



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB3165

Introduced 2/6/2024, by Sen. David Koehler

SYNOPSIS AS INTRODUCED:

5 ILCS 140/7.5
415 ILCS 180/10
415 ILCS 180/20

Amends the Statewide Recycling Needs Assessment Act. Requires the competitive solicitation issued by the Environmental Protection Agency for the statewide needs assessment, as well as the contract executed for that purpose by the Agency and the consultant, to specify that the data or information received by the consultant and Agency are to be used exclusively for purposes of the assessment. Provides that persons with data or information required to complete the statewide needs assessment shall provide an independent accounting firm selected by the Agency (rather than the Agency) with firm data or information to assist in completing the assessment. Requires the independent accounting firm to enter into a nondisclosure agreement with each person who provides data or information that is required to complete the assessment. Provides that any person aggrieved by a violation of the terms and conditions of a nondisclosure agreement may institute a civil action to recover damages. Defines "nondisclosure agreement". Makes a conforming change in the Freedom of Information Act. Effective immediately.

LRB103 39304 LNS 69458 b

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 5. The Freedom of Information Act is amended by
5 changing Section 7.5 as follows:

6 (5 ILCS 140/7.5)

7 (Text of Section before amendment by P.A. 103-472)

8 Sec. 7.5. Statutory exemptions. To the extent provided for
9 by the statutes referenced below, the following shall be
10 exempt from inspection and copying:

11 (a) All information determined to be confidential
12 under Section 4002 of the Technology Advancement and
13 Development Act.

14 (b) Library circulation and order records identifying
15 library users with specific materials under the Library
16 Records Confidentiality Act.

17 (c) Applications, related documents, and medical
18 records received by the Experimental Organ Transplantation
19 Procedures Board and any and all documents or other
20 records prepared by the Experimental Organ Transplantation
21 Procedures Board or its staff relating to applications it
22 has received.

23 (d) Information and records held by the Department of

1 Public Health and its authorized representatives relating
2 to known or suspected cases of sexually transmissible
3 disease or any information the disclosure of which is
4 restricted under the Illinois Sexually Transmissible
5 Disease Control Act.

6 (e) Information the disclosure of which is exempted
7 under Section 30 of the Radon Industry Licensing Act.

8 (f) Firm performance evaluations under Section 55 of
9 the Architectural, Engineering, and Land Surveying
10 Qualifications Based Selection Act.

11 (g) Information the disclosure of which is restricted
12 and exempted under Section 50 of the Illinois Prepaid
13 Tuition Act.

14 (h) Information the disclosure of which is exempted
15 under the State Officials and Employees Ethics Act, and
16 records of any lawfully created State or local inspector
17 general's office that would be exempt if created or
18 obtained by an Executive Inspector General's office under
19 that Act.

20 (i) Information contained in a local emergency energy
21 plan submitted to a municipality in accordance with a
22 local emergency energy plan ordinance that is adopted
23 under Section 11-21.5-5 of the Illinois Municipal Code.

24 (j) Information and data concerning the distribution
25 of surcharge moneys collected and remitted by carriers
26 under the Emergency Telephone System Act.

1 (k) Law enforcement officer identification information
2 or driver identification information compiled by a law
3 enforcement agency or the Department of Transportation
4 under Section 11-212 of the Illinois Vehicle Code.

5 (l) Records and information provided to a residential
6 health care facility resident sexual assault and death
7 review team or the Executive Council under the Abuse
8 Prevention Review Team Act.

9 (m) Information provided to the predatory lending
10 database created pursuant to Article 3 of the Residential
11 Real Property Disclosure Act, except to the extent
12 authorized under that Article.

13 (n) Defense budgets and petitions for certification of
14 compensation and expenses for court appointed trial
15 counsel as provided under Sections 10 and 15 of the
16 Capital Crimes Litigation Act (repealed). This subsection
17 (n) shall apply until the conclusion of the trial of the
18 case, even if the prosecution chooses not to pursue the
19 death penalty prior to trial or sentencing.

