



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB2486

Introduced 2/19/2021, by Rep. Deanne M. Mazzochi

SYNOPSIS AS INTRODUCED:

20 ILCS 655/3	from Ch. 67 1/2, par. 603
20 ILCS 655/7	from Ch. 67 1/2, par. 611
20 ILCS 655/14 new	

Amends the Illinois Enterprise Zone Act. Provides that priority in the use of industrial development bonds issued by the Illinois Finance Authority shall be given to small businesses that manufacture medical provisions, process food, or produce goods and services identified under a disaster proclamation or executive order issued by the Governor. Provides that specified businesses that produce medical provisions, food infrastructure, or important and essential supplies shall not be subject to any statutory and regulatory restrictions from the State of Illinois if those restrictions are more stringent than those required by federal law. Provides further requirements concerning this exemption. Provides for a preference in the awarding of State contracts to small businesses that produce medical provisions, food infrastructure, or important and essential supplies. Requires the Department of Public Health to identify drug and hospital supplies that are critical to preserving and protecting the health and safety of Illinois residents, and provide notice of potential supply disruption. Creates the Illinois Known Drug Safety and Efficacy Opportunity Board and the Illinois Food Processing and Distribution Board for specified purposes and duties. Defines terms. Effective immediately.

LRB102 13209 RJF 18553 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning State government.

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

4 Section 1. This Act may be referred to as the Amplifying
5 Medical Provisions, Lifting Infrastructure for Food, Important
6 and Essential Supplies (AMPLIFIES) Act.

7 Section 5. The Illinois Enterprise Zone Act is amended by
8 changing Sections 3 and 7 and by adding Section 14 as follows:

9 (20 ILCS 655/3) (from Ch. 67 1/2, par. 603)

10 Sec. 3. Definitions. As used in this Act, the following
11 words shall have the meanings ascribed to them, unless the
12 context otherwise requires:

13 (a) "Department" means the Department of Commerce and
14 Economic Opportunity.

15 (b) "Enterprise Zone" means an area of the State certified
16 by the Department as an Enterprise Zone pursuant to this Act.

17 (c) "Depressed Area" means an area in which pervasive
18 poverty, unemployment and economic distress exist.

19 (d) "Designated Zone Organization" means an association or
20 entity: (1) the members of which are substantially all
21 residents of the Enterprise Zone; (2) the board of directors
22 of which is elected by the members of the organization; (3)

1 which satisfies the criteria set forth in Section 501(c) (3)
2 or 501(c) (4) of the Internal Revenue Code; and (4) which
3 exists primarily for the purpose of performing within such
4 area or zone for the benefit of the residents and businesses
5 thereof any of the functions set forth in Section 8 of this
6 Act.

7 (e) "Agency" means each officer, board, commission and
8 agency created by the Constitution, in the executive branch of
9 State government, other than the State Board of Elections;
10 each officer, department, board, commission, agency,
11 institution, authority, university, body politic and corporate
12 of the State; and each administrative unit or corporate
13 outgrowth of the State government which is created by or
14 pursuant to statute, other than units of local government and
15 their officers, school districts and boards of election
16 commissioners; each administrative unit or corporate outgrowth
17 of the above and as may be created by executive order of the
18 Governor. No entity shall be considered an "agency" for the
19 purposes of this Act unless authorized by law to make rules or
20 regulations.

21 (f) "Rule" means each agency statement of general
22 applicability that implements, applies, interprets or
23 prescribes law or policy, but does not include (i) statements
24 concerning only the internal management of an agency and not
25 affecting private rights or procedures available to persons or
26 entities outside the agency, (ii) intra-agency memoranda, or

1 (iii) the prescription of standardized forms.

2 (g) "Board" means the Enterprise Zone Board created in
3 Section 5.2.1.

4 (h) "Local labor market area" means an economically
5 integrated area within which individuals can reside and find
6 employment within a reasonable distance or can readily change
7 jobs without changing their place of residence.

8 (i) "Full-time equivalent job" means a job in which the
9 new employee works for the recipient or for a corporation
10 under contract to the recipient at a rate of at least 35 hours
11 per week. A recipient who employs labor or services at a
12 specific site or facility under contract with another may
13 declare one full-time, permanent job for every 1,820 man hours
14 worked per year under that contract. Vacations, paid holidays,
15 and sick time are included in this computation. Overtime is
16 not considered a part of regular hours.

