposal facility, provided
12 that such fee, tax, or surcharge shall not exceed 50% of the
13 applicable amount set forth above, based on the total amount
14 of solid waste transported from the general construction or
15 demolition debris recovery facility for disposal at solid
16 waste disposal facilities, and the unit of local government
17 and fee shall be subject to all other requirements of this
18 subsection (j).

19 A county or Municipal Joint Action Agency that imposes a
20 fee, tax, or surcharge under this subsection may use the
21 proceeds thereof to reimburse a municipality that lies wholly
22 or partially within its boundaries for expenses incurred in
23 the removal of nonhazardous, nonfluid municipal waste that has
24 been dumped on public property in violation of a State law or
25 local ordinance.

26 If the fees are to be used to conduct a local sanitary

1 landfill inspection or enforcement program, the unit of local
2 government must enter into a written delegation agreement with
3 the Agency pursuant to subsection (r) of Section 4. The unit of
4 local government and the Agency shall enter into such a
5 written delegation agreement within 60 days after the
6 establishment of such fees. At least annually, the Agency
7 shall conduct an audit of the expenditures made by units of
8 local government from the funds granted by the Agency to the
9 units of local government for purposes of local sanitary
10 landfill inspection and enforcement programs, to ensure that
11 the funds have been expended for the prescribed purposes under
12 the grant.

13 The fees, taxes or surcharges collected under this
14 subsection (j) shall be placed by the unit of local government
15 in a separate fund, and the interest received on the moneys in
16 the fund shall be credited to the fund. The monies in the fund
17 may be accumulated over a period of years to be expended in
18 accordance with this subsection.

19 A unit of local government, as defined in the Local Solid
20 Waste Disposal Act, shall prepare and post on its website, in
21 April of each year, a report that details spending plans for
22 monies collected in accordance with this subsection. The
23 report will at a minimum include the following:

24 (1) The total monies collected pursuant to this
25 subsection.

26 (2) The most current balance of monies collected

1 pursuant to this subsection.

2 (3) An itemized accounting of all monies expended for
3 the previous year pursuant to this subsection.

4 (4) An estimation of monies to be collected for the
5 following 3 years pursuant to this subsection.

6 (5) A narrative detailing the general direction and
7 scope of future expenditures for one, 2 and 3 years.

8 The exemptions granted under Sections 22.16 and 22.16a,
9 and under subsection (k) of this Section, shall be applicable
10 to any fee, tax or surcharge imposed under this subsection
11 (j); except that the fee, tax or surcharge authorized to be
12 imposed under this subsection (j) may be made applicable by a
13 unit of local government to the permanent disposal of solid
14 waste after December 31, 1986, under any contract lawfully
15 executed before June 1, 1986 under which more than 150,000
16 cubic yards (or 50,000 tons) of solid waste is to be
17 permanently disposed of, even though the waste is exempt from
18 the fee imposed by the State under subsection (b) of this
19 Section pursuant to an exemption granted under Section 22.16.

20 (k) In accordance with the findings and purposes of the
21 Illinois Solid Waste Management Act, beginning January 1, 1989
22 the fee under subsection (b) and the fee, tax or surcharge
23 under subsection (j) shall not apply to:

24 (1) waste which is hazardous waste;

25 (2) waste which is pollution control waste;

26 (3) waste from recycling, reclamation or reuse

1 processes which have been approved by the Agency as being
2 designed to remove any contaminant from wastes so as to
3 render such wastes reusable, provided that the process
4 renders at least 50% of the waste reusable; the exemption
5 set forth in this paragraph (3) of this subsection (k)
6 shall not apply to general construction or demolition
7 debris recovery facilities as defined in subsection (a-1)
8 of Section 3.160;

9 (4) non-hazardous solid waste that is received at a
10 sanitary landfill and composted or recycled through a
11 process permitted by the Agency; or

12 (5) any landfill which is permitted by the Agency to
13 receive only demolition or construction debris or
14 landscape waste.

15 (Source: P.A. 101-10, eff. 6-5-19; 101-636, eff. 6-10-20;
16 102-16, eff. 6-17-21; 102-310, eff. 8-6-21; 102-444, eff.
17 8-20-21; revised 9-28-21.)

