

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 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
17 contaminate groundwater and other bodies of water,
18 contributing to long-term harm to the environment and
19 animal life.

20 (3) Manufacturers of these drugs hold the ultimate
21 responsibility for the lasting impacts of the drugs they
22 produce.

23 (4) The General Assembly therefore finds that it is in

1 the interest of public health and environmental protection
2 to establish a single, uniform, statewide system of
3 regulation for safe and secure collection and disposal of
4 medicines through a uniform drug "take-back" program
5 operated and funded by drug manufacturers.

6 Section 10. Definitions. In this Act:

7 "Agency" means the Environmental Protection Agency.

8 "Authorized collector" means any of the following who
9 collect covered drugs through participation in a drug
10 take-back program:

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

14 (2) a law enforcement agency;

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

17 (4) a household waste drop-off point or one-day
18 household waste collection event, as those terms are
19 defined in Section 22.55 of the Environmental Protection
20 Act.

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

24 "Consumer" means a person who possesses a covered drug for
25 personal use or for the use of a member of the person's

1 household.

2 "Covered drug" means a drug, legend drug, nonlegend drug,
3 brand name drug, or generic drug. "Covered drug" does not
4 include:

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

7 (2) drugs that are defined as Schedule I controlled
8 substances under the Illinois Controlled Substances Act or
9 the federal Controlled Substances Act;

10 (3) personal care products, including, but not limited
11 to, cosmetics, shampoos, sunscreens, lip balms,
12 toothpastes, and antiperspirants, that are regulated as
13 both cosmetics and nonprescription drugs under the federal
14 Food, Drug, and Cosmetic Act, 21 U.S.C. 301;

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

19 (5) biological products, as defined by 42 U.S.C.
20 262(i)(1);

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

22 (7) emptied injector products or emptied medical
23 devices and their component parts or accessories;

24 (8) needles or sharps;

25 (9) pet pesticide products contained in pet collars,
26 powders, shampoos, topical applications, or other forms;

1 (10) dialysate drugs or other saline solutions
2 required to perform kidney dialysis;

3 (11) drugs sold at retail as a unit dose package; or

4 (12) homeopathic drugs.

5 "Covered manufacturer" means a manufacturer of a covered
6 drug that is sold or offered for sale in Illinois.

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

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

12 "Generic drug" means a drug determined to be
13 therapeutically equivalent to a brand name drug by the United
14 States Food and Drug Administration and that is available for
15 substitution in Illinois in accordance with the Illinois Food,
16 Drug and Cosmetic Act and the Pharmacy Practice Act.

17 "Legend drug" has the same meaning as defined in Section
18 3.23 of the Illinois Food, Drug and Cosmetic Act.

19 "Manufacturer program operator" means a covered
20 manufacturer, a group of covered manufacturers, or an entity
21 acting on behalf of a covered manufacturer or group of covered
22 manufacturers, that implements a drug take-back program.

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

25 "Nonlegend drug" means a drug that does not require
26 dispensing by prescription and which is not restricted to use

1 by practitioners only.

2 "Person" means any individual, partnership,
3 co-partnership, firm, company, limited liability company,
4 corporation, association, joint stock company, trust, estate,
5 political subdivision, State agency, or any other legal
6 entity, or their legal representative, agent, or assign.

7 "Pharmacy" has the meaning provided in Section 3 of the
8 Pharmacy Practice Act. A "pharmacy" is not a covered
9 manufacturer.

10 "Potential authorized collector" means a person who is
11 eligible to be an authorized collector by participating in a
12 drug take-back program.

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

15 "Private label distributor" has the same meaning as
16 defined in 21 CFR 207.1. A private label distributor is not a
17 covered manufacturer.

18 "Program year" means a calendar year, except that the
19 first program year is from January 1, 2024 through December
20 31, 2024.

21 "Proprietary information" means information that is:

22 (1) submitted under this Act;

23 (2) a trade secret or commercial or financial
24 information that is privileged or confidential and is
25 identified as such by the person providing the
26 information; and

1 (3) not required to be disclosed under any other law,
2 rule, or regulation affecting a covered drug, covered
3 manufacturer, or pharmacy.

4 "Repackager" means a repacker as that term is defined in
5 21 CFR 207.1. A repackager is not a covered manufacturer.

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

14 Section 20. Identification of covered manufacturers.

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

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

1 Section 25. Drug take-back program requirements.

2 (a) At least 120 days prior to submitting a proposal under
3 Section 35, a manufacturer program operator must notify
4 potential authorized collectors of the opportunity to serve as
5 an authorized collector for the proposed drug take-back
6 program. No later than 30 days after a potential authorized
7 collector expresses interest in participating in a proposed
8 program, the manufacturer program operator must commence good
9 faith negotiations with the potential authorized collector
10 regarding the collector's participation in the program.

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

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

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

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

26 (f) An authorized collector operating a drug take-back

1 program collection site must accept all covered drugs from
2 consumers during the hours that the location used as a
3 collection site is normally open for business to the public.

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

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

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

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

26 (h) Authorized collectors must comply with all State and

1 federal laws and regulations governing the collection,
2 storage, and disposal of covered drugs, including United
3 States Drug Enforcement Administration regulations.

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

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

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

23 (k) A drug take-back program may include mail-back
24 distribution locations or periodic collection events for each
25 county in the State. The manufacturer program operator shall
26 consult with each county authority identified in the written

1 notice prior to preparing the program plan to determine the
2 role that mail-back distribution locations or periodic
3 collection events will have in the drug take-back program.

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

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

15 Section 30. Manufacturer program operator requirements. A
16 manufacturer program operator shall:

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

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

25 (3) Promote the program by providing consumers,

1 pharmacies, and other entities with educational and
2 informational materials as required under Section 45.

3 (4) Consider:

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

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

9 (C) recycling of drug packaging.

10 Section 35. Drug take-back program approval.

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

22 (b) The Agency shall approve a proposed program if each
23 covered manufacturer and manufacturer program operator
24 participating in the program has registered and paid the fee
25 under Section 60, the program proposal demonstrates the

1 program fulfills the requirements under Section 25, and the
2 proposal includes the following information on forms
3 prescribed by the Agency:

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

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

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

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

17 (c) Within 90 days after receiving a drug take-back
18 program proposal, the Agency shall either approve, reject, or
19 approve with modification the proposal in writing to the
20 manufacturer program operator. During this 90-day period, the
21 Agency shall provide a 30-day public comment period on the
22 drug take-back program proposal. If the Agency rejects the
23 proposal, it shall provide the reason for rejection in the
24 written notification to the manufacturer program operator.

25 (d) No later than 90 days after receipt of a notice of
26 rejection under subsection (c) of this Section, the

1 manufacturer or manufacturers participating in the program
2 shall submit a revised proposal to the Agency. Within 90 days
3 of receipt of a revised proposal the Agency shall either
4 approve or reject the revised proposal in writing to the
5 manufacturer program operator. During this 90-day period, the
6 Agency shall provide a 30-day public comment period on the
7 revised proposal.