17 (j) "Full-time retained job" means any employee defined as
18 having a full-time or full-time equivalent job preserved at a
19 specific facility or site, the continuance of which is
20 threatened by a specific and demonstrable threat, which shall
21 be specified in the application for development assistance. A
22 recipient who employs labor or services at a specific site or
23 facility under contract with another may declare one retained
24 employee per year for every 1,750 man hours worked per year
25 under that contract, even if different individuals perform
26 on-site labor or services.

1 (k) "Medical provisions" means any drug product, test, or
2 device approved or permitted for importation, sale, offer for
3 sale, marketing, or distribution under the Federal Food, Drug
4 and Cosmetic Act; active pharmaceutical ingredient; synthetic
5 precursor, catalyst, solvent, or reagent used to prepare an
6 active pharmaceutical ingredient; diagnostic test; medical or
7 surgical equipment, tool, device, or component thereof; or
8 packaging associated therewith. The Department of Public
9 Health shall make additional recommendations to the General
10 Assembly at least annually of critical medical infrastructure
11 that is not otherwise encompassed by this subsection (k) for
12 further inclusion under this subsection (k).

13 (l) "Food infrastructure" means all infrastructure
14 associated with the production, distribution, storage,
15 fulfillment, and sale of food in the State of Illinois,
16 including, but not limited to, plants, animals, feed,
17 equipment, housing, processing, packaging, and construction.
18 The Department of Agriculture shall make additional
19 recommendations to the General Assembly at least annually of
20 critical food infrastructure that is not otherwise encompassed
21 by this subsection (l) for further inclusion under this
22 subsection (l).

23 (m) "Important and essential supplies" means any goods
24 that are necessary to preserve the functioning of civil
25 society, including those relating to critical household goods
26 and supplies, manufacturing supplies, energy, and

1 transportation. The Department of Commerce and Economic
2 Opportunity or the Department of Transportation shall make
3 additional recommendations to the General Assembly at least
4 annually of critical infrastructure that is not otherwise
5 encompassed by this subsection (m) for further inclusion under
6 this subsection (m).

7 (n) "Small business" means a business that: (i) has fifty
8 or fewer non-managerial employees; (ii) has less than
9 \$3,000,000 in gross revenues per year, as indexed to the year
10 2020; (iii) is organized under Co-operative Act; or (iv) is
11 organized as a Limited Worker Cooperative Association under
12 Limited Worker Cooperative Association Act.

13 (Source: P.A. 97-905, eff. 8-7-12; 98-463, eff. 8-16-13.)

14 (20 ILCS 655/7) (from Ch. 67 1/2, par. 611)

15 Sec. 7. State Incentives Regarding Public Services and
16 Physical Infrastructure.

17 (a) This Act does not restrict tax incentive financing
18 pursuant to the "Tax Increment Allocation Redevelopment Act".

19 (b) Industrial development bonds. Priority in the use of
20 industrial development bonds issued by the Illinois Finance
21 Authority shall be given to: (i) businesses located in an
22 Enterprise Zone; and (ii) small businesses that manufacture
23 medical provisions, process food, or produce goods and
24 services identified under a disaster proclamation or executive
25 order issued by the Governor pursuant to powers granted under

1 Section 7 of the Illinois Emergency Management Agency Act.

2 (c) Deposit of State funds by the State Treasurer. The
3 State Treasurer is authorized and encouraged to place deposits
4 of State funds with financial institutions doing business in
5 an Enterprise Zone.

6 (Source: P.A. 93-205, eff. 1-1-04.)

7 (20 ILCS 655/14 new)

8 Sec. 14. Essential supplies exemption.

9 (a) Except as provided under subsection (b), any business
10 that: (i) is started after June 1, 2020; (ii) relocates to
11 Illinois after June 1, 2020; (iii) is presently located in the
12 State of Illinois; or (iv) is incorporated in the State of
13 Illinois and has a majority of employees residing in the State
14 of Illinois, and that produces medical provisions, food
15 infrastructure, or important and essential supplies, shall not
16 be subject to any statutory and regulatory restrictions from
17 the State of Illinois if those restrictions are more stringent
18 than those required by federal law.

19 This subsection (a) is inoperative on and after January 1,
20 2026, unless the Governor of the State of Illinois in office on
21 December 31, 2025, or in office thereafter, provides the
22 General Assembly with a report and recommendations identifying
23 a narrower subset of Illinois statutory and regulatory
24 requirements that should apply to such businesses to ensure
25 that such businesses remain as going business concerns in the

1 State of Illinois, and possess the capacity to supply the
2 residents of the State of Illinois with critical medical
3 provisions, food infrastructure, or important and essential
4 supplies, including in the event of a natural disaster or
5 pandemic, in which case this subsection (a) shall be extended
6 for an additional full calendar year after the date of the
7 Governor's report.