18 (415 ILCS 5/22.55)

19 Sec. 22.55. Household waste drop-off points.

20 (a) Findings; purpose and intent.

21 (1) The General Assembly finds that protection of
22 human health and the environment can be enhanced if
23 certain commonly generated household wastes are managed
24 separately from the general household waste stream.

25 (2) The purpose of this Section is to provide, to the

1 extent allowed under federal law, a method for managing
2 certain types of household waste separately from the
3 general household waste stream.

4 (b) Definitions. For the purposes of this Section:

5 "Compostable waste" means household waste that is
6 source-separated food scrap, household waste that is
7 source-separated landscape waste, or a mixture of both.

8 "Controlled substance" means a controlled substance as
9 defined in the Illinois Controlled Substances Act.

10 "Household waste" means waste generated from a single
11 residence or multiple residences.

12 "Household waste drop-off point" means the portion of
13 a site or facility used solely for the receipt and
14 temporary storage of household waste.

15 "One-day compostable waste collection event" means a
16 household waste drop-off point approved by a county or
17 municipality under subsection (d-5) of this Section.

18 "One-day household waste collection event" means a
19 household waste drop-off point approved by the Agency
20 under subsection (d) of this Section.

21 "Permanent compostable waste collection point" means a
22 household waste drop-off point approved by a county or
23 municipality under subsection (d-6) of this Section.

24 "Personal care product" means an item other than a
25 pharmaceutical product that is consumed or applied by an
26 individual for personal health, hygiene, or cosmetic

1 reasons. Personal care products include, but are not
2 limited to, items used in bathing, dressing, or grooming.

3 "Pharmaceutical product" means medicine or a product
4 containing medicine. A pharmaceutical product may be sold
5 by prescription or over the counter. "Pharmaceutical
6 product" does not include medicine that contains a
7 radioactive component or a product that contains a
8 radioactive component.

9 "Recycling coordinator" means the person designated by
10 each county waste management plan to administer the county
11 recycling program, as set forth in the Solid Waste
12 Management Act.

13 (c) Except as otherwise provided in Agency rules, the
14 following requirements apply to each household waste drop-off
15 point, other than a one-day household waste collection event,
16 one-day compostable waste collection event, or permanent
17 compostable waste collection point:

18 (1) A household waste drop-off point must not accept
19 waste other than the following types of household waste:
20 pharmaceutical products, personal care products, batteries
21 other than lead-acid batteries, paints, automotive fluids,
22 compact fluorescent lightbulbs, mercury thermometers, and
23 mercury thermostats. A household waste drop-off point may
24 accept controlled substances in accordance with federal
25 law.

26 (2) Except as provided in subdivision (c) (2) of this

1 Section, household waste drop-off points must be located
2 at a site or facility where the types of products accepted
3 at the household waste drop-off point are lawfully sold,
4 distributed, or dispensed. For example, household waste
5 drop-off points that accept prescription pharmaceutical
6 products must be located at a site or facility where
7 prescription pharmaceutical products are sold,
8 distributed, or dispensed.

9 (A) Subdivision (c)(2) of this Section does not
10 apply to household waste drop-off points operated by a
11 government or school entity, or by an association or
12 other organization of government or school entities.

13 (B) Household waste drop-off points that accept
14 mercury thermometers can be located at any site or
15 facility where non-mercury thermometers are sold,
16 distributed, or dispensed.

17 (C) Household waste drop-off points that accept
18 mercury thermostats can be located at any site or
19 facility where non-mercury thermostats are sold,
20 distributed, or dispensed.

21 (3) The location of acceptance for each type of waste
22 accepted at the household waste drop-off point must be
23 clearly identified. Locations where pharmaceutical
24 products are accepted must also include a copy of the sign
25 required under subsection (j) of this Section.

26 (4) Household waste must be accepted only from private

1 individuals. Waste must not be accepted from other
2 persons, including, but not limited to, owners and
3 operators of rented or leased residences where the
4 household waste was generated, commercial haulers, and
5 other commercial, industrial, agricultural, and government
6 operations or entities.

7 (5) If more than one type of household waste is
8 accepted, each type of household waste must be managed
9 separately prior to its packaging for off-site transfer.