20 (o) Information that is prohibited from being
21 disclosed under Section 4 of the Illinois Health and
22 Hazardous Substances Registry Act.

23 (p) Security portions of system safety program plans,
24 investigation reports, surveys, schedules, lists, data, or
25 information compiled, collected, or prepared by or for the
26 Department of Transportation under Sections 2705-300 and

1 2705-616 of the Department of Transportation Law of the
2 Civil Administrative Code of Illinois, the Regional
3 Transportation Authority under Section 2.11 of the
4 Regional Transportation Authority Act, or the St. Clair
5 County Transit District under the Bi-State Transit Safety
6 Act (repealed).

7 (q) Information prohibited from being disclosed by the
8 Personnel Record Review Act.

9 (r) Information prohibited from being disclosed by the
10 Illinois School Student Records Act.

11 (s) Information the disclosure of which is restricted
12 under Section 5-108 of the Public Utilities Act.

13 (t) (Blank).

14 (u) Records and information provided to an independent
15 team of experts under the Developmental Disability and
16 Mental Health Safety Act (also known as Brian's Law).

17 (v) Names and information of people who have applied
18 for or received Firearm Owner's Identification Cards under
19 the Firearm Owners Identification Card Act or applied for
20 or received a concealed carry license under the Firearm
21 Concealed Carry Act, unless otherwise authorized by the
22 Firearm Concealed Carry Act; and databases under the
23 Firearm Concealed Carry Act, records of the Concealed
24 Carry Licensing Review Board under the Firearm Concealed
25 Carry Act, and law enforcement agency objections under the
26 Firearm Concealed Carry Act.

1 (v-5) Records of the Firearm Owner's Identification
2 Card Review Board that are exempted from disclosure under
3 Section 10 of the Firearm Owners Identification Card Act.

4 (w) Personally identifiable information which is
5 exempted from disclosure under subsection (g) of Section
6 19.1 of the Toll Highway Act.

7 (x) Information which is exempted from disclosure
8 under Section 5-1014.3 of the Counties Code or Section
9 8-11-21 of the Illinois Municipal Code.

10 (y) Confidential information under the Adult
11 Protective Services Act and its predecessor enabling
12 statute, the Elder Abuse and Neglect Act, including
13 information about the identity and administrative finding
14 against any caregiver of a verified and substantiated
15 decision of abuse, neglect, or financial exploitation of
16 an eligible adult maintained in the Registry established
17 under Section 7.5 of the Adult Protective Services Act.

18 (z) Records and information provided to a fatality
19 review team or the Illinois Fatality Review Team Advisory
20 Council under Section 15 of the Adult Protective Services
21 Act.

22 (aa) Information which is exempted from disclosure
23 under Section 2.37 of the Wildlife Code.

24 (bb) Information which is or was prohibited from
25 disclosure by the Juvenile Court Act of 1987.

26 (cc) Recordings made under the Law Enforcement

1 Officer-Worn Body Camera Act, except to the extent
2 authorized under that Act.

3 (dd) Information that is prohibited from being
4 disclosed under Section 45 of the Condominium and Common
5 Interest Community Ombudsperson Act.

6 (ee) Information that is exempted from disclosure
7 under Section 30.1 of the Pharmacy Practice Act.

8 (ff) Information that is exempted from disclosure
9 under the Revised Uniform Unclaimed Property Act.

10 (gg) Information that is prohibited from being
11 disclosed under Section 7-603.5 of the Illinois Vehicle
12 Code.

13 (hh) Records that are exempt from disclosure under
14 Section 1A-16.7 of the Election Code.

15 (ii) Information which is exempted from disclosure
16 under Section 2505-800 of the Department of Revenue Law of
17 the Civil Administrative Code of Illinois.

18 (jj) Information and reports that are required to be
19 submitted to the Department of Labor by registering day
20 and temporary labor service agencies but are exempt from
21 disclosure under subsection (a-1) of Section 45 of the Day
22 and Temporary Labor Services Act.

23 (kk) Information prohibited from disclosure under the
24 Seizure and Forfeiture Reporting Act.

