



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

SB1523

Introduced 2/8/2023, by Sen. Laura Ellman

#### SYNOPSIS AS INTRODUCED:

New Act  
30 ILCS 500/1-10  
30 ILCS 105/5.990 new

Creates the Water Quality Assurance Act. Provides that new and existing health care facilities and buildings containing health care facilities shall develop and implement water management programs with specified elements to control the growth and spread of opportunistic waterborne pathogens. Requires specified persons to develop and implement a routine culture sampling plan for all building water systems. Requires health care facilities to perform remediation of identified opportunistic waterborne pathogens. Provides that the Department of Public Health or agent health departments may enter at reasonable times upon private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of the Act. Requires health care facilities to register with the Department all building water systems within 120 days of the Act's effective date and to provide specified information. Contains other provisions. Establishes the Water Quality Assurance Fund as a special fund in the State treasury and makes a conforming change in the State Finance Act. Provides that the Department of Public Health shall implement, administer, and enforce the Act and may adopt rules it deems necessary to do so. Amends the Illinois Procurement Code. Provides that the Code shall not apply to procurement expenditures necessary for the Department to respond to an infectious disease outbreak response or to procurement expenditures that are necessary for a State agency's facility to implement critical recommendations provided by the Department in response to an infectious disease outbreak. Effective January 1, 2024

LRB103 27299 CPF 53670 b

1 AN ACT concerning health.

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 Water  
5 Quality Assurance Act.

6 Section 5. Purpose. It has been established by scientific  
7 evidence that improper management of building water systems  
8 may cause or contribute to the proliferation of opportunistic  
9 waterborne pathogens and can result in adverse health effects  
10 and potentially lethal disease in at-risk populations. In  
11 order to safeguard the health and safety of the people of this  
12 State, the General Assembly finds it necessary to provide for  
13 the promulgation of requirements for water management and  
14 sampling programs in health care facilities and  
15 authoritatively establish the registration and certification  
16 of water quality professionals and contractors.

17 Section 10. Definitions. In this Act:

18 "Agent health department" means a certified local health  
19 department that the Department has designated as its agent for  
20 making inspections and investigations under Section 70.

21 "Building water system" means a potable or nonpotable  
22 water system in a building or on a building site, including,

1 but not limited to, a water supply system, decorative water  
2 feature, evaporative cooler or condenser, whirlpool spa,  
3 humidification system, and other aerosolizing water features.

4 "Control limit" means a maximum value, a minimum value, or  
5 a range of values of a chemical or physical parameter  
6 associated with a control measure that is monitored and  
7 maintained to reduce the occurrence of hazardous conditions.  
8 The Department may establish control limits by rule.

9 "Control measure" means disinfecting, heating, cooling,  
10 filtering, flushing, or other means, methods, or procedures  
11 used to maintain the physical, biological, or chemical  
12 conditions of water within an established control limit.

13 "Control measure" includes treatment methods, technical and  
14 physical processes, and procedures and activities or actions  
15 that monitor or maintain physical, biological, or chemical  
16 conditions of water within control limits. Water management  
17 teams shall establish control limits as a maximum value,  
18 minimum value, or range of values for chemical, biological,  
19 and physical parameters.

20 "Department" means the Department of Public Health.

21 "Health care facility" means a facility organized under  
22 the University of Illinois Hospital Act or licensed under the  
23 Ambulatory Surgical Treatment Center Act, Hospital Licensing  
24 Act, Nursing Home Care Act, Assisted Living and Shared Housing  
25 Act, or Community Mental Health Act.

26 "Immediate control measure" means a preestablished action

1 within a water management program intended to reduce potential  
2 exposure to opportunistic waterborne pathogens to be  
3 implemented when a building water system is thought to be a  
4 source of opportunistic waterborne pathogen transmission.  
5 "Immediate control measure" includes, but is not limited to,  
6 restricting operations of building water systems, installing  
7 appropriate primary barriers to reduce the possibility of  
8 exposure, halting new admissions, or temporarily closing an  
9 affected building or area.

10 "Initial inspection" means an inspection conducted by the  
11 Department to determine compliance with this Act and rules  
12 adopted under this Act or to assess the operation of a water  
13 management program.

14 "Opportunistic waterborne pathogen" means an organism  
15 found in water that is capable of causing disease in an at-risk  
16 individual or population.