10 (6) Household waste must not be stored for longer than
11 90 days after its receipt, except as otherwise approved by
12 the Agency in writing.

13 (7) Household waste must be managed in a manner that
14 protects against releases of the waste, prevents
15 nuisances, and otherwise protects human health and the
16 environment. Household waste must also be properly secured
17 to prevent unauthorized public access to the waste,
18 including, but not limited to, preventing access to the
19 waste during the non-business hours of the site or
20 facility on which the household waste drop-off point is
21 located. Containers in which pharmaceutical products are
22 collected must be clearly marked "No Controlled
23 Substances", unless the household waste drop-off point
24 accepts controlled substances in accordance with federal
25 law.

26 (8) Management of the household waste must be limited

1 to the following: (i) acceptance of the waste, (ii)
2 temporary storage of the waste prior to transfer, and
3 (iii) off-site transfer of the waste and packaging for
4 off-site transfer.

5 (9) Off-site transfer of the household waste must
6 comply with federal and State laws and regulations.

7 (d) One-day household waste collection events. To further
8 aid in the collection of certain household wastes, the Agency
9 may approve the operation of one-day household waste
10 collection events. The Agency shall not approve a one-day
11 household waste collection event at the same site or facility
12 for more than one day each calendar quarter. Requests for
13 approval must be submitted on forms prescribed by the Agency.
14 The Agency must issue its approval in writing, and it may
15 impose conditions as necessary to protect human health and the
16 environment and to otherwise accomplish the purposes of this
17 Act. One-day household waste collection events must be
18 operated in accordance with the Agency's approval, including
19 all conditions contained in the approval. The following
20 requirements apply to all one-day household waste collection
21 events, in addition to the conditions contained in the
22 Agency's approval:

23 (1) Waste accepted at the event must be limited to
24 household waste and must not include garbage, landscape
25 waste, or other waste excluded by the Agency in the
26 Agency's approval or any conditions contained in the

1 approval. A one-day household waste collection event may
2 accept controlled substances in accordance with federal
3 law.

4 (2) Household waste must be accepted only from private
5 individuals. Waste must not be accepted from other
6 persons, including, but not limited to, owners and
7 operators of rented or leased residences where the
8 household waste was generated, commercial haulers, and
9 other commercial, industrial, agricultural, and government
10 operations or entities.

11 (3) Household waste must be managed in a manner that
12 protects against releases of the waste, prevents
13 nuisances, and otherwise protects human health and the
14 environment. Household waste must also be properly secured
15 to prevent public access to the waste, including, but not
16 limited to, preventing access to the waste during the
17 event's non-business hours.

18 (4) Management of the household waste must be limited
19 to the following: (i) acceptance of the waste, (ii)
20 temporary storage of the waste before transfer, and (iii)
21 off-site transfer of the waste or packaging for off-site
22 transfer.

23 (5) Except as otherwise approved by the Agency, all
24 household waste received at the collection event must be
25 transferred off-site by the end of the day following the
26 collection event.

1 (6) The transfer and ultimate disposition of household
2 waste received at the collection event must comply with
3 the Agency's approval, including all conditions contained
4 in the approval.

5 (d-5) One-day compostable waste collection event. To
6 further aid in the collection and composting of compostable
7 waste, as defined in subsection (b), a municipality may
8 approve the operation of one-day compostable waste collection
9 events at any site or facility within its territorial
10 jurisdiction, and a county may approve the operation of
11 one-day compostable waste collection events at any site or
12 facility in any unincorporated area within its territorial
13 jurisdiction. The approval granted under this subsection (d-5)
14 must be in writing; must specify the date, location, and time
15 of the event; and must list the types of compostable waste that
16 will be collected at the event. If the one-day compostable
17 waste collection event is to be operated at a location within a
18 county with a population of more than 400,000 but less than
19 2,000,000 inhabitants, according to the 2010 decennial census,
20 then the operator of the event shall, at least 30 days before
21 the event, provide a copy of the approval to the recycling
22 coordinator designated by that county. The approval granted
23 under this subsection (d-5) may include conditions imposed by
24 the county or municipality as necessary to protect public
25 health and prevent odors, vectors, and other nuisances. A
26 one-day compostable waste collection event approved under this

1 subsection (d-5) must be operated in accordance with the
2 approval, including all conditions contained in the approval.
3 The following requirements shall apply to the one-day
4 compostable waste collection event, in addition to the
5 conditions contained in the approval:

6 (1) Waste accepted at the event must be limited to the
7 types of compostable waste authorized to be accepted under
8 the approval.

