

SB2265



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB2265

Introduced 10/28/2019, by Sen. John F. Curran

SYNOPSIS AS INTRODUCED:

New Act

Creates the Protecting First Responders Act. Provides that no specified business shall use, store, or manufacture specified chemicals in excess of 100 pounds within a distance of 1,000 feet of a municipal police or fire station, unless the corporate authorities of any county or municipality define distance requirements that conflict with the Act. Provides that the Illinois Emergency Management Agency shall have the authority to investigate alleged violations of the Act. Provides that any business that operates in violation of the Act shall be liable for a civil penalty not to exceed \$50,000 for each violation, and an additional civil penalty not to exceed \$1,000 for each day during which such violation continues. Defines terms.

LRB101 13307 LNS 62149 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning safety.

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

4 Section 1. Short title. This Act may be cited as the
5 Protecting First Responders Act.

6 Section 5. Purpose.

7 (a) The General Assembly finds:

8 (1) that the presence or use of certain chemical
9 substances at facilities may pose acute threats to
10 communities by way of explosion;

11 (2) the storage of such substances in close proximity
12 to police and fire stations poses a critical risk to first
13 responders and the citizens they serve and protect;

14 (3) that current laws and regulations are not adequate
15 to protect first responders from explosion risks.

16 (b) It is the purpose of this Act to assure that those that
17 protect the public are adequately protected from the risk of
18 incapacitating chemical explosions.

19 Section 10. Definitions. In this Act:

20 "Agency" means the Illinois Emergency Management Agency.

21 "Business" means any facility that:

22 (1) is subject to Section 302 of the federal Emergency

1 Planning and Community Right-to-Know Act of 1986, and is
2 found by the Agency to use, store, or manufacture a listed
3 chemical substance;

4 (2) uses, stores, or manufactures a chemical that meets
5 one or more of the listed criteria for a Degree 4
6 Flammability Hazard under Chapter 6 of National Fire
7 Protection Association Standard 704 ("NFPA 704: Standard
8 System for the Identification of the Hazards of Materials
9 for Emergency Response"); or

10 (3) uses, stores, or manufactures a listed chemical
11 under the Department of Homeland Security Chemical
12 Facility Anti-Terrorism Standards list of chemicals of
13 interest listed in Appendix A to 6 CFR 27.

14 "Distance" means the distance from the center of the
15 storage location of a qualifying chemical and the point where
16 staff may reasonably occupy a municipal police or fire station.

17 "Facility" means the buildings and all real property
18 contiguous thereto, and the equipment at a single location used
19 for the conduct of business.

20 Section 15. Chemical safety explosion risk mitigation.

21 (a) After March 1, 2020, no business as defined in this Act
22 shall use, store, or manufacture chemicals defined by this Act
23 in quantities in excess of 100 pounds within a distance of
24 1,000 feet of a municipal police or fire station, unless
25 exempted from this requirement under subsection (b).

1 (b) The corporate authorities of any county or municipality
2 may, by ordinance, define distance requirements conflicting
3 with this Act. In such case, the local ordinance shall prevail.

4 Section 20. Enforcement.

5 (a) The Agency shall have the authority to investigate
6 alleged violations of subsection (a) of Section 15, and,
7 following written notice to the business, to refer violations
8 for prosecution by the State's Attorney of the county in which
9 the violation occurred, or by the Attorney General. The State's
10 Attorney or the Attorney General may, at the request of the
11 Agency or on his or her own motion, institute a civil action
12 for the penalties as are authorized by this Act, as well as
13 other remedies, including injunctive relief, as are necessary
14 to restrain or remedy violations of this Act.

15 (b) When alleged violations of this Act have been referred
16 to the Attorney General or a State's Attorney, the Chairman of
17 the County Board of the county and the chief executive officer
18 of any municipality in which the alleged violations occurred
19 shall be notified in writing by either the Agency.

20 Section 25. Penalties. Any business that operates in
21 violation of this Act shall be liable for a civil penalty not
22 to exceed \$50,000 for each violation, and an additional civil
23 penalty not to exceed \$1,000 for each day during which such
24 violation continues.

1 Section 30. Severability. This Act is declared to be
2 severable, and should any word, phrase, sentence, provision, or
3 Section hereof be hereafter declared unconstitutional or
4 otherwise invalid, the remainder of this Act shall not thereby
5 be affected, but shall remain valid and in full force and
6 effect for all intents and purposes.