17 "Person" means any individual, group of individuals,  
18 association, trust, partnership, limited liability company,  
19 corporation, person doing business under an assumed name,  
20 county, municipality, the State of Illinois, or any political  
21 subdivision or department thereof, or any other entity.

22 "Subsequent inspection" means any inspection made by the  
23 Department or an agent health department for the purpose of  
24 responding to a substantiated complaint, complying with a  
25 request by a health care facility or the agent health  
26 department, or ensuring compliance with an order or request of

1 the Department. "Subsequent inspection" does not include  
2 initial inspections performed by the Department.

3 Section 15. Water Quality Assurance Fund. The Water  
4 Quality Assurance Fund is created as a special fund in the  
5 State treasury. All funds generated under this Act shall be  
6 deposited into the Fund and, subject to appropriation,  
7 available to the Department for the implementation,  
8 administration, and enforcement of this Act and any rules  
9 adopted by the Department under this Act.

10 Section 20. Administration; rules.

11 (a) The Department shall implement, administer, and  
12 enforce this Act and may adopt rules it deems necessary to do  
13 so. In case of conflict between the Illinois Administrative  
14 Procedure Act and this Act, the provisions of this Act shall  
15 control, except that Section 5-35 of the Illinois  
16 Administrative Procedure Act relating to procedures for  
17 rulemaking does not apply to the adoption of any rule required  
18 by federal law in connection with which the Department is  
19 precluded by law from exercising any discretion. In preparing  
20 rules under this Act, the Department may give consideration to  
21 nationally recognized standards and guidelines.

22 (b) The Department may establish rules that specify the  
23 laboratory method used to evaluate water for the presence of  
24 bacteria capable of causing opportunistic infections. The

1 Department shall provide through its laboratories or ensure  
2 through evaluation of commercially available providers the use  
3 of appropriate laboratory test methods suitable for testing  
4 samples for the presence of Legionella bacteria. The  
5 Department's laboratory may collect fees for tests performed,  
6 which shall be deposited into the Public Health Laboratory  
7 Services Revolving Fund.

8 Section 25. Water management programs.

9 (a) A health care facility, or the owner of a building  
10 containing a health care facility, shall develop and implement  
11 a water management program to control the growth and spread of  
12 opportunistic waterborne pathogens that, at a minimum,  
13 includes the following elements:

14 (1) Identification of persons on the water management  
15 program team responsible for developing, updating,  
16 implementing, and documenting actions designated by the  
17 water management plan.

18 (2) Identification and description of all building  
19 water systems within the building and on the building site  
20 using text and process flow diagrams.

21 (3) A risk assessment identifying areas within  
22 building water systems where conditions may promote the  
23 growth and spread of opportunistic waterborne pathogens.

24 (4) Based on the risk assessment described in  
25 paragraph (3), identification and description of control

1 locations where control measures should be applied and  
2 maintained, including identification of control limits and  
3 procedures for routinely monitoring water quality  
4 parameters such as temperature or residual disinfectant  
5 control locations.

6 (5) A list of conditions requiring implementation of  
7 preestablished corrective actions when control limits are  
8 not met or contingency responses and time frames for  
9 execution of such actions, including, but not limited to,  
10 implementation of appropriate immediate control measures  
11 in the event of:

12 (A) culture analysis results identifying the  
13 presence of opportunistic waterborne pathogens within  
14 a building water system; or

15 (B) a determination by the Department or an agent  
16 health department that one or more cases of disease or  
17 illness are, or may be, caused by an opportunistic  
18 waterborne pathogen and may be associated with a  
19 building water system in the building or on the  
20 premises of the health care facility.

21 (6) Verification and validation procedures established  
22 by the health care facility or the owner of a building  
23 containing a health care facility to initially and  
24 routinely confirm that the water management program is  
25 being implemented as developed and is effective at  
26 controlling the growth and spread of opportunistic

1 waterborne pathogens.

2 (7) Procedures identifying records of actions and  
3 activities of the water management program and water  
4 management team. Records may include, but are not limited  
5 to, documentation of corrective actions, maintenance, logs  
6 of water quality parameter monitoring or water management  
7 activities, and laboratory results of sampling performed.  
8 The records shall be maintained for at least 3 years and  
9 shall be made available upon request by the Department or  
10 an agent health department.