9 (2) Information promoting the event and signs at the
10 event must clearly indicate the types of compostable waste
11 approved for collection. To discourage the receipt of
12 other waste, information promoting the event and signs at
13 the event must also include:

14 (A) examples of compostable waste being collected;

15 and

16 (B) examples of waste that is not being collected.

17 (3) Compostable waste must be accepted only from
18 private individuals. It may not be accepted from other
19 persons, including, but not limited to, owners and
20 operators of rented or leased residences where it was
21 generated, commercial haulers, and other commercial,
22 industrial, agricultural, and government operations or
23 entities.

24 (4) Compostable waste must be managed in a manner that
25 protects against releases of the waste, prevents
26 nuisances, and otherwise protects human health and the

1 environment. Compostable waste must be properly secured to
2 prevent it from being accessed by the public at any time,
3 including, but not limited to, during the collection
4 event's non-operating hours. One-day compostable waste
5 collection events must be adequately supervised during
6 their operating hours.

7 (5) Compostable waste must be secured in non-porous,
8 rigid, leak-proof containers that:

9 (A) are covered, except when the compostable waste
10 is being added to or removed from the containers or it
11 is otherwise necessary to access the compostable
12 waste;

13 (B) prevent precipitation from draining through
14 the compostable waste;

15 (C) prevent dispersion of the compostable waste by
16 wind;

17 (D) contain spills or releases that could create
18 nuisances or otherwise harm human health or the
19 environment;

20 (E) limit access to the compostable waste by
21 vectors;

22 (F) control odors and other nuisances; and

23 (G) provide for storage, removal, and off-site
24 transfer of the compostable waste in a manner that
25 protects its ability to be composted.

26 (6) No more than a total of 40 cubic yards of

1 compostable waste shall be located at the collection site
2 at any one time.

3 (7) Management of the compostable waste must be
4 limited to the following: (A) acceptance, (B) temporary
5 storage before transfer, and (C) off-site transfer.

6 (8) All compostable waste received at the event must
7 be transferred off-site to a permitted compost facility by
8 no later than 48 hours after the event ends or by the end
9 of the first business day after the event ends, whichever
10 is sooner.

11 (9) If waste other than compostable waste is received
12 at the event, then that waste must be disposed of within 48
13 hours after the event ends or by the end of the first
14 business day after the event ends, whichever is sooner.

15 (d-6) Permanent compostable waste collection points. To
16 further aid in the collection and composting of compostable
17 waste, as defined in subsection (b), a municipality may
18 approve the operation of permanent compostable waste
19 collection points at any site or facility within its
20 territorial jurisdiction, and a county may approve the
21 operation of permanent compostable waste collection points at
22 any site or facility in any unincorporated area within its
23 territorial jurisdiction. The approval granted pursuant to
24 this subsection (d-6) must be in writing; must specify the
25 location, operating days, and operating hours of the
26 collection point; must list the types of compostable waste

1 that will be collected at the collection point; and must
2 specify a term of not more than 365 calendar days during which
3 the approval will be effective. In addition, if the permanent
4 compostable waste collection point is to be operated at a
5 location within a county with a population of more than
6 400,000 but less than 2,000,000 inhabitants, according to the
7 2010 federal decennial census, then the operator of the
8 collection point shall, at least 30 days before the collection
9 point begins operation, provide a copy of the approval to the
10 recycling coordinator designated by that county. The approval
11 may include conditions imposed by the county or municipality
12 as necessary to protect public health and prevent odors,
13 vectors, and other nuisances. A permanent compostable waste
14 collection point approved pursuant to this subsection (d-6)
15 must be operated in accordance with the approval, including
16 all conditions contained in the approval. The following
17 requirements apply to the permanent compostable waste
18 collection point, in addition to the conditions contained in
19 the approval:

20 (1) Waste accepted at the collection point must be
21 limited to the types of compostable waste authorized to be
22 accepted under the approval.

