

1 AN ACT concerning public health.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Lead Poisoning Prevention Act is amended by
5 changing Section 12 as follows:

6 (410 ILCS 45/12) (from Ch. 111 1/2, par. 1312)

7 Sec. 12. Violations of Act.

8 (a) Violation of any Section of this Act other than Section
9 6.01 or Section 7 shall be punishable as a Class A misdemeanor.
10 A violation of Section 6.01 shall cause the Department to issue
11 a written warning for a first offense and shall be a petty
12 offense for a second or subsequent offense if the violation
13 occurs at the same location within 12 months after the first
14 offense.

15 (b) In cases where a person is found to have mislabeled,
16 possessed, offered for sale or transfer, sold or transferred,
17 or given away lead-bearing substances, a representative of the
18 Department shall confiscate the lead-bearing substances and
19 retain the substances until they are shown to be in compliance
20 with this Act.

21 (c) In addition to any other penalty provided under this
22 Act, the court in an action brought under subsection (e) may
23 impose upon any person who violates or does not comply with a

1 notice of deficiency and a mitigation order issued under
2 subsection (7) of Section 9 of this Act or who fails to comply
3 with subsection (3) or subsection (5) of Section 9 of this Act
4 a civil penalty not exceeding \$2,500 for each violation, plus
5 \$250 for each day that the violation continues.

6 Any civil penalties collected in a court proceeding shall
7 be deposited into:

8 (1) the a delegated county lead poisoning screening,
9 prevention, and abatement fund of the delegate agency
10 conducting the environmental investigation; or

11 (2) the lead poisoning screening, prevention, and
12 abatement fund maintained by the delegate agency
13 conducting the environmental investigation that has
14 jurisdiction where the violation occurred.

15 If ~~if~~ no delegated county or delegate agency lead poisoning
16 screening, prevention, and abatement fund exists, then any
17 civil penalties collected in a court proceeding shall be
18 deposited into the Lead Poisoning Screening, Prevention, and
19 Abatement Fund established under Section 7.2.

20 (d) Whenever the Department finds that an emergency exists
21 that requires immediate action to protect the health of
22 children under this Act, it may, without administrative
23 procedure or notice, cause an action to be brought by the
24 Attorney General or the State's Attorney of the county in which
25 a violation has occurred for a temporary restraining order or a
26 preliminary injunction to require such action as is required to

1 meet the emergency and protect the health of children.

2 (e) The State's Attorney of the county in which a violation
3 occurs or the Attorney General may bring an action for the
4 enforcement of this Act and the rules adopted and orders issued
5 under this Act, in the name of the People of the State of
6 Illinois, and may, in addition to other remedies provided in
7 this Act, bring an action for a temporary restraining order or
8 preliminary injunction as described in subsection (d) or an
9 injunction to restrain any actual or threatened violation or to
10 impose or collect a civil penalty for any violation.

11 (Source: P.A. 94-879, eff. 6-20-06.)

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