11 (b) In concert with the water management program, building  
12 owners, representatives of building owners, tenants, or their  
13 designees shall develop and implement a routine culture  
14 sampling plan for all building water systems. Routine culture  
15 sampling and analysis shall be conducted a minimum of once  
16 every 6 months. Culture sampling plans shall include, at a  
17 minimum, provisions for analysis of Legionella species by a  
18 United States Centers for Disease Control and Prevention  
19 Environmental Legionella Isolate Technique Evaluation (ELITE)  
20 member laboratory. In addition to the routine culture  
21 sampling, the Department may require a health care facility to  
22 conduct additional culture sampling and analysis of building  
23 water systems at locations, within a specified time frame,  
24 using sampling methods described by the Department in response  
25 to:

26 (1) notification from the Department or an agent



1 health department that one or more cases of disease or  
2 illness associated with opportunistic waterborne pathogens  
3 are or may be associated with the health care facility; or

4 (2) any other conditions specified by the Department.

5 (c) If the Department determines that a water management  
6 program does not include appropriate immediate control  
7 measures or if a water management program's immediate control  
8 measures are deemed ineffective or inappropriate by the  
9 Department, the Department may direct the facility to  
10 immediately implement immediate control measures as  
11 appropriate to reduce the transmission of opportunistic  
12 waterborne pathogens.

13 (d) A health care facility shall develop communication  
14 plans to notify patients, residents, staff, and visitors of  
15 one or more cases of disease or illness associated with  
16 opportunistic waterborne pathogens. When notified by the  
17 Department or an agent health department that one or more  
18 cases of disease or illness are associated with the building  
19 or site of the building, the health care facility shall  
20 provide written notification within 48 hours to patients,  
21 residents, staff, and legal guardians. Written notification  
22 may include, but is not limited to, email, text, or other  
23 written communication consistent with the health care  
24 facility's communication practices. The written notification  
25 must include:

26 (1) notification of the disease and the number of

1 cases associated with the health care facility;

2 (2) actions taken by the water management team in  
3 response to each case of disease or illness;

4 (3) immediate control measures implemented by the  
5 water management team to prevent further cases of disease  
6 or illness;

7 (4) immediate appropriate disease surveillance efforts  
8 to identify past or future cases of disease or illness;  
9 and

10 (5) if a health care facility chooses, a statement  
11 that the cases of disease or illness reported are from an  
12 unknown source, when consistent with the Department or an  
13 agent health department's investigation.

14 (e) After a health care facility has successfully  
15 completed any remediation necessary under Section 30, as  
16 demonstrated through environmental sampling, the Department or  
17 an agent health department has confirmed that there are no  
18 additional cases of disease or illness associated with an  
19 outbreak, and the Department or agent health department has  
20 concluded its investigation, the Department or agent health  
21 department shall provide the health care facility with a dated  
22 written certification that the health care facility is no  
23 longer under an active investigation associated with the cases  
24 of disease or illness referenced in subsection (d) and that  
25 remediation under Section 30 has been successfully completed.

26 (f) Following written certification under paragraph (e),

1 in cases where the Department or an agent health department  
2 makes a statement to the public identifying a health care  
3 facility as being associated with one or more cases of disease  
4 or illness from an opportunistic waterborne pathogen  
5 referenced in paragraph (d), a statement shall be made by the  
6 Department or the agent health department that the remediation  
7 referenced in Section 30 has been completed and the Department  
8 or agent health department is not aware of any additional  
9 cases of disease or illness associated with the health care  
10 facility.

11 Section 30. Remediation of identified opportunistic  
12 waterborne pathogens.

13 (a) When the presence of opportunistic waterborne  
14 pathogens is detected by culture sampling programs or through  
15 environmental investigations of disease or illness associated  
16 with opportunistic waterborne pathogens at a health care  
17 facility, the health care facility shall take actions to  
18 remediate possible environmental sources. The actions shall be  
19 documented and records shall be made available to the  
20 Department in accordance with this Act.

21 (b) When remediation activities include the use of  
22 supplemental disinfectants or another treatment that alters  
23 biological, physical, or chemical characteristics of water to  
24 control for opportunistic waterborne pathogens, then building  
25 owners, representatives of building owners, tenants, or their

1 designees shall comply with relevant provisions of the  
2 Environmental Protection Act, the Illinois Groundwater  
3 Protection Act, and any rules adopted under those Acts.