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

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

- 17 (1) participating covered manufacturers;
18 (2) collection methods;
19 (3) collection site locations; or
20 (4) contact information for the program operator or
21 authorized collectors.

22 Section 45. Drug take-back program promotion. Each drug
23 take-back program must include a system of promotion,
24 education, and public outreach about the proper collection and

1 management of covered drugs. If there is more than one drug
2 take-back program operated by more than one manufacturer
3 program operator, the requirements of this Section shall be
4 implemented by all drug take-back programs collectively using
5 a single toll-free number and website and similar education,
6 outreach, and promotional materials. This may include, but is
7 not limited to, signage, written materials to be provided at
8 the time of purchase or delivery of covered drugs, and
9 advertising or other promotional materials. At a minimum,
10 promotion, education, and public outreach must include the
11 following:

12 (1) Promoting the proper management of drugs by
13 residents and the collection of covered drugs through a
14 drug take-back program.

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

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

20 (4) Maintaining a toll-free telephone number and
21 website publicizing collection options and collection
22 sites, and discouraging improper disposal practices for
23 covered drugs, such as disposal in household waste,
24 sewers, or septic systems.

25 (5) Preparing and distributing to program collection
26 sites, for dissemination to consumers, the educational and

1 outreach materials. The materials must use plain language
2 and explanatory images to make collection services and
3 discouraged disposal practices readily understandable by
4 residents, including residents with limited English
5 proficiency.

6 (6) Promotional materials prepared and distributed in
7 conjunction with an approved drug take-back program under
8 this Section may not be used to promote in-home disposal
9 products of any kind, including, but not limited to,
10 in-home disposal products of authorized collectors
11 participating in a drug take-back program.

12 The program promotion requirements under this Section do
13 not apply to any drug take-back program established prior to
14 the effective date of this Act that provides promotional or
15 educational materials to the public about the proper
16 collection and management of covered drugs.

17 Section 50. Annual program report.

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

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

24 (2) the total amount, by weight, of covered drugs
25 collected and the amount, by weight, from each collection

- 1 method used during the program year, reported by county;
- 2 (3) the total amount, by weight, of covered drugs
- 3 collected from each collection site during the prior year;
- 4 (4) the following details regarding the program's
- 5 collection system:
- 6 (A) a list of collection sites, with addresses;
- 7 (B) collection sites where mailers to program
- 8 collection sites, for dissemination to consumers, and
- 9 education and outreach materials were made available
- 10 to the public;
- 11 (C) dates and locations of collection events held;
- 12 and
- 13 (D) the transporters and disposal facility or
- 14 facilities used to dispose of the covered drugs
- 15 collected;
- 16 (5) a description of the promotion, education, and
- 17 public outreach activities implemented;
- 18 (6) a description of how collected packaging was
- 19 recycled to the extent feasible; and
- 20 (7) an evaluation of the program's effectiveness in
- 21 collecting covered drugs during the program year and of
- 22 any program changes that have been implemented.

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

- 24 (a) A covered manufacturer or group of covered
- 25 manufacturers must pay all administrative and operational

1 costs associated with establishing and implementing the drug
2 take-back program in which it participates. Such
3 administrative and operational costs include, but are not
4 limited to:

5 (1) collection and transportation supplies for each
6 collection site;

7 (2) purchase of collection receptacles for each
8 collection site;

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

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

12 (5) compensation of authorized collectors, if
13 applicable;

14 (6) operation of periodic collection events,
15 including, but not limited to, the cost of law enforcement
16 staff time;

17 (7) transportation of all collected covered drugs to
18 final disposal;

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

22 (9) program promotion and outreach.

23 (b) A manufacturer program operator shall allocate to
24 covered manufacturers participating in the drug take-back
25 program the administration and operational costs of the
26 programs. The method of cost allocation shall be included in

1 the drug take-back program proposal required under Section 35.

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

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

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

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

10 (d) A manufacturer program operator or covered
11 manufacturer shall not charge any fee to an authorized
12 collector or authorized collection site.

13 (e) The funding requirements in this Section shall not
14 apply to a pharmacy location that is part of an existing
15 contractual agreement entered into prior to the effective date
16 of this Act between a pharmacy and a covered manufacturer to
17 fund in part or whole the collection, transportation, or
18 disposal of a covered drug so long as that contractual
19 arrangement continues.

20 Section 60. Registration fee.

21 (a) By January 1, 2023, and by January 1 of each year
22 thereafter, each covered manufacturer and manufacturer program
23 operator shall register with the Agency and submit to the
24 Agency a \$2,500 registration fee.

25 (b) All fees collected under this Section must be

1 deposited in the Solid Waste Management Fund to be used solely
2 for the administration of this Act.

3 Section 65. Rules; enforcement; penalties.

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

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

11 (c) The penalties provided for in this Section may be
12 recovered in a civil action brought in the name of the People
13 of the State of Illinois by the State's Attorney of the county
14 in which the violation occurred or by the Attorney General.
15 Any penalties collected under this Section in an action in
16 which the Attorney General has prevailed shall be deposited in
17 the Environmental Protection Trust Fund.

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

23 (e) The penalties and injunctions provided in this Act are
24 in addition to any penalties, injunctions, or other relief
25 provided under any other law. Nothing in this Act bars a cause

1 of action by the State for any other penalty, injunction, or
2 other relief provided by any other law.

3 (f) Any person who knowingly makes a false, fictitious, or
4 fraudulent material statement, orally or in writing, to the
5 Agency, related to or required by this Act or any rule adopted
6 under this Act commits a Class 4 felony, and each such
7 statement or writing shall be considered a separate Class 4
8 felony. A person who, after being convicted under this
9 subsection (f), violates this subsection (f) a second or
10 subsequent time, commits a Class 3 felony.

11 Section 70. Antitrust immunity. The activities authorized
12 by this Act require collaboration among covered manufacturers
13 and among authorized collectors. These activities will enable
14 safe and secure collection and disposal of covered drugs in
15 Illinois and are therefore in the best interest of the public.
16 The benefits of collaboration, together with active State
17 supervision, outweigh potential adverse impacts. Therefore,
18 the General Assembly intends to exempt from State antitrust
19 laws, and provide immunity through the state action doctrine
20 from federal antitrust laws, activities that are undertaken
21 pursuant to this Act that might otherwise be constrained by
22 such laws. The General Assembly does not intend and does not
23 authorize any person or entity to engage in activities not
24 provided for by this Act, and the General Assembly neither
25 exempts nor provides immunity for such activities.

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

5 Section 90. Home rule.

6 (a) It is the intent of the General Assembly that, in order
7 to ensure a uniform, statewide solution, on and after the
8 effective date of this Act no unit of local government shall
9 mandate that a new drug take-back or disposal program be
10 created and no expansion or change of an existing program or
11 program requirement by a unit of local government shall occur
12 that is inconsistent with this Act.