23 (2) Information promoting the collection point and
24 signs at the collection point must clearly indicate the
25 types of compostable waste approved for collection. To
26 discourage the receipt of other waste, information

1 promoting the collection point and signs at the collection
2 point must also include (A) examples of compostable waste
3 being collected and (B) examples of waste that is not
4 being collected.

5 (3) Compostable waste must be accepted only from
6 private individuals. It may not be accepted from other
7 persons, including, but not limited to, owners and
8 operators of rented or leased residences where it was
9 generated, commercial haulers, and other commercial,
10 industrial, agricultural, and government operations or
11 entities.

12 (4) Compostable waste must be managed in a manner that
13 protects against releases of the waste, prevents
14 nuisances, and otherwise protects human health and the
15 environment. Compostable waste must be properly secured to
16 prevent it from being accessed by the public at any time,
17 including, but not limited to, during the collection
18 point's non-operating hours. Permanent compostable waste
19 collection points must be adequately supervised during
20 their operating hours.

21 (5) Compostable waste must be secured in non-porous,
22 rigid, leak-proof containers that:

23 (A) are no larger than 10 cubic yards in size;

24 (B) are covered, except when the compostable waste
25 is being added to or removed from the container or it
26 is otherwise necessary to access the compostable

1 waste;

2 (C) prevent precipitation from draining through
3 the compostable waste;

4 (D) prevent dispersion of the compostable waste by
5 wind;

6 (E) contain spills or releases that could create
7 nuisances or otherwise harm human health or the
8 environment;

9 (F) limit access to the compostable waste by
10 vectors;

11 (G) control odors and other nuisances; and

12 (H) provide for storage, removal, and off-site
13 transfer of the compostable waste in a manner that
14 protects its ability to be composted.

15 (6) No more than a total of 10 cubic yards of
16 compostable waste shall be located at the permanent
17 compostable waste collection site at any one time.

18 (7) Management of the compostable waste must be
19 limited to the following: (A) acceptance, (B) temporary
20 storage before transfer, and (C) off-site transfer.

21 (8) All compostable waste received at the permanent
22 compostable waste collection point must be transferred
23 off-site to a permitted compost facility not less
24 frequently than once every 7 days.

25 (9) If a permanent compostable waste collection point
26 receives waste other than compostable waste, then that

1 waste must be disposed of not less frequently than once
2 every 7 days.

3 (e) The Agency may adopt rules governing the operation of
4 household waste drop-off points, other than one-day household
5 waste collection events, one-day compostable waste collection
6 events, and permanent compostable waste collection points.
7 Those rules must be designed to protect against releases of
8 waste to the environment, prevent nuisances, and otherwise
9 protect human health and the environment. As necessary to
10 address different circumstances, the regulations may contain
11 different requirements for different types of household waste
12 and different types of household waste drop-off points, and
13 the regulations may modify the requirements set forth in
14 subsection (c) of this Section. The regulations may include,
15 but are not limited to, the following: (i) identification of
16 additional types of household waste that can be collected at
17 household waste drop-off points, (ii) identification of the
18 different types of household wastes that can be received at
19 different household waste drop-off points, (iii) the maximum
20 amounts of each type of household waste that can be stored at
21 household waste drop-off points at any one time, and (iv) the
22 maximum time periods each type of household waste can be
23 stored at household waste drop-off points.

24 (f) Prohibitions.

25 (1) Except as authorized in a permit issued by the
26 Agency, no person shall cause or allow the operation of a

1 household waste drop-off point, other than a one-day
2 household waste collection event, one-day compostable
3 waste collection event, or permanent compostable waste
4 collection point, in violation of this Section or any
5 regulations adopted under this Section.

6 (2) No person shall cause or allow the operation of a
7 one-day household waste collection event in violation of
8 this Section or the Agency's approval issued under
9 subsection (d) of this Section, including all conditions
10 contained in the approval.

11 (3) No person shall cause or allow the operation of a
12 one-day compostable waste collection event in violation of
13 this Section or the approval issued for the one-day
14 compostable waste collection event under subsection (d-5)
15 of this Section, including all conditions contained in the
16 approval.