4 (c) A health care facility using disinfectants to provide  
5 supplemental disinfectant by temporary injection or other  
6 means that does not include the installation of equipment  
7 shall notify the Department via email at least 48 hours prior  
8 to the treatment in accordance with rules adopted under this  
9 Act. Upon notification, the Department may require the health  
10 care facility to establish and implement immediate measures  
11 prior to the disinfection event to protect patients during the  
12 remediation activities, including providing notification to  
13 building users of the disinfection event.

14 (d) Any supplemental disinfectant, equipment, or treatment  
15 used to remediate opportunistic waterborne pathogens shall be  
16 certified for its intended use and purpose by one or more  
17 approved agencies listed in rules adopted by the Department  
18 for efficacy in achieving its listed use and purpose.

19 Section 35. Inspections. Subject to constitutional  
20 limitations, the Department, by its representatives, or an  
21 agent health department, after proper identification, may  
22 enter at reasonable times upon private or public property for  
23 the purpose of inspecting and investigating conditions  
24 relating to the enforcement of this Act and rules adopted  
25 under this Act. Written notice of all violations shall be

1 given to each person against whom a violation is alleged.

2 Section 40. Access to premises. It shall be the duty of  
3 owners and operators of health care facilities and buildings  
4 containing health care facilities to give the Department and  
5 its authorized agents free access to those premises at all  
6 reasonable times for the purpose of inspection.

7 Section 45. Fee schedule. A fee schedule for fees assessed  
8 by the Department for a health care facility shall be  
9 established by rules adopted by the Department.

10 Section 50. Certification and registration of water  
11 management professionals and contractors.

12 (a) Any person who offers services relative to the  
13 development of water management programs, building water  
14 sampling programs, or supplemental treatment of building water  
15 systems for the control of opportunistic waterborne pathogens  
16 shall be registered and certified by the Department. Persons  
17 seeking registration and certification under this Section  
18 shall apply for certification pursuant to rules adopted by the  
19 Department. In preparing rules for certification, the  
20 Department may consider nationally recognized standards and  
21 guidelines.

22 (b) The Department may collect a reasonable fee to  
23 register and certify water management professionals and

1 contractors. The fee shall be deposited into the Water Quality  
2 Assurance Fund and used by the Department for the activities  
3 prescribed in this Act.

4 (c) The Department shall adopt rules relating to the  
5 issuance, renewal, or suspension of the certification of an  
6 individual, business, or organization.

7 Section 55. Registration of building water systems at  
8 health care facilities.

9 (a) A health care facility shall register with the  
10 Department all building water systems. The building water  
11 systems shall be initially registered within 120 days after  
12 the effective date of this Act. The registration shall be  
13 collected on forms developed by the Department and shall  
14 include, but not be limited to:

15 (1) the street address of the building in which the  
16 building water system is located, with a building  
17 identification number, if any;

18 (2) the latitude and longitude of the location of the  
19 building water system;

20 (3) the name, address, telephone number, and email  
21 address of the owner and operator of the building water  
22 system;

23 (4) the name of the manufacturer of the building water  
24 system;

25 (5) the model number, if applicable, of the building

1 water system;

2 (6) the building water system volume, inclusive of all  
3 piping, basins, and sumps;

4 (7) the intended use of the building water system;

5 (8) a description of whether the building water system  
6 operates year-round or seasonally and, if seasonally, the  
7 start and end date of operation;

8 (9) a description of whether building water system  
9 disinfection is maintained manually, through timed  
10 injection, or through continuous delivery;

11 (10) a description of whether maintenance is performed  
12 by in-house personnel, by a contractor, or by a third  
13 party; if by a contractor or third party, the name,  
14 address, telephone number, and email address of the  
15 contractor or third party;

16 (11) a description of whether any drift eliminators or  
17 controls are installed and operated;

18 (12) the year the components of the building water  
19 system were placed into service; and

20 (13) the type of disinfection.

21 (b) A health care facility shall register with the  
22 Department in writing within 7 days after ownership of the  
23 building water system changes.

24 (c) A health care facility shall report to the Department:

25 (1) the date of the last Legionella culture sample  
26 collection, the analysis results, and the date of

1 remediation actions taken under this Act;

2 (2) the date of removal or permanent discontinued use  
3 of components of the building water system, if applicable;  
4 and

5 (3) any other information required by the Department.

