



Sen. Laura Fine

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1 AMENDMENT TO SENATE BILL 58

2 AMENDMENT NO. _____. Amend Senate Bill 58 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the State
5 Entities Single-Use Plastic Reporting Act.

6 Section 5. Definitions. As used in this Act:

7 "Single-use food serviceware" includes the following:

8 (1) Trays, plates, bowls, clamshells, lids, cups,
9 utensils, stirrers, hinged or lidded containers, and
10 straws.

11 (2) Wraps, wrappers, or bags sold to food service
12 establishments.

13 (3) Styrofoam containers.

14 (4) Plastic bottles.

15 "Single-use plastic" means all of the following:

16 (1) Packaging that is routinely recycled, disposed of,

1 or discarded after its contents have been used or
2 unpackaged and that is not typically refilled or otherwise
3 reused by its producer.

4 (2) Plastic single-use food serviceware, including,
5 but not limited to, plastic-coated paper or plastic-coated
6 paperboard, paper or paperboard with plastic intentionally
7 added during the manufacturing process, and multi-layer
8 flexible material.

9 (3) Any item described under paragraph (1) or (2) that
10 is purchased by a State agency for use by an employee of
11 that State agency or that is purchased to be provided to a
12 member of the public by that State agency or by another
13 State agency.

14 "Single-use plastic" does not include any of the
15 following:

16 (1) Packaging used for any of the following products:

17 (A) Products meeting the definitions set forth
18 under 21 U.S.C. 321(g), 21 U.S.C. 321(h), or 21 U.S.C.
19 353(b) (1).

20 (B) Drugs that are used for animal medicines,
21 including, but not limited to, parasiticide products
22 for animals.

23 (C) Products intended for animals that are
24 regulated as animal drugs, biologics, parasiticides,
25 medical devices, or diagnostics used to treat, or to
26 be administered to, animals under the Federal Food,

1 Drug, and Cosmetic Act, the federal Virus-Serum-Toxin
2 Act, or the Federal Insecticide, Fungicide, and
3 Rodenticide Act.

4 (D) Infant formula, as defined under 21 U.S.C.
5 321(z).

6 (E) Medical food, as defined under 21 U.S.C.
7 360ee(b)(3).

8 (F) Fortified oral nutritional supplements used
9 for persons who require supplemental or sole source
10 nutrition to meet nutritional or special dietary needs
11 directly related to cancer, chronic kidney disease,
12 diabetes, malnutrition, or failure to thrive, as those
13 terms are defined by the International Classification
14 of Diseases, Tenth Revision, published by the World
15 Health Organization.

16 (G) Plastic used in a health care setting for
17 patient care.

18 (2) Packaging used to contain products regulated under
19 the Federal Insecticide, Fungicide, and Rodenticide Act.

20 (3) Plastic packaging containers used to contain and
21 ship products that must be classified for transportation
22 as dangerous goods or hazardous materials under 49 CFR
23 178.

24 (4) Packaging used to contain hazardous or flammable
25 products regulated under 29 CFR 1910.1200.

26 "State agency" means any department, commission, council,

1 board, bureau, committee, institution, agency, university,
2 government corporation, authority, or other establishment or
3 official of this State. "State agency" includes any
4 establishment or official of the State that directly or
5 indirectly oversees the State's purchase of any product for
6 use in the State.

7 Section 10. State agencies tracking single-use plastic.
8 Beginning July 1, 2024, each State agency shall track the
9 purchase of single-use plastics on behalf of the State agency
10 that do not require procurement contracts. Each State agency
11 shall track such information for one year and establish goals
12 on reducing single-use plastic purchases based on such
13 information. Each State agency shall submit a report of its
14 findings to the Governor and the General Assembly on or before
15 October 1, 2025.

16 Section 15. The Illinois Procurement Code is amended by
17 changing Section 45-26 as follows:

18 (30 ILCS 500/45-26)

19 Sec. 45-26. Environmentally preferable procurement.

20 (a) Definitions. For the purposes of this Section:

21 (1) "Supplies" means all personal property, including
22 but not limited to equipment, materials, printing, and
23 insurance, and the financing of those supplies.

1 (2) "Services" means the furnishing of labor, time, or
2 effort by a contractor, not involving the delivery of a
3 specific end product other than reports or supplies that
4 are incidental to the required performance.

5 (3) "Environmentally preferable supplies" means
6 supplies that are less harmful to the natural environment
7 and human health than substantially similar supplies for
8 the same purpose. Attributes of environmentally preferable
9 supplies include, but are not limited to, the following:

10 (i) made of recycled materials, to the maximum
11 extent feasible;

12 (ii) not containing, emitting, or producing
13 toxic substances;

14 (iii) constituted so as to minimize the
15 production of waste; and

16 (iv) constituted so as to conserve energy and
17 water resources over the course of production,
18 transport, intended use, and disposal.

19 (4) "Environmentally preferable services" means
20 services that are less harmful to the natural environment
21 and human health than substantially similar services for
22 the same purpose. Attributes of "environmentally
23 preferable services" include, but are not limited to, the
24 following:

25 (i) use of supplies made of recycled
26 materials, to the maximum extent feasible;

1 (ii) use of supplies that do not contain,
2 emit, or produce toxic substances;

3 (iii) employment of methods that minimize the
4 production of waste; and

5 (iv) employment of methods that conserve
6 energy and water resources or use energy and water
7 resources more efficiently than substantially
8 similar methods.

9 (b) Award of contracts for environmentally preferable
10 supplies or services. Notwithstanding any rule, regulation,
11 statute, order, or policy of any kind, with the exceptions of
12 Sections 45-20 and 45-25 of this Code, State agencies shall
13 contract for supplies and services that are environmentally
14 preferable.

15 When a State agency is to award a contract to the lowest
16 responsible bidder, an otherwise qualified bidder who will
17 fulfill the contract through the use of compostable foodware
18 or recyclable foodware may be given preference over other
19 bidders unable to do so, as long as the bid is not more than 5%
20 greater than the cost of products that are single-use plastic
21 disposable foodware. The contract awarded the cost preference
22 in this subsection (b) shall also include the option of
23 providing the State agency with single-use plastic straws.

24 ~~If, however, contracting for an environmentally preferable~~
25 ~~supply or service would impose an undue economic or practical~~
26 ~~hardship on the contracting State agency, or if an~~

1 ~~environmentally preferable supply or service cannot be used to~~
2 ~~meet the requirements of the State agency, then the State~~
3 ~~agency need not contract for an environmentally preferable~~
4 ~~supply or service. Specifications for contracts, at the~~
5 ~~discretion of the contracting State agency, may include a~~
6 ~~price preference of up to 10% for environmentally preferable~~
7 ~~supplies or services.~~

8 (Source: P.A. 96-197, eff. 1-1-10.)".