8 Nothing in this subsection (a) shall relieve the business
9 of paying income taxes to the State of Illinois.

10 (b) Any small business under this Section that: (i) is
11 started after June 1, 2020; (ii) relocates to Illinois after
12 June 1, 2020; (iii) is presently located in the State of
13 Illinois; or (iv) is incorporated in the State of Illinois and
14 has a majority of employees residing in the State of Illinois,
15 and that produces medical provisions, food infrastructure, or
16 important and essential supplies, shall not be subject to any
17 statutory and regulatory restrictions from the State of
18 Illinois if those restrictions are more stringent than those
19 required by federal law for a period of 10 years or one year
20 after the small business loses its status as a small business,
21 whichever occurs sooner.

22 This subsection (b) is inoperative on and after January 1,
23 2031, unless the Governor of the State of Illinois in office on
24 December 31, 2025, or in office thereafter, provides the
25 General Assembly with a report and recommendations identifying
26 a narrower subset of Illinois statutory and regulatory

1 requirements that should apply to such small businesses to
2 ensure that such businesses remain as going business concerns
3 in the State of Illinois, and possess the capacity to supply
4 the residents of the State of Illinois with critical medical
5 provisions, food infrastructure, or important and essential
6 supplies, including in the event of a natural disaster or
7 pandemic, in which case this subsection (b) shall be extended
8 for an additional 2 full calendar years after the date of the
9 Governor's report.

10 If by January 1, 2026, a small business has made a capital
11 investment into any facility in the State of Illinois that is
12 in excess of \$1,000,000, the application of this subsection
13 (b) to that small business shall be extended by an additional
14 10 years or to such time as the capital investment
15 depreciation is equal to zero, whichever occurs sooner.

16 Nothing in this subsection (b) shall relieve the business
17 of paying income taxes to the State of Illinois.

18 (c) If a statute or agency rule means that a business
19 qualifying under subsections (a) or (b): (i) presents a
20 significant risk to the health or safety of persons residing
21 in or employed within a 2 mile radius of the facility; or (ii)
22 would conflict with federal law or regulation such that the
23 State, any unit of local government or school district, any
24 area of the State, or any business enterprise within a one mile
25 radius of the facility would be disqualified from a federal
26 program or from federal tax or other benefits, then the State

1 of Illinois shall have the burden of proving by clear and
2 convincing evidence that the proposed additional statutory
3 burden or agency rule will not impose any disruption to
4 medical provisions, food infrastructure, or important and
5 essential supplies.

6 (d) If a statute or agency rule means that a business
7 qualifying under subsections (a) or (b): (i) presents a
8 significant risk to the business as a going business concern;
9 or (ii) will lead to the loss of critical employees, capital
10 infrastructure, or knowledge base associated with the
11 production and supply of goods and services, the business may
12 file a claim against the State of Illinois for undue business
13 disruption. The burden shall be on the State of Illinois to
14 show by clear and convincing evidence that the statute or
15 agency rule is reasonable and narrowly tailored to meet the
16 State's interest. No injunction may issue against a business
17 unless and until an adverse finding on the merits. Employees,
18 other businesses, and members of the public adversely and
19 materially impacted if the business is forced to comply may
20 also intervene in such action as a matter of right.

21 (e) When a State contract for the purchase of medical
22 provisions, food infrastructure, or important and essential
23 supplies is to be awarded to the lowest responsible bidder, a
24 small business under this Section who is an otherwise
25 qualified bidder who will fulfill the contract may be given
26 preference over other bidders; provided that, the bid cost is

1 not more than 10% greater than the cost included in a bid.

2 (f) Identifying critical medical supply infrastructure.
3 The Department of Public Health shall every 2 years identify
4 drug and hospital supplies that are critical to preserving and
5 protecting the health and safety of Illinois residents. For
6 any supplies in which the market share of the medical product
7 or device (including, but not limited to, active
8 pharmaceutical ingredient; critical synthetic precursors,
9 catalysts or reagents; surgical equipment; and medical devices
10 and components thereof) is one in which greater than 50% of the
11 market is made outside the United States, the Department of
12 Public Health shall place a notice on its website and shall
13 inform the Department of Commerce and Economic Opportunity of
14 the potential for a supply chain disruption.

15 (g) The Illinois Known Drug Safety and Efficacy
16 Opportunity Board is created.