6 Section 60. Civil enforcement. The Department may impose  
7 administrative civil penalties for violations of this Act and  
8 rules adopted under this Act. The State's Attorney of the  
9 county in which the violation occurred, or the Attorney  
10 General, shall bring actions for collection of penalties  
11 imposed under this Section in the name of the People of the  
12 State of Illinois. The State's Attorney or Attorney General  
13 may, in addition to other remedies provided in this Act, bring  
14 an action (i) for an injunction to restrain the violation,  
15 (ii) to impose civil penalties if no penalty has been imposed  
16 by the Department, or (iii) to enjoin the operation of any such  
17 person or health care facility.

18 Section 65. Civil penalties. Any person who violates any  
19 provision of this Act or any rule adopted under this Act shall,  
20 in addition to any other penalty provided in this Act, be  
21 subject to a civil penalty of \$100 per day per violation.

22 Section 70. Agents of the Department. The Department may  
23 designate a certified local health department as its agent for



1 purposes of carrying out this Act. An agent so designated may  
2 charge fees for costs associated with enforcing this Act. If  
3 the agent determines that it cannot perform an inspection  
4 under this Act, the Department shall perform the inspection  
5 and any applicable fees shall be payable to the Department and  
6 not to the agent. In no case shall fees be assessed by both the  
7 Department and an agent for the same service or activity.

8 Section 75. The Illinois Procurement Code is amended by  
9 changing Section 1-10 as follows:

10 (30 ILCS 500/1-10)

11 Sec. 1-10. Application.

12 (a) This Code applies only to procurements for which  
13 bidders, offerors, potential contractors, or contractors were  
14 first solicited on or after July 1, 1998. This Code shall not  
15 be construed to affect or impair any contract, or any  
16 provision of a contract, entered into based on a solicitation  
17 prior to the implementation date of this Code as described in  
18 Article 99, including, but not limited to, any covenant  
19 entered into with respect to any revenue bonds or similar  
20 instruments. All procurements for which contracts are  
21 solicited between the effective date of Articles 50 and 99 and  
22 July 1, 1998 shall be substantially in accordance with this  
23 Code and its intent.

24 (b) This Code shall apply regardless of the source of the

1 funds with which the contracts are paid, including federal  
2 assistance moneys. This Code shall not apply to:

3 (1) Contracts between the State and its political  
4 subdivisions or other governments, or between State  
5 governmental bodies, except as specifically provided in  
6 this Code.

7 (2) Grants, except for the filing requirements of  
8 Section 20-80.

9 (3) Purchase of care, except as provided in Section  
10 5-30.6 of the Illinois Public Aid Code and this Section.

11 (4) Hiring of an individual as an employee and not as  
12 an independent contractor, whether pursuant to an  
13 employment code or policy or by contract directly with  
14 that individual.

15 (5) Collective bargaining contracts.

16 (6) Purchase of real estate, except that notice of  
17 this type of contract with a value of more than \$25,000  
18 must be published in the Procurement Bulletin within 10  
19 calendar days after the deed is recorded in the county of  
20 jurisdiction. The notice shall identify the real estate  
21 purchased, the names of all parties to the contract, the  
22 value of the contract, and the effective date of the  
23 contract.

24 (7) Contracts necessary to prepare for anticipated  
25 litigation, enforcement actions, or investigations,  
26 provided that the chief legal counsel to the Governor

1 shall give his or her prior approval when the procuring  
2 agency is one subject to the jurisdiction of the Governor,  
3 and provided that the chief legal counsel of any other  
4 procuring entity subject to this Code shall give his or  
5 her prior approval when the procuring entity is not one  
6 subject to the jurisdiction of the Governor.

7 (8) (Blank).

8 (9) Procurement expenditures by the Illinois  
9 Conservation Foundation when only private funds are used.

10 (10) (Blank).

11 (11) Public-private agreements entered into according  
12 to the procurement requirements of Section 20 of the  
13 Public-Private Partnerships for Transportation Act and  
14 design-build agreements entered into according to the  
15 procurement requirements of Section 25 of the  
16 Public-Private Partnerships for Transportation Act.

17 (12) (A) Contracts for legal, financial, and other  
18 professional and artistic services entered into by the  
19 Illinois Finance Authority in which the State of Illinois  
20 is not obligated. Such contracts shall be awarded through  
21 a competitive process authorized by the members of the  
22 Illinois Finance Authority and are subject to Sections  
23 5-30, 20-160, 50-13, 50-20, 50-35, and 50-37 of this Code,  
24 as well as the final approval by the members of the  
25 Illinois Finance Authority of the terms of the contract.