13 (b) A home rule municipality may not regulate drug
14 take-back programs in a manner inconsistent with the
15 regulation by the State of drug take-back programs under this
16 Act. This Section is a limitation under subsection (i) of
17 Section 6 of Article VII of the Illinois Constitution on the
18 concurrent exercise by home rule units of powers and functions
19 exercised by the State.

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

22 (5 ILCS 140/7) (from Ch. 116, par. 207)

1 Sec. 7. Exemptions.

2 (1) When a request is made to inspect or copy a public
3 record that contains information that is exempt from
4 disclosure under this Section, but also contains information
5 that is not exempt from disclosure, the public body may elect
6 to redact the information that is exempt. The public body
7 shall make the remaining information available for inspection
8 and copying. Subject to this requirement, the following shall
9 be exempt from inspection and copying:

10 (a) Information specifically prohibited from
11 disclosure by federal or State law or rules and
12 regulations implementing federal or State law.

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

16 (b-5) Files, documents, and other data or databases
17 maintained by one or more law enforcement agencies and
18 specifically designed to provide information to one or
19 more law enforcement agencies regarding the physical or
20 mental status of one or more individual subjects.

21 (c) Personal information contained within public
22 records, the disclosure of which would constitute a
23 clearly unwarranted invasion of personal privacy, unless
24 the disclosure is consented to in writing by the
25 individual subjects of the information. "Unwarranted
26 invasion of personal privacy" means the disclosure of

1 information that is highly personal or objectionable to a
2 reasonable person and in which the subject's right to
3 privacy outweighs any legitimate public interest in
4 obtaining the information. The disclosure of information
5 that bears on the public duties of public employees and
6 officials shall not be considered an invasion of personal
7 privacy.

8 (d) Records in the possession of any public body
9 created in the course of administrative enforcement
10 proceedings, and any law enforcement or correctional
11 agency for law enforcement purposes, but only to the
12 extent that disclosure would:

13 (i) interfere with pending or actually and
14 reasonably contemplated law enforcement proceedings
15 conducted by any law enforcement or correctional
16 agency that is the recipient of the request;

17 (ii) interfere with active administrative
18 enforcement proceedings conducted by the public body
19 that is the recipient of the request;

20 (iii) create a substantial likelihood that a
21 person will be deprived of a fair trial or an impartial
22 hearing;

23 (iv) unavoidably disclose the identity of a
24 confidential source, confidential information
25 furnished only by the confidential source, or persons
26 who file complaints with or provide information to

1 administrative, investigative, law enforcement, or
2 penal agencies; except that the identities of
3 witnesses to traffic accidents, traffic accident
4 reports, and rescue reports shall be provided by
5 agencies of local government, except when disclosure
6 would interfere with an active criminal investigation
7 conducted by the agency that is the recipient of the
8 request;

9 (v) disclose unique or specialized investigative
10 techniques other than those generally used and known
11 or disclose internal documents of correctional
12 agencies related to detection, observation or
13 investigation of incidents of crime or misconduct, and
14 disclosure would result in demonstrable harm to the
15 agency or public body that is the recipient of the
16 request;

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

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

21 (d-5) A law enforcement record created for law
22 enforcement purposes and contained in a shared electronic
23 record management system if the law enforcement agency
24 that is the recipient of the request did not create the
25 record, did not participate in or have a role in any of the
26 events which are the subject of the record, and only has

1 access to the record through the shared electronic record
2 management system.

3 (d-6) Records contained in the Officer Professional
4 Conduct Database under Section 9.2 ~~9.4~~ of the Illinois
5 Police Training Act, except to the extent authorized under
6 that Section. This includes the documents supplied to the
7 Illinois Law Enforcement Training Standards Board from the
8 Illinois State Police and Illinois State Police Merit
9 Board.

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

12 (e-5) Records requested by persons committed to the
13 Department of Corrections, Department of Human Services
14 Division of Mental Health, or a county jail if those
15 materials are available in the library of the correctional
16 institution or facility or jail where the inmate is
17 confined.

18 (e-6) Records requested by persons committed to the
19 Department of Corrections, Department of Human Services
20 Division of Mental Health, or a county jail if those
21 materials include records from staff members' personnel
22 files, staff rosters, or other staffing assignment
23 information.

24 (e-7) Records requested by persons committed to the
25 Department of Corrections or Department of Human Services
26 Division of Mental Health if those materials are available

1 through an administrative request to the Department of
2 Corrections or Department of Human Services Division of
3 Mental Health.

4 (e-8) Records requested by a person committed to the
5 Department of Corrections, Department of Human Services
6 Division of Mental Health, or a county jail, the
7 disclosure of which would result in the risk of harm to any
8 person or the risk of an escape from a jail or correctional
9 institution or facility.

10 (e-9) Records requested by a person in a county jail
11 or committed to the Department of Corrections or
12 Department of Human Services Division of Mental Health,
13 containing personal information pertaining to the person's
14 victim or the victim's family, including, but not limited
15 to, a victim's home address, home telephone number, work
16 or school address, work telephone number, social security
17 number, or any other identifying information, except as
18 may be relevant to a requester's current or potential case
19 or claim.

20 (e-10) Law enforcement records of other persons
21 requested by a person committed to the Department of
22 Corrections, Department of Human Services Division of
23 Mental Health, or a county jail, including, but not
24 limited to, arrest and booking records, mug shots, and
25 crime scene photographs, except as these records may be
26 relevant to the requester's current or potential case or

1 claim.

2 (f) Preliminary drafts, notes, recommendations,
3 memoranda and other records in which opinions are
4 expressed, or policies or actions are formulated, except
5 that a specific record or relevant portion of a record
6 shall not be exempt when the record is publicly cited and
7 identified by the head of the public body. The exemption
8 provided in this paragraph (f) extends to all those
9 records of officers and agencies of the General Assembly
10 that pertain to the preparation of legislative documents.

11 (g) Trade secrets and commercial or financial
12 information obtained from a person or business where the
13 trade secrets or commercial or financial information are
14 furnished under a claim that they are proprietary,
15 privileged, or confidential, and that disclosure of the
16 trade secrets or commercial or financial information would
17 cause competitive harm to the person or business, and only
18 insofar as the claim directly applies to the records
19 requested.

20 The information included under this exemption includes
21 all trade secrets and commercial or financial information
22 obtained by a public body, including a public pension
23 fund, from a private equity fund or a privately held
24 company within the investment portfolio of a private
25 equity fund as a result of either investing or evaluating
26 a potential investment of public funds in a private equity

1 fund. The exemption contained in this item does not apply
2 to the aggregate financial performance information of a
3 private equity fund, nor to the identity of the fund's
4 managers or general partners. The exemption contained in
5 this item does not apply to the identity of a privately
6 held company within the investment portfolio of a private
7 equity fund, unless the disclosure of the identity of a
8 privately held company may cause competitive harm.

9 Nothing contained in this paragraph (g) shall be
10 construed to prevent a person or business from consenting
11 to disclosure.