25 (ll) Information the disclosure of which is restricted
26 and exempted under Section 5-30.8 of the Illinois Public

1 Aid Code.

2 (mm) Records that are exempt from disclosure under
3 Section 4.2 of the Crime Victims Compensation Act.

4 (nn) Information that is exempt from disclosure under
5 Section 70 of the Higher Education Student Assistance Act.

6 (oo) Communications, notes, records, and reports
7 arising out of a peer support counseling session
8 prohibited from disclosure under the First Responders
9 Suicide Prevention Act.

10 (pp) Names and all identifying information relating to
11 an employee of an emergency services provider or law
12 enforcement agency under the First Responders Suicide
13 Prevention Act.

14 (qq) Information and records held by the Department of
15 Public Health and its authorized representatives collected
16 under the Reproductive Health Act.

17 (rr) Information that is exempt from disclosure under
18 the Cannabis Regulation and Tax Act.

19 (ss) Data reported by an employer to the Department of
20 Human Rights pursuant to Section 2-108 of the Illinois
21 Human Rights Act.

22 (tt) Recordings made under the Children's Advocacy
23 Center Act, except to the extent authorized under that
24 Act.

25 (uu) Information that is exempt from disclosure under
26 Section 50 of the Sexual Assault Evidence Submission Act.

1 (vv) Information that is exempt from disclosure under
2 subsections (f) and (j) of Section 5-36 of the Illinois
3 Public Aid Code.

4 (wv) Information that is exempt from disclosure under
5 Section 16.8 of the State Treasurer Act.

6 (xx) Information that is exempt from disclosure or
7 information that shall not be made public under the
8 Illinois Insurance Code.

9 (yy) Information prohibited from being disclosed under
10 the Illinois Educational Labor Relations Act.

11 (zz) Information prohibited from being disclosed under
12 the Illinois Public Labor Relations Act.

13 (aaa) Information prohibited from being disclosed
14 under Section 1-167 of the Illinois Pension Code.

15 (bbb) Information that is prohibited from disclosure
16 by the Illinois Police Training Act and the Illinois State
17 Police Act.

18 (ccc) Records exempt from disclosure under Section
19 2605-304 of the Illinois State Police Law of the Civil
20 Administrative Code of Illinois.

21 (ddd) Information prohibited from being disclosed
22 under Section 35 of the Address Confidentiality for
23 Victims of Domestic Violence, Sexual Assault, Human
24 Trafficking, or Stalking Act.

25 (eee) Information prohibited from being disclosed
26 under subsection (b) of Section 75 of the Domestic

1 Violence Fatality Review Act.

2 (fff) Images from cameras under the Expressway Camera
3 Act. This subsection (fff) is inoperative on and after
4 July 1, 2025.

5 (ggg) Information prohibited from disclosure under
6 paragraph (3) of subsection (a) of Section 14 of the Nurse
7 Agency Licensing Act.

8 (hhh) Information submitted to the Illinois State
9 Police in an affidavit or application for an assault
10 weapon endorsement, assault weapon attachment endorsement,
11 .50 caliber rifle endorsement, or .50 caliber cartridge
12 endorsement under the Firearm Owners Identification Card
13 Act.

14 (iii) Data exempt from disclosure under Section 50 of
15 the School Safety Drill Act.

16 (jjj) ~~(hhh)~~ Information exempt from disclosure under
17 Section 30 of the Insurance Data Security Law.

18 (kkk) ~~(iii)~~ Confidential business information
19 prohibited from disclosure under Section 45 of the Paint
20 Stewardship Act.

21 (lll) (Reserved).

22 (mmm) ~~(iii)~~ Information prohibited from being
23 disclosed under subsection (e) of Section 1-129 of the
24 Illinois Power Agency Act.

25 (nnn) Data or information provided pursuant to Section
26 20 of the Statewide Recycling Needs and Assessment Act.