26 (B) Contracts for legal and financial services entered

1 into by the Illinois Housing Development Authority in  
2 connection with the issuance of bonds in which the State  
3 of Illinois is not obligated. Such contracts shall be  
4 awarded through a competitive process authorized by the  
5 members of the Illinois Housing Development Authority and  
6 are subject to Sections 5-30, 20-160, 50-13, 50-20, 50-35,  
7 and 50-37 of this Code, as well as the final approval by  
8 the members of the Illinois Housing Development Authority  
9 of the terms of the contract.

10 (13) Contracts for services, commodities, and  
11 equipment to support the delivery of timely forensic  
12 science services in consultation with and subject to the  
13 approval of the Chief Procurement Officer as provided in  
14 subsection (d) of Section 5-4-3a of the Unified Code of  
15 Corrections, except for the requirements of Sections  
16 20-60, 20-65, 20-70, and 20-160 and Article 50 of this  
17 Code; however, the Chief Procurement Officer may, in  
18 writing with justification, waive any certification  
19 required under Article 50 of this Code. For any contracts  
20 for services which are currently provided by members of a  
21 collective bargaining agreement, the applicable terms of  
22 the collective bargaining agreement concerning  
23 subcontracting shall be followed.

24 On and after January 1, 2019, this paragraph (13),  
25 except for this sentence, is inoperative.

26 (14) Contracts for participation expenditures required

1 by a domestic or international trade show or exhibition of  
2 an exhibitor, member, or sponsor.

3 (15) Contracts with a railroad or utility that  
4 requires the State to reimburse the railroad or utilities  
5 for the relocation of utilities for construction or other  
6 public purpose. Contracts included within this paragraph  
7 (15) shall include, but not be limited to, those  
8 associated with: relocations, crossings, installations,  
9 and maintenance. For the purposes of this paragraph (15),  
10 "railroad" means any form of non-highway ground  
11 transportation that runs on rails or electromagnetic  
12 guideways and "utility" means: (1) public utilities as  
13 defined in Section 3-105 of the Public Utilities Act, (2)  
14 telecommunications carriers as defined in Section 13-202  
15 of the Public Utilities Act, (3) electric cooperatives as  
16 defined in Section 3.4 of the Electric Supplier Act, (4)  
17 telephone or telecommunications cooperatives as defined in  
18 Section 13-212 of the Public Utilities Act, (5) rural  
19 water or waste water systems with 10,000 connections or  
20 less, (6) a holder as defined in Section 21-201 of the  
21 Public Utilities Act, and (7) municipalities owning or  
22 operating utility systems consisting of public utilities  
23 as that term is defined in Section 11-117-2 of the  
24 Illinois Municipal Code.

25 (16) Procurement expenditures necessary for the  
26 Department of Public Health to provide the delivery of

1           timely newborn screening services in accordance with the  
2           Newborn Metabolic Screening Act.

3           (17) Procurement expenditures necessary for the  
4           Department of Agriculture, the Department of Financial and  
5           Professional Regulation, the Department of Human Services,  
6           and the Department of Public Health to implement the  
7           Compassionate Use of Medical Cannabis Program and Opioid  
8           Alternative Pilot Program requirements and ensure access  
9           to medical cannabis for patients with debilitating medical  
10          conditions in accordance with the Compassionate Use of  
11          Medical Cannabis Program Act.

12          (18) This Code does not apply to any procurements  
13          necessary for the Department of Agriculture, the  
14          Department of Financial and Professional Regulation, the  
15          Department of Human Services, the Department of Commerce  
16          and Economic Opportunity, and the Department of Public  
17          Health to implement the Cannabis Regulation and Tax Act if  
18          the applicable agency has made a good faith determination  
19          that it is necessary and appropriate for the expenditure  
20          to fall within this exemption and if the process is  
21          conducted in a manner substantially in accordance with the  
22          requirements of Sections 20-160, 25-60, 30-22, 50-5,  
23          50-10, 50-10.5, 50-12, 50-13, 50-15, 50-20, 50-21, 50-35,  
24          50-36, 50-37, 50-38, and 50-50 of this Code; however, for  
25          Section 50-35, compliance applies only to contracts or  
26          subcontracts over \$100,000. Notice of each contract