12 (h) Proposals and bids for any contract, grant, or
13 agreement, including information which if it were
14 disclosed would frustrate procurement or give an advantage
15 to any person proposing to enter into a contractor
16 agreement with the body, until an award or final selection
17 is made. Information prepared by or for the body in
18 preparation of a bid solicitation shall be exempt until an
19 award or final selection is made.

20 (i) Valuable formulae, computer geographic systems,
21 designs, drawings and research data obtained or produced
22 by any public body when disclosure could reasonably be
23 expected to produce private gain or public loss. The
24 exemption for "computer geographic systems" provided in
25 this paragraph (i) does not extend to requests made by
26 news media as defined in Section 2 of this Act when the

1 requested information is not otherwise exempt and the only
2 purpose of the request is to access and disseminate
3 information regarding the health, safety, welfare, or
4 legal rights of the general public.

5 (j) The following information pertaining to
6 educational matters:

7 (i) test questions, scoring keys and other
8 examination data used to administer an academic
9 examination;

10 (ii) information received by a primary or
11 secondary school, college, or university under its
12 procedures for the evaluation of faculty members by
13 their academic peers;

14 (iii) information concerning a school or
15 university's adjudication of student disciplinary
16 cases, but only to the extent that disclosure would
17 unavoidably reveal the identity of the student; and

18 (iv) course materials or research materials used
19 by faculty members.

20 (k) Architects' plans, engineers' technical
21 submissions, and other construction related technical
22 documents for projects not constructed or developed in
23 whole or in part with public funds and the same for
24 projects constructed or developed with public funds,
25 including, but not limited to, power generating and
26 distribution stations and other transmission and

1 distribution facilities, water treatment facilities,
2 airport facilities, sport stadiums, convention centers,
3 and all government owned, operated, or occupied buildings,
4 but only to the extent that disclosure would compromise
5 security.

6 (l) Minutes of meetings of public bodies closed to the
7 public as provided in the Open Meetings Act until the
8 public body makes the minutes available to the public
9 under Section 2.06 of the Open Meetings Act.

10 (m) Communications between a public body and an
11 attorney or auditor representing the public body that
12 would not be subject to discovery in litigation, and
13 materials prepared or compiled by or for a public body in
14 anticipation of a criminal, civil, or administrative
15 proceeding upon the request of an attorney advising the
16 public body, and materials prepared or compiled with
17 respect to internal audits of public bodies.

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

22 (o) Administrative or technical information associated
23 with automated data processing operations, including, but
24 not limited to, software, operating protocols, computer
25 program abstracts, file layouts, source listings, object
26 modules, load modules, user guides, documentation

1 pertaining to all logical and physical design of
2 computerized systems, employee manuals, and any other
3 information that, if disclosed, would jeopardize the
4 security of the system or its data or the security of
5 materials exempt under this Section.

6 (p) Records relating to collective negotiating matters
7 between public bodies and their employees or
8 representatives, except that any final contract or
9 agreement shall be subject to inspection and copying.

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

13 (r) The records, documents, and information relating
14 to real estate purchase negotiations until those
15 negotiations have been completed or otherwise terminated.
16 With regard to a parcel involved in a pending or actually
17 and reasonably contemplated eminent domain proceeding
18 under the Eminent Domain Act, records, documents, and
19 information relating to that parcel shall be exempt except
20 as may be allowed under discovery rules adopted by the
21 Illinois Supreme Court. The records, documents, and
22 information relating to a real estate sale shall be exempt
23 until a sale is consummated.

24 (s) Any and all proprietary information and records
25 related to the operation of an intergovernmental risk
26 management association or self-insurance pool or jointly

1 self-administered health and accident cooperative or pool.
2 Insurance or self insurance (including any
3 intergovernmental risk management association or self
4 insurance pool) claims, loss or risk management
5 information, records, data, advice or communications.

6 (t) Information contained in or related to
7 examination, operating, or condition reports prepared by,
8 on behalf of, or for the use of a public body responsible
9 for the regulation or supervision of financial
10 institutions, insurance companies, or pharmacy benefit
11 managers, unless disclosure is otherwise required by State
12 law.

13 (u) Information that would disclose or might lead to
14 the disclosure of secret or confidential information,
15 codes, algorithms, programs, or private keys intended to
16 be used to create electronic signatures under the Uniform
17 Electronic Transactions Act.

18 (v) Vulnerability assessments, security measures, and
19 response policies or plans that are designed to identify,
20 prevent, or respond to potential attacks upon a
21 community's population or systems, facilities, or
22 installations, the destruction or contamination of which
23 would constitute a clear and present danger to the health
24 or safety of the community, but only to the extent that
25 disclosure could reasonably be expected to jeopardize the
26 effectiveness of the measures or the safety of the

1 personnel who implement them or the public. Information
2 exempt under this item may include such things as details
3 pertaining to the mobilization or deployment of personnel
4 or equipment, to the operation of communication systems or
5 protocols, or to tactical operations.

6 (w) (Blank).

7 (x) Maps and other records regarding the location or
8 security of generation, transmission, distribution,
9 storage, gathering, treatment, or switching facilities
10 owned by a utility, by a power generator, or by the
11 Illinois Power Agency.

12 (y) Information contained in or related to proposals,
13 bids, or negotiations related to electric power
14 procurement under Section 1-75 of the Illinois Power
15 Agency Act and Section 16-111.5 of the Public Utilities
16 Act that is determined to be confidential and proprietary
17 by the Illinois Power Agency or by the Illinois Commerce
18 Commission.

19 (z) Information about students exempted from
20 disclosure under Sections 10-20.38 or 34-18.29 of the
21 School Code, and information about undergraduate students
22 enrolled at an institution of higher education exempted
23 from disclosure under Section 25 of the Illinois Credit
24 Card Marketing Act of 2009.

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

1 (bb) Records and information provided to a mortality
2 review team and records maintained by a mortality review
3 team appointed under the Department of Juvenile Justice
4 Mortality Review Team Act.

5 (cc) Information regarding interments, entombments, or
6 inurnments of human remains that are submitted to the
7 Cemetery Oversight Database under the Cemetery Care Act or
8 the Cemetery Oversight Act, whichever is applicable.

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

13 (ee) The names, addresses, or other personal
14 information of persons who are minors and are also
15 participants and registrants in programs of park
16 districts, forest preserve districts, conservation
17 districts, recreation agencies, and special recreation
18 associations.

19 (ff) The names, addresses, or other personal
20 information of participants and registrants in programs of
21 park districts, forest preserve districts, conservation
22 districts, recreation agencies, and special recreation
23 associations where such programs are targeted primarily to
24 minors.

25 (gg) Confidential information described in Section
26 1-100 of the Illinois Independent Tax Tribunal Act of

1 2012.

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

6 (ii) Records requested by persons committed to or
7 detained by the Department of Human Services under the
8 Sexually Violent Persons Commitment Act or committed to
9 the Department of Corrections under the Sexually Dangerous
10 Persons Act if those materials: (i) are available in the
11 library of the facility where the individual is confined;
12 (ii) include records from staff members' personnel files,
13 staff rosters, or other staffing assignment information;
14 or (iii) are available through an administrative request
15 to the Department of Human Services or the Department of
16 Corrections.