1 (Source: P.A. 102-36, eff. 6-25-21; 102-237, eff. 1-1-22;
2 102-292, eff. 1-1-22; 102-520, eff. 8-20-21; 102-559, eff.
3 8-20-21; 102-813, eff. 5-13-22; 102-946, eff. 7-1-22;
4 102-1042, eff. 6-3-22; 102-1116, eff. 1-10-23; 103-8, eff.
5 6-7-23; 103-34, eff. 6-9-23; 103-142, eff. 1-1-24; 103-372,
6 eff. 1-1-24; 103-508, eff. 8-4-23; 103-580, eff. 12-8-23;
7 revised 1-2-24.)

8 (Text of Section after amendment by P.A. 103-472)

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24 (eee) Information prohibited from being disclosed
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2 Act. This subsection (fff) is inoperative on and after
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5 paragraph (3) of subsection (a) of Section 14 of the Nurse
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8 Police in an affidavit or application for an assault
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16 Section 30 of the Insurance Data Security Law.

17 (kkk) ~~(iii)~~ Confidential business information
18 prohibited from disclosure under Section 45 of the Paint
19 Stewardship Act.

20 (lll) ~~(iii)~~ Data exempt from disclosure under Section
21 2-3.196 of the School Code.

22 (mmm) ~~(iii)~~ Information prohibited from being
23 disclosed under subsection (e) of Section 1-129 of the
24 Illinois Power Agency Act.

25 (nnn) Data or information provided pursuant to Section
26 20 of the Statewide Recycling Needs and Assessment Act.

1 (Source: P.A. 102-36, eff. 6-25-21; 102-237, eff. 1-1-22;
2 102-292, eff. 1-1-22; 102-520, eff. 8-20-21; 102-559, eff.
3 8-20-21; 102-813, eff. 5-13-22; 102-946, eff. 7-1-22;
4 102-1042, eff. 6-3-22; 102-1116, eff. 1-10-23; 103-8, eff.
5 6-7-23; 103-34, eff. 6-9-23; 103-142, eff. 1-1-24; 103-372,
6 eff. 1-1-24; 103-472, eff. 8-1-24; 103-508, eff. 8-4-23;
7 103-580, eff. 12-8-23; revised 1-2-24.)

8 Section 10. The Statewide Recycling Needs Assessment Act
9 is amended by changing Sections 10 and 20 as follows:

10 (415 ILCS 180/10)

11 Sec. 10. Definitions. In this Act:

12 "Advisory Council" means the Statewide Recycling Needs
13 Assessment Advisory Council established under Section 20.

14 "Agency" means the Environmental Protection Agency.

15 "Compost" has the meaning given to that term in Section
16 3.150 of the Environmental Protection Act.

17 "Compostable material" means a material that is designed
18 to contact, contain, or carry a product that can be collected
19 for composting and that is capable of undergoing aerobic
20 biological decomposition in a controlled composting system as
21 demonstrated by meeting ASTM D6400, ASTM D6868, or any
22 successor standards.

23 "Composting rate" means the percentage of discarded
24 materials that are managed through composting. A composting

1 rate is calculated by dividing the total weight of all
2 packaging and paper products that are collected for composting
3 by the total weight of all packaging and paper products sold,
4 distributed, or served to consumers in the State during the
5 study period.

6 "Covered entity" means a person or entity responsible for:

7 (1) a single or multifamily residence, either
8 individually or jointly through a unit of local
9 government;

10 (2) a public or private school for grades kindergarten
11 through 12th grade;

12 (3) a State or local government facility; or

13 (4) a public space, including, but not limited to,
14 public spaces, such as parks, trails, transit stations,
15 and pedestrian areas for which the State or a unit of local
16 government is responsible.

17 "Curbside recycling" means the collection of recyclable
18 materials from covered entities at the site where the
19 recyclable materials are generated.

20 "Director" means the Director of the Agency.

21 "Drop-off recycling" means the collection of recyclable
22 material from covered entities at one or more centralized
23 sites.