1 entered into under this paragraph (18) that is related to  
2 the procurement of goods and services identified in  
3 paragraph (1) through (9) of this subsection shall be  
4 published in the Procurement Bulletin within 14 calendar  
5 days after contract execution. The Chief Procurement  
6 Officer shall prescribe the form and content of the  
7 notice. Each agency shall provide the Chief Procurement  
8 Officer, on a monthly basis, in the form and content  
9 prescribed by the Chief Procurement Officer, a report of  
10 contracts that are related to the procurement of goods and  
11 services identified in this subsection. At a minimum, this  
12 report shall include the name of the contractor, a  
13 description of the supply or service provided, the total  
14 amount of the contract, the term of the contract, and the  
15 exception to this Code utilized. A copy of any or all of  
16 these contracts shall be made available to the Chief  
17 Procurement Officer immediately upon request. The Chief  
18 Procurement Officer shall submit a report to the Governor  
19 and General Assembly no later than November 1 of each year  
20 that includes, at a minimum, an annual summary of the  
21 monthly information reported to the Chief Procurement  
22 Officer. This exemption becomes inoperative 5 years after  
23 June 25, 2019 (the effective date of Public Act 101-27).

24 (19) Acquisition of modifications or adjustments,  
25 limited to assistive technology devices and assistive  
26 technology services, adaptive equipment, repairs, and

1 replacement parts to provide reasonable accommodations (i)  
2 that enable a qualified applicant with a disability to  
3 complete the job application process and be considered for  
4 the position such qualified applicant desires, (ii) that  
5 modify or adjust the work environment to enable a  
6 qualified current employee with a disability to perform  
7 the essential functions of the position held by that  
8 employee, (iii) to enable a qualified current employee  
9 with a disability to enjoy equal benefits and privileges  
10 of employment as are enjoyed by other similarly situated  
11 employees without disabilities, and (iv) that allow a  
12 customer, client, claimant, or member of the public  
13 seeking State services full use and enjoyment of and  
14 access to its programs, services, or benefits.

15 (20) Procurement expenditures necessary for the  
16 Department of Public Health to respond to an infectious  
17 disease outbreak, including, but not limited to,  
18 laboratory testing and environmental health investigation  
19 supplies.

20 (21) Procurement expenditures necessary for a State  
21 agency's facility to implement control recommendations  
22 provided by the Department of Public Health in response to  
23 an infectious disease outbreak, including, but not limited  
24 to, plumbing, construction, or consultants to mitigate  
25 environmental health hazards.

26 For purposes of this paragraph (19):



1 "Assistive technology devices" means any item, piece  
2 of equipment, or product system, whether acquired  
3 commercially off the shelf, modified, or customized, that  
4 is used to increase, maintain, or improve functional  
5 capabilities of individuals with disabilities.

6 "Assistive technology services" means any service that  
7 directly assists an individual with a disability in  
8 selection, acquisition, or use of an assistive technology  
9 device.

10 "Qualified" has the same meaning and use as provided  
11 under the federal Americans with Disabilities Act when  
12 describing an individual with a disability.

13 (20) Procurement expenditures necessary for the  
14 Illinois Commerce Commission to hire third-party  
15 facilitators pursuant to Sections 16-105.17 and 16-108.18  
16 of the Public Utilities Act or an ombudsman pursuant to  
17 Section 16-107.5 of the Public Utilities Act, a  
18 facilitator pursuant to Section 16-105.17 of the Public  
19 Utilities Act, or a grid auditor pursuant to Section  
20 16-105.10 of the Public Utilities Act.

21 (21) Procurement expenditures for the purchase,  
22 renewal, and expansion of software, software licenses, or  
23 software maintenance agreements that support the efforts  
24 of the Illinois State Police to enforce, regulate, and  
25 administer the Firearm Owners Identification Card Act, the  
26 Firearm Concealed Carry Act, the Firearms Restraining

1 Order Act, the Firearm Dealer License Certification Act,  
2 the Law Enforcement Agencies Data System (LEADS), the  
3 Uniform Crime Reporting Act, the Criminal Identification  
4 Act, the Uniform Conviction Information Act, and the Gun  
5 Trafficking Information Act, or establish or maintain  
6 record management systems necessary to conduct human  
7 trafficking investigations or gun trafficking or other  
8 stolen firearm investigations. This paragraph (21) applies  
9 to contracts entered into on or after the effective date  
10 of this amendatory Act of the 102nd General Assembly and  
11 the renewal of contracts that are in effect on the  
12 effective date of this amendatory Act of the 102nd General  
13 Assembly.