17 (jj) Confidential information described in Section
18 5-535 of the Civil Administrative Code of Illinois.

19 (kk) The public body's credit card numbers, debit card
20 numbers, bank account numbers, Federal Employer
21 Identification Number, security code numbers, passwords,
22 and similar account information, the disclosure of which
23 could result in identity theft or impression or defrauding
24 of a governmental entity or a person.

25 (ll) Records concerning the work of the threat
26 assessment team of a school district.

1 (mm) Proprietary information submitted to the
2 Environmental Protection Agency under the Drug Take-Back
3 Act.

4 (1.5) Any information exempt from disclosure under the
5 Judicial Privacy Act shall be redacted from public records
6 prior to disclosure under this Act.

7 (2) A public record that is not in the possession of a
8 public body but is in the possession of a party with whom the
9 agency has contracted to perform a governmental function on
10 behalf of the public body, and that directly relates to the
11 governmental function and is not otherwise exempt under this
12 Act, shall be considered a public record of the public body,
13 for purposes of this Act.

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

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

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

23 (415 ILCS 5/22.15) (from Ch. 111 1/2, par. 1022.15)
24 Sec. 22.15. Solid Waste Management Fund; fees.

1 (a) There is hereby created within the State Treasury a
2 special fund to be known as the Solid Waste Management Fund, to
3 be constituted from the fees collected by the State pursuant
4 to this Section, from repayments of loans made from the Fund
5 for solid waste projects, from registration fees collected
6 pursuant to the Consumer Electronics Recycling Act, and from
7 amounts transferred into the Fund pursuant to Public Act
8 100-433. Moneys received by either the Agency or the
9 Department of Commerce and Economic Opportunity in repayment
10 of loans made pursuant to the Illinois Solid Waste Management
11 Act shall be deposited into the General Revenue Fund.

12 (b) The Agency shall assess and collect a fee in the amount
13 set forth herein from the owner or operator of each sanitary
14 landfill permitted or required to be permitted by the Agency
15 to dispose of solid waste if the sanitary landfill is located
16 off the site where such waste was produced and if such sanitary
17 landfill is owned, controlled, and operated by a person other
18 than the generator of such waste. The Agency shall deposit all
19 fees collected into the Solid Waste Management Fund. If a site
20 is contiguous to one or more landfills owned or operated by the
21 same person, the volumes permanently disposed of by each
22 landfill shall be combined for purposes of determining the fee
23 under this subsection. Beginning on July 1, 2018, and on the
24 first day of each month thereafter during fiscal years 2019
25 through 2022, the State Comptroller shall direct and State
26 Treasurer shall transfer an amount equal to 1/12 of \$5,000,000

1 per fiscal year from the Solid Waste Management Fund to the
2 General Revenue Fund.

3 (1) If more than 150,000 cubic yards of non-hazardous
4 solid waste is permanently disposed of at a site in a
5 calendar year, the owner or operator shall either pay a
6 fee of 95 cents per cubic yard or, alternatively, the
7 owner or operator may weigh the quantity of the solid
8 waste permanently disposed of with a device for which
9 certification has been obtained under the Weights and
10 Measures Act and pay a fee of \$2.00 per ton of solid waste
11 permanently disposed of. In no case shall the fee
12 collected or paid by the owner or operator under this
13 paragraph exceed \$1.55 per cubic yard or \$3.27 per ton.

14 (2) If more than 100,000 cubic yards but not more than
15 150,000 cubic yards of non-hazardous waste is permanently
16 disposed of at a site in a calendar year, the owner or
17 operator shall pay a fee of \$52,630.

18 (3) If more than 50,000 cubic yards but not more than
19 100,000 cubic yards of non-hazardous solid waste is
20 permanently disposed of at a site in a calendar year, the
21 owner or operator shall pay a fee of \$23,790.

22 (4) If more than 10,000 cubic yards but not more than
23 50,000 cubic yards of non-hazardous solid waste is
24 permanently disposed of at a site in a calendar year, the
25 owner or operator shall pay a fee of \$7,260.

26 (5) If not more than 10,000 cubic yards of

1 non-hazardous solid waste is permanently disposed of at a
2 site in a calendar year, the owner or operator shall pay a
3 fee of \$1050.

4 (c) (Blank).

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

8 (1) necessary records identifying the quantities of
9 solid waste received or disposed;

10 (2) the form and submission of reports to accompany
11 the payment of fees to the Agency;

12 (3) the time and manner of payment of fees to the
13 Agency, which payments shall not be more often than
14 quarterly; and

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

18 (e) Pursuant to appropriation, all monies in the Solid
19 Waste Management Fund shall be used by the Agency for the
20 purposes set forth in this Section and in the Illinois Solid
21 Waste Management Act, including for the costs of fee
22 collection and administration, and for the administration of
23 ~~(1) the Consumer Electronics Recycling Act and the Drug~~
24 ~~Take-Back Act (2) until January 1, 2020, the Electronic~~
25 ~~Products Recycling and Reuse Act.~~

26 (f) The Agency is authorized to enter into such agreements

1 and to promulgate such rules as are necessary to carry out its
2 duties under this Section and the Illinois Solid Waste
3 Management Act.

4 (g) On the first day of January, April, July, and October
5 of each year, beginning on July 1, 1996, the State Comptroller
6 and Treasurer shall transfer \$500,000 from the Solid Waste
7 Management Fund to the Hazardous Waste Fund. Moneys
8 transferred under this subsection (g) shall be used only for
9 the purposes set forth in item (1) of subsection (d) of Section
10 22.2.

11 (h) The Agency is authorized to provide financial
12 assistance to units of local government for the performance of
13 inspecting, investigating and enforcement activities pursuant
14 to Section 4(r) at nonhazardous solid waste disposal sites.

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

17 (j) A unit of local government, as defined in the Local
18 Solid Waste Disposal Act, in which a solid waste disposal
19 facility is located may establish a fee, tax, or surcharge
20 with regard to the permanent disposal of solid waste. All
21 fees, taxes, and surcharges collected under this subsection
22 shall be utilized for solid waste management purposes,
23 including long-term monitoring and maintenance of landfills,
24 planning, implementation, inspection, enforcement and other
25 activities consistent with the Solid Waste Management Act and
26 the Local Solid Waste Disposal Act, or for any other

1 environment-related purpose, including, but not limited to, an
2 environment-related public works project, but not for the
3 construction of a new pollution control facility other than a
4 household hazardous waste facility. However, the total fee,
5 tax or surcharge imposed by all units of local government
6 under this subsection (j) upon the solid waste disposal
7 facility shall not exceed:

8 (1) 60¢ per cubic yard if more than 150,000 cubic
9 yards of non-hazardous solid waste is permanently disposed
10 of at the site in a calendar year, unless the owner or
11 operator weighs the quantity of the solid waste received
12 with a device for which certification has been obtained
13 under the Weights and Measures Act, in which case the fee
14 shall not exceed \$1.27 per ton of solid waste permanently
15 disposed of.