24 "Environmental justice community" means environmental
25 justice community as defined by the Illinois Solar for All
26 Program, as that definition is updated from time to time by the

1 Illinois Power Agency and the Administrator of the Illinois
2 Solar for All Program.

3 "Hauler" means a person who collects recyclable or
4 compostable materials and transports them to an MRF or compost
5 facility, or to an intermediate facility from which materials
6 are then transported to an MRF or compost facility.

7 "Material recovery facility" or "MRF" means a facility
8 where recyclable materials collected via curbside recycling or
9 drop-off recycling are consolidated and sorted for return to
10 the economic mainstream in the form of raw materials.

11 "Nondisclosure agreement" means an agreement that requires
12 the parties to the agreement to treat the data or information
13 provided to complete the statewide needs assessment as
14 confidential, commercial, or financial information that may
15 not be disclosed to any party, person, or entity, except as
16 provided by this Act.

17 "Packaging" means a discrete material or category of
18 material, regardless of recyclability. "Packaging" includes,
19 but is not limited to, a material type, such as paper, plastic,
20 glass, metal, or multi-material, that is:

21 (1) used to protect, contain, transport, or serve a
22 product;

23 (2) sold or supplied to consumers expressly for the
24 purpose of protecting, containing, transporting, or
25 serving products;

26 (3) attached to a product or its container for the

1 purpose of marketing or communicating information about
2 the product;

3 (4) supplied at the point of sale to facilitate the
4 delivery of the product; or

5 (5) supplied to or purchased by consumers expressly
6 for the purpose of facilitating food or beverage
7 consumption and ordinarily disposed of after a single use
8 or short-term use, whether or not it could be reused.

9 "Packaging" does not include:

10 (1) a medical device or packaging that is included
11 with products regulated:

12 (A) as a drug, medical device, or dietary
13 supplement by the United States Food and Drug
14 Administration under the Federal Food, Drug, and
15 Cosmetic Act;

16 (B) as a combination product as defined under 21
17 CFR 3.2(e); or

18 (C) under the federal Dietary Supplement Health
19 and Education Act of 1994;

20 (2) animal biologics, including, but not limited to,
21 vaccines, bacterins, antisera, diagnostic kits, other
22 products of biological origin, and other packaging and
23 paper products regulated by the United States Department
24 of Agriculture under the federal Virus, Serum, Toxin Act;

25 (3) packaging regulated under the Federal Insecticide,
26 Fungicide, and Rodenticide Act or another applicable

1 federal law, rule, or regulation; and

2 (4) beverage containers subject to a returnable
3 container deposit, if applicable.

4 "Paper product" means:

5 (1) paper that can or has been printed on to create
6 flyers, brochures, booklets, catalogs, greeting cards,
7 telephone directories, newspapers, magazines; and

8 (2) paper used for copying, writing, or any other
9 general use.

10 "Paper product" does not include:

11 (1) paper that, by virtue of its anticipated use,
12 could become unsafe or unsanitary to recycle; or

13 (2) any form of bound book, including, but not limited
14 to, bound books for literary, textual, or reference
15 purposes.

16 "Person" means any individual, partnership, copartnership,
17 firm, company, limited liability company, corporation,
18 association, joint-stock company, trust, estate, political
19 subdivision, State agency, any other legal entity, or their
20 legal representative, agent, or assign.

21 "Postconsumer material" means packaging or paper products
22 that have served their intended end use as consumer items.

23 "Postconsumer material" does not include a by-product or waste
24 material generated during or after the completion of a
25 manufacturing or converting process.

26 "Postconsumer recycled content" means the portion of an

1 item of packaging or paper product made from postconsumer
2 material that has been recycled.

3 "Recycling" has the meaning given to "recycling,
4 reclamation or reuse" in Section 3.380 of the Environmental
5 Protection Act. "Recycling" does not include landfill disposal
6 of packaging or paper products or the residue resulting from
7 the processing of packaging or paper products at an MRF, use as
8 alternative daily cover or any other beneficial use at a
9 landfill, incineration, energy recovery, or energy generation
10 by means of combustion, or final conversion of packaging and
11 paper products or their components and by-products to a fuel.