17 (4) No person shall cause or allow the operation of a
18 permanent compostable waste collection event in violation
19 of this Section or the approval issued for the permanent
20 compostable waste collection point under subsection (d-6)
21 of this Section, including all conditions contained in the
22 approval.

23 (g) Permit exemptions.

24 (1) No permit is required under subdivision (d)(1) of
25 Section 21 of this Act for the operation of a household
26 waste drop-off point, other than a one-day household waste

1 collection event, one-day compostable waste collection
2 event, or permanent compostable waste collection point, if
3 the household waste drop-off point is operated in
4 accordance with this Section and all regulations adopted
5 under this Section.

6 (2) No permit is required under subdivision (d)(1) of
7 Section 21 of this Act for the operation of a one-day
8 household waste collection event if the event is operated
9 in accordance with this Section and the Agency's approval
10 issued under subsection (d) of this Section, including all
11 conditions contained in the approval, or for the operation
12 of a household waste collection event by the Agency.

13 (3) No permit is required under paragraph (1) of
14 subsection (d) of Section 21 of this Act for the operation
15 of a one-day compostable waste collection event if the
16 compostable waste collection event is operated in
17 accordance with this Section and the approval issued for
18 the compostable waste collection point under subsection
19 (d-5) of this Section, including all conditions contained
20 in the approval.

21 (4) No permit is required under paragraph (1) of
22 subsection (d) of Section 21 of this Act for the operation
23 of a permanent compostable waste collection point if the
24 collection point is operated in accordance with this
25 Section and the approval issued for the compostable waste
26 collection event under subsection (d-6) of this Section,

1 including all conditions contained in the approval.

2 (h) This Section does not apply to the following:

3 (1) Persons accepting household waste that they are
4 authorized to accept under a permit issued by the Agency.

5 (2) Sites or facilities operated pursuant to an
6 intergovernmental agreement entered into with the Agency
7 under Section 22.16b(d) of this Act.

8 (i) (Blank). ~~The Agency, in consultation with the~~
9 ~~Department of Public Health, must develop and implement a~~
10 ~~public information program regarding household waste drop-off~~
11 ~~points that accept pharmaceutical products, as well as~~
12 ~~mail-back programs authorized under federal law.~~

13 (j) (Blank). ~~The Agency must develop a sign that provides~~
14 ~~information on the proper disposal of unused pharmaceutical~~
15 ~~products. The sign shall include information on approved~~
16 ~~drop-off sites or list a website where updated information on~~
17 ~~drop-off sites can be accessed. The sign shall also include~~
18 ~~information on mail back programs and self disposal. The~~
19 ~~Agency shall make a copy of the sign available for downloading~~
20 ~~from its website. Every pharmacy shall display the sign in the~~
21 ~~area where medications are dispensed and shall also display~~
22 ~~any signs the Agency develops regarding local take-back~~
23 ~~programs or household waste collection events. These signs~~
24 ~~shall be no larger than 8.5 inches by 11 inches.~~

25 (k) If an entity chooses to participate as a household
26 waste drop-off point, then it must follow the provisions of

1 this Section and any rules the Agency may adopt governing
2 household waste drop-off points.

3 (1) (Blank). ~~The Agency shall establish, by rule, a~~
4 ~~statewide medication take-back program by June 1, 2016 to~~
5 ~~ensure that there are pharmaceutical product disposal options~~
6 ~~regularly available for residents across the State. No private~~
7 ~~entity may be compelled to serve as or fund a take back~~
8 ~~location or program. Medications collected and disposed of~~
9 ~~under the program shall include controlled substances approved~~
10 ~~for collection by federal law. All medications collected and~~
11 ~~disposed of under the program must be managed in accordance~~
12 ~~with all applicable federal and State laws and regulations.~~
13 ~~The Agency shall issue a report to the General Assembly by June~~
14 ~~1, 2019 detailing the amount of pharmaceutical products~~
15 ~~annually collected under the program, as well as any~~
16 ~~legislative recommendations.~~

17 (Source: P.A. 99-11, eff. 7-10-15; 99-480, eff. 9-9-15;
18 99-642, eff. 7-28-16.)

19 Section 999. Effective date. This Act takes effect upon
20 becoming law.".