16 (2) \$33,350 if more than 100,000 cubic yards, but not
17 more than 150,000 cubic yards, of non-hazardous waste is
18 permanently disposed of at the site in a calendar year.

19 (3) \$15,500 if more than 50,000 cubic yards, but not
20 more than 100,000 cubic yards, of non-hazardous solid
21 waste is permanently disposed of at the site in a calendar
22 year.

23 (4) \$4,650 if more than 10,000 cubic yards, but not
24 more than 50,000 cubic yards, of non-hazardous solid waste
25 is permanently disposed of at the site in a calendar year.

26 (5) \$650 if not more than 10,000 cubic yards of

1 non-hazardous solid waste is permanently disposed of at
2 the site in a calendar year.

3 The corporate authorities of the unit of local government
4 may use proceeds from the fee, tax, or surcharge to reimburse a
5 highway commissioner whose road district lies wholly or
6 partially within the corporate limits of the unit of local
7 government for expenses incurred in the removal of
8 nonhazardous, nonfluid municipal waste that has been dumped on
9 public property in violation of a State law or local
10 ordinance.

11 For the disposal of solid waste from general construction
12 or demolition debris recovery facilities as defined in
13 subsection (a-1) of Section 3.160, the total fee, tax, or
14 surcharge imposed by all units of local government under this
15 subsection (j) upon the solid waste disposal facility shall
16 not exceed 50% of the applicable amount set forth above. A unit
17 of local government, as defined in the Local Solid Waste
18 Disposal Act, in which a general construction or demolition
19 debris recovery facility is located may establish a fee, tax,
20 or surcharge on the general construction or demolition debris
21 recovery facility with regard to the permanent disposal of
22 solid waste by the general construction or demolition debris
23 recovery facility at a solid waste disposal facility, provided
24 that such fee, tax, or surcharge shall not exceed 50% of the
25 applicable amount set forth above, based on the total amount
26 of solid waste transported from the general construction or

1 demolition debris recovery facility for disposal at solid
2 waste disposal facilities, and the unit of local government
3 and fee shall be subject to all other requirements of this
4 subsection (j).

5 A county or Municipal Joint Action Agency that imposes a
6 fee, tax, or surcharge under this subsection may use the
7 proceeds thereof to reimburse a municipality that lies wholly
8 or partially within its boundaries for expenses incurred in
9 the removal of nonhazardous, nonfluid municipal waste that has
10 been dumped on public property in violation of a State law or
11 local ordinance.

12 If the fees are to be used to conduct a local sanitary
13 landfill inspection or enforcement program, the unit of local
14 government must enter into a written delegation agreement with
15 the Agency pursuant to subsection (r) of Section 4. The unit of
16 local government and the Agency shall enter into such a
17 written delegation agreement within 60 days after the
18 establishment of such fees. At least annually, the Agency
19 shall conduct an audit of the expenditures made by units of
20 local government from the funds granted by the Agency to the
21 units of local government for purposes of local sanitary
22 landfill inspection and enforcement programs, to ensure that
23 the funds have been expended for the prescribed purposes under
24 the grant.

25 The fees, taxes or surcharges collected under this
26 subsection (j) shall be placed by the unit of local government

1 in a separate fund, and the interest received on the moneys in
2 the fund shall be credited to the fund. The monies in the fund
3 may be accumulated over a period of years to be expended in
4 accordance with this subsection.

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

10 (1) The total monies collected pursuant to this
11 subsection.

12 (2) The most current balance of monies collected
13 pursuant to this subsection.

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

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

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

20 The exemptions granted under Sections 22.16 and 22.16a,
21 and under subsection (k) of this Section, shall be applicable
22 to any fee, tax or surcharge imposed under this subsection
23 (j); except that the fee, tax or surcharge authorized to be
24 imposed under this subsection (j) may be made applicable by a
25 unit of local government to the permanent disposal of solid
26 waste after December 31, 1986, under any contract lawfully

1 executed before June 1, 1986 under which more than 150,000
2 cubic yards (or 50,000 tons) of solid waste is to be
3 permanently disposed of, even though the waste is exempt from
4 the fee imposed by the State under subsection (b) of this
5 Section pursuant to an exemption granted under Section 22.16.

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

10 (1) waste which is hazardous waste;

11 (2) waste which is pollution control waste;

12 (3) waste from recycling, reclamation or reuse
13 processes which have been approved by the Agency as being
14 designed to remove any contaminant from wastes so as to
15 render such wastes reusable, provided that the process
16 renders at least 50% of the waste reusable; the exemption
17 set forth in this paragraph (3) of this subsection (k)
18 shall not apply to general construction or demolition
19 debris recovery facilities as defined in subsection (a-1)
20 of Section 3.160;

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

24 (5) any landfill which is permitted by the Agency to
25 receive only demolition or construction debris or
26 landscape waste.

1 (Source: P.A. 101-10, eff. 6-5-19; 101-636, eff. 6-10-20;
2 102-16, eff. 6-17-21; 102-310, eff. 8-6-21; 102-444, eff.
3 8-20-21; revised 9-28-21.)

4 (415 ILCS 5/22.55)

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

6 (a) Findings; purpose and intent.

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

11 (2) The purpose of this Section is to provide, to the
12 extent allowed under federal law, a method for managing
13 certain types of household waste separately from the
14 general household waste stream.

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

16 "Compostable waste" means household waste that is
17 source-separated food scrap, household waste that is
18 source-separated landscape waste, or a mixture of both.

19 "Controlled substance" means a controlled substance as
20 defined in the Illinois Controlled Substances Act.

21 "Household waste" means waste generated from a single
22 residence or multiple residences.

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

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

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

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

10 "Personal care product" means an item other than a
11 pharmaceutical product that is consumed or applied by an
12 individual for personal health, hygiene, or cosmetic
13 reasons. Personal care products include, but are not
14 limited to, items used in bathing, dressing, or grooming.

15 "Pharmaceutical product" means medicine or a product
16 containing medicine. A pharmaceutical product may be sold
17 by prescription or over the counter. "Pharmaceutical
18 product" does not include medicine that contains a
19 radioactive component or a product that contains a
20 radioactive component.

21 "Recycling coordinator" means the person designated by
22 each county waste management plan to administer the county
23 recycling program, as set forth in the Solid Waste
24 Management Act.

25 (c) Except as otherwise provided in Agency rules, the
26 following requirements apply to each household waste drop-off

1 point, other than a one-day household waste collection event,
2 one-day compostable waste collection event, or permanent
3 compostable waste collection point:

4 (1) A household waste drop-off point must not accept
5 waste other than the following types of household waste:
6 pharmaceutical products, personal care products, batteries
7 other than lead-acid batteries, paints, automotive fluids,
8 compact fluorescent lightbulbs, mercury thermometers, and
9 mercury thermostats. A household waste drop-off point may
10 accept controlled substances in accordance with federal
11 law.