12 "Recycling rate" means the percentage of packaging and
13 paper products returned to the economic mainstream in the form
14 of raw materials or products rather than being disposed of or
15 discarded. The recycling rate is calculated by dividing the
16 total weight of packaging and paper products that are
17 collected for recycling by the total weight of packaging and
18 paper products sold, distributed, or served to consumers in
19 the State during the study period, not including the residue
20 that is landfilled after processing by an MRF.

21 "Reusable" means:

22 (1) designed to be refilled or used repeatedly for its
23 original intended purpose and is returnable;

24 (2) safe for washing and sanitizing according to
25 applicable State food safety laws; and

26 (3) with the exception of ceramic products, capable of

1 being recycled at the end of use.

2 "Reuse" means the return of packaging to the economic
3 stream for use in the same kind of application intended for the
4 original packaging without effectuating a change in the
5 original composition of the package, the identity of the
6 product, or the components thereof.

7 "Rigid plastic" means packaging made of plastic that has a
8 relatively inflexible finite shape or form and is capable of
9 maintaining its shape while empty or while holding other
10 products.

11 "Service provider" means a hauler, an MRF, or a composting
12 facility.

13 "Single-use packaging or product" means a packaging or
14 product that is supplied to or purchased by consumers
15 expressly for the purpose of facilitating food or beverage
16 consumption and that is ordinarily disposed of after a single
17 use or short-term use, whether or not it could be reused.

18 "Study period" means the period represented by the data
19 compiled and analyzed in the completion of the Statewide
20 Recycling Needs Assessment. The study period shall be a
21 minimum of a one-year calendar period not earlier than 2022
22 and shall be clearly defined in the scope of work. If more than
23 one year of data is used, data shall be presented on an annual
24 basis.

25 (Source: P.A. 103-383, eff. 7-28-23.)

1 (415 ILCS 180/20)

2 Sec. 20. Statewide needs assessment.

3 (a) The Agency shall issue a competitive solicitation in
4 accordance with the Illinois Procurement Code to select a
5 qualified consultant to conduct a statewide needs assessment
6 to assess recycling, composting, and reuse conditions in the
7 State for packaging and paper products, including identifying
8 current conditions and an evaluation of the capacity, costs,
9 gaps, and needs associated with recycling and the diversion of
10 packaging and paper products. The Agency shall select the
11 consultant on or before July 1, 2024. The competitive
12 solicitation issued by the Agency and the contract, including
13 any contract modification or extension, executed by the
14 consultant and the Agency must provide that the data or
15 information received by the consultant and the Agency must be
16 used exclusively to complete the statewide needs assessment
17 and for no other purposes. The needs assessment shall be
18 funded by an appropriation from the Agency's Solid Waste
19 Management Fund or other appropriated funding.

20 (b) All packaging and paper products sold, offered for
21 sale, distributed, or imported into the State shall be
22 included in the needs assessment.

23 (c) The needs assessment shall address, at a minimum, the
24 following factors for covered entities:

25 (1) the quantity, by weight and type, of packaging and
26 paper products sold, offered for sale, distributed, or

1 served to consumers in the State by material type and
2 format;

3 (2) current collection systems for packaging and paper
4 products in the State, including for reuse, recycling,
5 composting, and disposal;

6 (3) the quantity, by weight, of municipal waste
7 disposed on a county-by-county basis for all counties in
8 the State;

9 (4) the processing capacity and infrastructure for
10 reusable, recyclable, and compostable packaging and paper
11 products collected in the State, including capacity and
12 infrastructure outside the State which serves or may serve
13 the State;

14 (5) current reuse, recycling, and composting rates for
15 packaging and paper products in the State by material
16 type;

17 (6) current postconsumer recycled content use by
18 material type for all packaging and paper products sold in
19 the State;

20 (7) current reusability, recyclability, or
21 compostability of packaging and paper products, by
22 material type, for all packaging and paper products sold,
23 offered for sale, distributed, or served in the State;

24 (8) current system-wide costs for the collection,
25 reuse, recycling, and composting of packaging and paper
26 products;