17 (1) Purpose. In 2019, a new SARS coronavirus is
18 believed to have originated in the region of Wuhan, China.
19 The virus quickly spread throughout the world, leaving
20 untold infections and deaths in its wake. As news of the
21 virus became known, the medical community began to
22 repurpose existing pharmaceutical products as potential
23 treatment options. However, critical delays of weeks or
24 months can lead to needless loss of life. Illinois has
25 some of the leading medical researchers and innovators in
26 the world. The goal of this Board is to facilitate getting

1 potentially life-saving medications quickly into the hands
2 of medical scientists.

3 (2) The Board shall include the following members:

4 (i) four members appointed by the Governor, with
5 one each having experience within the fields of
6 medicinal chemistry or drug development, clinical
7 research, pharmaceutical manufacturing, and regulatory
8 compliance;

9 (ii) one additional member appointed by the
10 Governor;

11 (iii) one member appointed by the Speaker of the
12 House of Representatives;

13 (iv) one member appointed by the Minority Leader
14 of the House of Representatives;

15 (v) one member appointed by the Senate President;

16 and

17 (vi) one member appointed by the Senate Minority
18 Leader.

19 (3) The members of the Board shall meet at least twice
20 per year. The Department of Public Health shall designate
21 an administrative liaison and provide administrative
22 support to the Board. Members of the Board shall serve
23 without compensation.

24 (4) The Board shall facilitate the preparation of an
25 open-source public register of non-FDA approved drug
26 compounds that from 2010 and thereafter: (i) have been the

1 subject of an investigational new drug application; (ii)
2 did not have unacceptable safety profiles in Phase II
3 clinical trials; and (iii) have the proposed mechanism of
4 action for the drug compound.

5 (5) Subject to appropriation, the Board shall issue
6 grants to public universities within the State of Illinois
7 in connection with identifying or developing
8 broad-spectrum antiviral pharmaceutical compounds.

9 (6) Subject to appropriation, the Board shall make
10 recommendations to the Department of Commerce and Economic
11 Opportunity for grant proposals to construct pilot plant
12 facilities capable of manufacturing quantities of drug
13 products for at least Phase II clinical trials, according
14 to Good Manufacturing Practices. The Board should look for
15 opportunities to prepare in separate facilities: (i)
16 active pharmaceutical ingredients for small molecules;
17 (ii) active pharmaceutical ingredients that are biologic
18 products (including, but not limited to, monoclonal
19 antibody products); (iii) finished dosage forms; (iv)
20 sterile injectable products; and (v) medical component
21 parts via 3-D printing technology. The Board should give
22 preference to facilities that could be used in the event
23 of an emergency to produce medical provisions.

24 (7) The Board shall also facilitate the preparation of
25 clinical trial proposals outside the university academic
26 research process.

1 (8) Subject to appropriation, the Board shall also
2 make awards to community colleges to establish programs
3 relating to life sciences workforce development.

4 (h) The Illinois Food Processing and Distribution Board is
5 created.

6 (1) Purpose. In 2019, a new SARS coronavirus is
7 believed to have originated in the region of Wuhan, China.
8 The virus quickly spread throughout the world, leaving
9 untold infections and deaths in its wake. As news of the
10 virus became known, there were considerable disruptions to
11 the food supply chains, including at processing plants,
12 due in part to the lack of excess capacity in the system.
13 Illinois has some of the leading farmers in the world. The
14 goal of this Board is to facilitate building additional
15 food processing capacity throughout the state, on a small
16 and local level.

17 (2) The Board shall include the following members:

18 (i) four members appointed by the Governor, with
19 one each having experience within the fields of
20 farming of plants, farming of animals, food processing
21 and distribution, and regulatory compliance;

22 (ii) one additional member appointed by the
23 Governor;

24 (iii) one member appointed by the Speaker of the
25 House of Representatives;

26 (iv) one member appointed by the Minority Leader

- 1 of the House of Representatives;
- 2 (v) one member appointed by the Senate President;
- 3 and
- 4 (vi) one member appointed by the Senate Minority
- 5 Leader.
- 6 (3) The members of the Board shall meet at least twice
- 7 per year. The Department of Agriculture shall designate an
- 8 administrative liaison and provide administrative support
- 9 to the Board. Members of the Board shall serve without
- 10 compensation.
- 11 (4) The Board shall facilitate the identification of
- 12 alternative food processing sources, including, but not
- 13 limited to, through hobby farming and workforce training.
- 14 (5) Subject to appropriation, the Board shall issue
- 15 grants to small businesses within the State of Illinois in
- 16 connection with building or maintaining excess capacity
- 17 for food processing.
- 18 (6) The Board shall particularly look to identify
- 19 "food deserts" or underserved areas within Cook County,
- 20 Illinois, that could expand food processing capabilities
- 21 in the area.

22 Section 99. Effective date. This Act takes effect upon

23 becoming law.