12 (2) Except as provided in subdivision (c)(2) of this
13 Section, household waste drop-off points must be located
14 at a site or facility where the types of products accepted
15 at the household waste drop-off point are lawfully sold,
16 distributed, or dispensed. For example, household waste
17 drop-off points that accept prescription pharmaceutical
18 products must be located at a site or facility where
19 prescription pharmaceutical products are sold,
20 distributed, or dispensed.

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

25 (B) Household waste drop-off points that accept
26 mercury thermometers can be located at any site or

1 facility where non-mercury thermometers are sold,
2 distributed, or dispensed.

3 (C) Household waste drop-off points that accept
4 mercury thermostats can be located at any site or
5 facility where non-mercury thermostats are sold,
6 distributed, or dispensed.

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

12 (4) Household waste must be accepted only from private
13 individuals. Waste must not be accepted from other
14 persons, including, but not limited to, owners and
15 operators of rented or leased residences where the
16 household waste was generated, commercial haulers, and
17 other commercial, industrial, agricultural, and government
18 operations or entities.

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

22 (6) Household waste must not be stored for longer than
23 90 days after its receipt, except as otherwise approved by
24 the Agency in writing.

25 (7) Household waste must be managed in a manner that
26 protects against releases of the waste, prevents

1 nuisances, and otherwise protects human health and the
2 environment. Household waste must also be properly secured
3 to prevent unauthorized public access to the waste,
4 including, but not limited to, preventing access to the
5 waste during the non-business hours of the site or
6 facility on which the household waste drop-off point is
7 located. Containers in which pharmaceutical products are
8 collected must be clearly marked "No Controlled
9 Substances", unless the household waste drop-off point
10 accepts controlled substances in accordance with federal
11 law.

12 (8) Management of the household waste must be limited
13 to the following: (i) acceptance of the waste, (ii)
14 temporary storage of the waste prior to transfer, and
15 (iii) off-site transfer of the waste and packaging for
16 off-site transfer.

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

19 (d) One-day household waste collection events. To further
20 aid in the collection of certain household wastes, the Agency
21 may approve the operation of one-day household waste
22 collection events. The Agency shall not approve a one-day
23 household waste collection event at the same site or facility
24 for more than one day each calendar quarter. Requests for
25 approval must be submitted on forms prescribed by the Agency.
26 The Agency must issue its approval in writing, and it may

1 impose conditions as necessary to protect human health and the
2 environment and to otherwise accomplish the purposes of this
3 Act. One-day household waste collection events must be
4 operated in accordance with the Agency's approval, including
5 all conditions contained in the approval. The following
6 requirements apply to all one-day household waste collection
7 events, in addition to the conditions contained in the
8 Agency's approval:

9 (1) Waste accepted at the event must be limited to
10 household waste and must not include garbage, landscape
11 waste, or other waste excluded by the Agency in the
12 Agency's approval or any conditions contained in the
13 approval. A one-day household waste collection event may
14 accept controlled substances in accordance with federal
15 law.

16 (2) Household waste must be accepted only from private
17 individuals. Waste must not be accepted from other
18 persons, including, but not limited to, owners and
19 operators of rented or leased residences where the
20 household waste was generated, commercial haulers, and
21 other commercial, industrial, agricultural, and government
22 operations or entities.

23 (3) Household waste must be managed in a manner that
24 protects against releases of the waste, prevents
25 nuisances, and otherwise protects human health and the
26 environment. Household waste must also be properly secured

1 to prevent public access to the waste, including, but not
2 limited to, preventing access to the waste during the
3 event's non-business hours.

4 (4) Management of the household waste must be limited
5 to the following: (i) acceptance of the waste, (ii)
6 temporary storage of the waste before transfer, and (iii)
7 off-site transfer of the waste or packaging for off-site
8 transfer.

9 (5) Except as otherwise approved by the Agency, all
10 household waste received at the collection event must be
11 transferred off-site by the end of the day following the
12 collection event.

13 (6) The transfer and ultimate disposition of household
14 waste received at the collection event must comply with
15 the Agency's approval, including all conditions contained
16 in the approval.

17 (d-5) One-day compostable waste collection event. To
18 further aid in the collection and composting of compostable
19 waste, as defined in subsection (b), a municipality may
20 approve the operation of one-day compostable waste collection
21 events at any site or facility within its territorial
22 jurisdiction, and a county may approve the operation of
23 one-day compostable waste collection events at any site or
24 facility in any unincorporated area within its territorial
25 jurisdiction. The approval granted under this subsection (d-5)
26 must be in writing; must specify the date, location, and time

1 of the event; and must list the types of compostable waste that
2 will be collected at the event. If the one-day compostable
3 waste collection event is to be operated at a location within a
4 county with a population of more than 400,000 but less than
5 2,000,000 inhabitants, according to the 2010 decennial census,
6 then the operator of the event shall, at least 30 days before
7 the event, provide a copy of the approval to the recycling
8 coordinator designated by that county. The approval granted
9 under this subsection (d-5) may include conditions imposed by
10 the county or municipality as necessary to protect public
11 health and prevent odors, vectors, and other nuisances. A
12 one-day compostable waste collection event approved under this
13 subsection (d-5) must be operated in accordance with the
14 approval, including all conditions contained in the approval.
15 The following requirements shall apply to the one-day
16 compostable waste collection event, in addition to the
17 conditions contained in the approval:

18 (1) Waste accepted at the event must be limited to the
19 types of compostable waste authorized to be accepted under
20 the approval.

21 (2) Information promoting the event and signs at the
22 event must clearly indicate the types of compostable waste
23 approved for collection. To discourage the receipt of
24 other waste, information promoting the event and signs at
25 the event must also include:

26 (A) examples of compostable waste being collected;

1 and

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

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

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

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

21 (A) are covered, except when the compostable waste
22 is being added to or removed from the containers or it
23 is otherwise necessary to access the compostable
24 waste;

25 (B) prevent precipitation from draining through
26 the compostable waste;

1 (C) prevent dispersion of the compostable waste by
2 wind;

3 (D) contain spills or releases that could create
4 nuisances or otherwise harm human health or the
5 environment;

6 (E) limit access to the compostable waste by
7 vectors;

8 (F) control odors and other nuisances; and

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

12 (6) No more than a total of 40 cubic yards of
13 compostable waste shall be located at the collection site
14 at any one time.