1 (9) current operational and capital funding
2 limitations impacting reuse, recycling, and composting
3 access and availability for packaging and paper products
4 throughout the State;

5 (10) collection and processing system needs to provide
6 access to curbside recycling services for all covered
7 entities within municipalities with a population of 1,500
8 or more based on the most recent United States Census,
9 with collection provided no less frequently than every 2
10 weeks, and at least one drop-off location for recyclable
11 materials within 15 miles of the municipal boundary for
12 municipalities with a population less than 1,500, with
13 needs identified on a county-by-county basis for all
14 counties in the State, and the estimated costs to meet the
15 access requirements;

16 (11) program costs and capital investments required to
17 achieve a 35%, 50%, and 65% recycling rate by December 31,
18 2035 for each material type, including paper, plastic,
19 glass, and metal, and including investment into existing
20 and future reuse, recycling, and composting infrastructure
21 for packaging and paper products;

22 (12) the market conditions and opportunities for
23 reusable, recyclable, and compostable packaging and paper
24 products in the State and regionally;

25 (13) multilingual public education needs for the
26 reduction, reuse, recycling, and composting of packaging

1 and paper products, including, but not limited to, a
2 scientific survey of current awareness among residents of
3 this State of proper end-of-life management for packaging
4 and paper products and the needs associated with the
5 reduction of contamination rates at MRFs in the State; and

6 (14) an assessment of environmental justice and
7 recycling equity in the State, including, but not limited
8 to:

9 (A) an evaluation of current access to and the
10 performance of curbside and drop-off recycling
11 programs in units of local government designated as
12 environmental justice areas; and

13 (B) a comparison of the location of MRFs and
14 compost facilities in units of local government that
15 have been designated as environmental justice areas
16 with units of local government that are not so
17 designated.

18 (d) Persons with data or information required to complete
19 the statewide needs assessment shall provide an independent
20 entity selected by the Agency with such data or information in
21 a timely fashion to assist in completing the statewide needs
22 assessment. The independent entity must be a CPA firm, as
23 defined in the Illinois Public Accounting Act. The independent
24 entity shall enter into a nondisclosure agreement with each
25 person who provides data or information required to complete
26 the statewide needs assessment. The independent entity shall

1 aggregate the data or information received from all parties
2 using, to the extent practicable, the factors enumerated in
3 subsection (c) and transmit the data or information to the
4 consultant and the Agency in a manner that does not identify
5 the party who provided specific data or information. The data
6 or information received by the independent entity may not be
7 used for any other purpose. No person shall be required to
8 provide data or information related to the statewide needs
9 assessment until the person has received a nondisclosure
10 agreement executed by the independent entity. Any person
11 aggrieved by a violation of the terms and conditions of a
12 nondisclosure agreement may institute a civil action to
13 recover damages.

14 (e) On or before December 31, 2025, the Agency shall
15 provide the draft needs assessment to the Advisory Council.
16 The Advisory Council shall provide written comments to the
17 Agency within 60 days after receipt of the needs assessment.
18 The Agency's consultant shall include an assessment of
19 comments received in the revised draft needs assessment
20 submitted to the Agency and shall provide a summary and an
21 analysis of any issues raised by the Advisory Council and
22 significant changes suggested by any such comments, a
23 statement of the reasons why any significant changes were not
24 incorporated into the results of the study, and a description
25 of any changes made to the results of the needs assessment as a
26 result of such comments. The needs assessment shall be

1 finalized by the Agency on or before May 1, 2026.

2 (Source: P.A. 103-383, eff. 7-28-23.)

3 Section 95. No acceleration or delay. Where this Act makes
4 changes in a statute that is represented in this Act by text
5 that is not yet or no longer in effect (for example, a Section
6 represented by multiple versions), the use of that text does
7 not accelerate or delay the taking effect of (i) the changes
8 made by this Act or (ii) provisions derived from any other
9 Public Act.

10 Section 99. Effective date. This Act takes effect upon
11 becoming law.