14 Notwithstanding any other provision of law, for contracts  
15 with an annual value of more than \$100,000 entered into on or  
16 after October 1, 2017 under an exemption provided in any  
17 paragraph of this subsection (b), except paragraph (1), (2),  
18 or (5), each State agency shall post to the appropriate  
19 procurement bulletin the name of the contractor, a description  
20 of the supply or service provided, the total amount of the  
21 contract, the term of the contract, and the exception to the  
22 Code utilized. The chief procurement officer shall submit a  
23 report to the Governor and General Assembly no later than  
24 November 1 of each year that shall include, at a minimum, an  
25 annual summary of the monthly information reported to the  
26 chief procurement officer.

1 (c) This Code does not apply to the electric power  
2 procurement process provided for under Section 1-75 of the  
3 Illinois Power Agency Act and Section 16-111.5 of the Public  
4 Utilities Act.

5 (d) Except for Section 20-160 and Article 50 of this Code,  
6 and as expressly required by Section 9.1 of the Illinois  
7 Lottery Law, the provisions of this Code do not apply to the  
8 procurement process provided for under Section 9.1 of the  
9 Illinois Lottery Law.

10 (e) This Code does not apply to the process used by the  
11 Capital Development Board to retain a person or entity to  
12 assist the Capital Development Board with its duties related  
13 to the determination of costs of a clean coal SNG brownfield  
14 facility, as defined by Section 1-10 of the Illinois Power  
15 Agency Act, as required in subsection (h-3) of Section 9-220  
16 of the Public Utilities Act, including calculating the range  
17 of capital costs, the range of operating and maintenance  
18 costs, or the sequestration costs or monitoring the  
19 construction of clean coal SNG brownfield facility for the  
20 full duration of construction.

21 (f) (Blank).

22 (g) (Blank).

23 (h) This Code does not apply to the process to procure or  
24 contracts entered into in accordance with Sections 11-5.2 and  
25 11-5.3 of the Illinois Public Aid Code.

26 (i) Each chief procurement officer may access records

1 necessary to review whether a contract, purchase, or other  
2 expenditure is or is not subject to the provisions of this  
3 Code, unless such records would be subject to attorney-client  
4 privilege.

5 (j) This Code does not apply to the process used by the  
6 Capital Development Board to retain an artist or work or works  
7 of art as required in Section 14 of the Capital Development  
8 Board Act.

9 (k) This Code does not apply to the process to procure  
10 contracts, or contracts entered into, by the State Board of  
11 Elections or the State Electoral Board for hearing officers  
12 appointed pursuant to the Election Code.

13 (l) This Code does not apply to the processes used by the  
14 Illinois Student Assistance Commission to procure supplies and  
15 services paid for from the private funds of the Illinois  
16 Prepaid Tuition Fund. As used in this subsection (l), "private  
17 funds" means funds derived from deposits paid into the  
18 Illinois Prepaid Tuition Trust Fund and the earnings thereon.

19 (m) This Code shall apply regardless of the source of  
20 funds with which contracts are paid, including federal  
21 assistance moneys. Except as specifically provided in this  
22 Code, this Code shall not apply to procurement expenditures  
23 necessary for the Department of Public Health to conduct the  
24 Healthy Illinois Survey in accordance with Section 2310-431 of  
25 the Department of Public Health Powers and Duties Law of the  
26 Civil Administrative Code of Illinois.

1 (Source: P.A. 101-27, eff. 6-25-19; 101-81, eff. 7-12-19;  
2 101-363, eff. 8-9-19; 102-175, eff. 7-29-21; 102-483, eff  
3 1-1-22; 102-558, eff. 8-20-21; 102-600, eff. 8-27-21; 102-662,  
4 eff. 9-15-21; 102-721, eff. 1-1-23; 102-813, eff. 5-13-22;  
5 102-1116, eff. 1-10-23.)

6 Section 80. The State Finance Act is amended by adding  
7 Section 5.990 as follows:

8 (30 ILCS 105/5.990 new)

9 Sec. 5.990. The Water Quality Assurance Fund.

10 Section 99. Effective date. This Act takes effect January  
11 1, 2024.