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

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

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

1 (d-6) Permanent compostable waste collection points. To
2 further aid in the collection and composting of compostable
3 waste, as defined in subsection (b), a municipality may
4 approve the operation of permanent compostable waste
5 collection points at any site or facility within its
6 territorial jurisdiction, and a county may approve the
7 operation of permanent compostable waste collection points at
8 any site or facility in any unincorporated area within its
9 territorial jurisdiction. The approval granted pursuant to
10 this subsection (d-6) must be in writing; must specify the
11 location, operating days, and operating hours of the
12 collection point; must list the types of compostable waste
13 that will be collected at the collection point; and must
14 specify a term of not more than 365 calendar days during which
15 the approval will be effective. In addition, if the permanent
16 compostable waste collection point is to be operated at a
17 location within a county with a population of more than
18 400,000 but less than 2,000,000 inhabitants, according to the
19 2010 federal decennial census, then the operator of the
20 collection point shall, at least 30 days before the collection
21 point begins operation, provide a copy of the approval to the
22 recycling coordinator designated by that county. The approval
23 may include conditions imposed by the county or municipality
24 as necessary to protect public health and prevent odors,
25 vectors, and other nuisances. A permanent compostable waste
26 collection point approved pursuant to this subsection (d-6)

1 must be operated in accordance with the approval, including
2 all conditions contained in the approval. The following
3 requirements apply to the permanent compostable waste
4 collection point, in addition to the conditions contained in
5 the approval:

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

9 (2) Information promoting the collection point and
10 signs at the collection point must clearly indicate the
11 types of compostable waste approved for collection. To
12 discourage the receipt of other waste, information
13 promoting the collection point and signs at the collection
14 point must also include (A) examples of compostable waste
15 being collected and (B) examples of waste that is not
16 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 point's non-operating hours. Permanent compostable waste
5 collection points 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 no larger than 10 cubic yards in size;

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

14 (C) prevent precipitation from draining through
15 the compostable waste;

16 (D) prevent dispersion of the compostable waste by
17 wind;

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

21 (F) limit access to the compostable waste by
22 vectors;

23 (G) control odors and other nuisances; and

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

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

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

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

11 (9) If a permanent compostable waste collection point
12 receives waste other than compostable waste, then that
13 waste must be disposed of not less frequently than once
14 every 7 days.

15 (e) The Agency may adopt rules governing the operation of
16 household waste drop-off points, other than one-day household
17 waste collection events, one-day compostable waste collection
18 events, and permanent compostable waste collection points.
19 Those rules must be designed to protect against releases of
20 waste to the environment, prevent nuisances, and otherwise
21 protect human health and the environment. As necessary to
22 address different circumstances, the regulations may contain
23 different requirements for different types of household waste
24 and different types of household waste drop-off points, and
25 the regulations may modify the requirements set forth in
26 subsection (c) of this Section. The regulations may include,

1 but are not limited to, the following: (i) identification of
2 additional types of household waste that can be collected at
3 household waste drop-off points, (ii) identification of the
4 different types of household wastes that can be received at
5 different household waste drop-off points, (iii) the maximum
6 amounts of each type of household waste that can be stored at
7 household waste drop-off points at any one time, and (iv) the
8 maximum time periods each type of household waste can be
9 stored at household waste drop-off points.

10 (f) Prohibitions.

11 (1) Except as authorized in a permit issued by the
12 Agency, no person shall cause or allow the operation of a
13 household waste drop-off point, other than a one-day
14 household waste collection event, one-day compostable
15 waste collection event, or permanent compostable waste
16 collection point, in violation of this Section or any
17 regulations adopted under this Section.

18 (2) No person shall cause or allow the operation of a
19 one-day household waste collection event in violation of
20 this Section or the Agency's approval issued under
21 subsection (d) of this Section, including all conditions
22 contained in the approval.

23 (3) No person shall cause or allow the operation of a
24 one-day compostable waste collection event in violation of
25 this Section or the approval issued for the one-day
26 compostable waste collection event under subsection (d-5)

1 of this Section, including all conditions contained in the
2 approval.

3 (4) No person shall cause or allow the operation of a
4 permanent compostable waste collection event in violation
5 of this Section or the approval issued for the permanent
6 compostable waste collection point under subsection (d-6)
7 of this Section, including all conditions contained in the
8 approval.

9 (g) Permit exemptions.

10 (1) No permit is required under subdivision (d)(1) of
11 Section 21 of this Act for the operation of a household
12 waste drop-off point, other than a one-day household waste
13 collection event, one-day compostable waste collection
14 event, or permanent compostable waste collection point, if
15 the household waste drop-off point is operated in
16 accordance with this Section and all regulations adopted
17 under this Section.

18 (2) No permit is required under subdivision (d)(1) of
19 Section 21 of this Act for the operation of a one-day
20 household waste collection event if the event is operated
21 in accordance with this Section and the Agency's approval
22 issued under subsection (d) of this Section, including all
23 conditions contained in the approval, or for the operation
24 of a household waste collection event by the Agency.

25 (3) No permit is required under paragraph (1) of
26 subsection (d) of Section 21 of this Act for the operation

1 of a one-day compostable waste collection event if the
2 compostable waste collection event is operated in
3 accordance with this Section and the approval issued for
4 the compostable waste collection point under subsection
5 (d-5) of this Section, including all conditions contained
6 in the approval.

7 (4) No permit is required under paragraph (1) of
8 subsection (d) of Section 21 of this Act for the operation
9 of a permanent compostable waste collection point if the
10 collection point is operated in accordance with this
11 Section and the approval issued for the compostable waste
12 collection event under subsection (d-6) of this Section,
13 including all conditions contained in the approval.

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

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

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

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

25 (j) (Blank). ~~The Agency must develop a sign that provides~~
26 ~~information on the proper disposal of unused pharmaceutical~~

1 ~~products. The sign shall include information on approved~~
2 ~~drop-off sites or list a website where updated information on~~
3 ~~drop-off sites can be accessed. The sign shall also include~~
4 ~~information on mail-back programs and self-disposal. The~~
5 ~~Agency shall make a copy of the sign available for downloading~~
6 ~~from its website. Every pharmacy shall display the sign in the~~
7 ~~area where medications are dispensed and shall also display~~
8 ~~any signs the Agency develops regarding local take back~~
9 ~~programs or household waste collection events. These signs~~
10 ~~shall be no larger than 8.5 inches by 11 inches.~~

11 (k) If an entity chooses to participate as a household
12 waste drop-off point, then it must follow the provisions of
13 this Section and any rules the Agency may adopt governing
14 household waste drop-off points.

15 (l) (Blank). ~~The Agency shall establish, by rule, a~~
16 ~~statewide medication take back program by June 1, 2016 to~~
17 ~~ensure that there are pharmaceutical product disposal options~~
18 ~~regularly available for residents across the State. No private~~
19 ~~entity may be compelled to serve as or fund a take back~~
20 ~~location or program. Medications collected and disposed of~~
21 ~~under the program shall include controlled substances approved~~
22 ~~for collection by federal law. All medications collected and~~
23 ~~disposed of under the program must be managed in accordance~~
24 ~~with all applicable federal and State laws and regulations.~~
25 ~~The Agency shall issue a report to the General Assembly by June~~
26 ~~1, 2019 detailing the amount of pharmaceutical products~~

1 ~~annually collected under the program, as well as any~~
2 ~~legislative recommendations.~~

3 (Source: P.A. 99-11, eff. 7-10-15; 99-480, eff. 9-9-15;
4 99-642, eff. 7-28-16.)

5 Section 999. Effective date. This Act takes effect upon
6 becoming law.