

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 Drug  
5 Take-Back Act.

6 Section 5. Findings. The General Assembly finds that:

7 (1) A safe system for the collection and disposal of  
8 unused, unwanted, and expired medicines is a key element  
9 of a comprehensive strategy to prevent prescription drug  
10 abuse and pharmaceutical pollution. Home medicine cabinets  
11 are full of unused and expired prescription drugs, only a  
12 fraction of which get disposed of properly.

13 (2) Storing unused, unwanted, or expired medicines can  
14 lead to accidental poisoning, drug abuse, and even drug  
15 trafficking, but disposing of medicines by flushing them  
16 down the toilet or placing them in the garbage can  
17 contaminate groundwater and other bodies of water,  
18 contributing to long-term harm to the environment and  
19 animal life.

20 (3) Manufacturers of these drugs hold the ultimate  
21 responsibility for the lasting impacts of the drugs they  
22 produce.

23 (4) The General Assembly therefore finds that it is in

1 the interest of public health and environmental protection  
2 to establish a single, uniform, statewide system of  
3 regulation for safe and secure collection and disposal of  
4 medicines through a uniform drug "take-back" program  
5 operated and funded by drug manufacturers.

6 Section 10. Definitions. In this Act:

7 "Agency" means the Environmental Protection Agency.

8 "Authorized collector" means any of the following who  
9 collect covered drugs through participation in a drug  
10 take-back program:

11 (1) a person who is registered with the United States  
12 Drug Enforcement Administration to collect controlled  
13 substances for the purpose of destruction;

14 (2) a law enforcement agency;

15 (3) a unit of local government working in conjunction  
16 with a law enforcement agency; or

17 (4) a household waste drop-off point or one-day  
18 household waste collection event, as those terms are  
19 defined in Section 22.55 of the Environmental Protection  
20 Act.

21 "Collection site" means the location where an authorized  
22 collector collects covered drugs as part of a drug take-back  
23 program under this Act.

24 "Consumer" means a person who possesses a covered drug for  
25 personal use or for the use of a member of the person's

1 household.

2 "Covered drug" means a drug, legend drug, nonlegend drug,  
3 brand name drug, or generic drug. "Covered drug" does not  
4 include:

5 (1) a dietary supplement as defined by 21 U.S.C. 321  
6 (ff);

7 (2) drugs that are defined as Schedule I controlled  
8 substances under the Illinois Controlled Substances Act or  
9 the federal Controlled Substances Act;

10 (3) personal care products, including, but not limited  
11 to, cosmetics, shampoos, sunscreens, lip balms,  
12 toothpastes, and antiperspirants, that are regulated as  
13 both cosmetics and nonprescription drugs under the federal  
14 Food, Drug, and Cosmetic Act, 21 U.S.C. 301;

15 (4) drugs for which manufacturers provide a  
16 pharmaceutical product stewardship or drug take-back  
17 program as part of a federal managed risk evaluation and  
18 mitigation strategy under 21 U.S.C. 355-1;

19 (5) biological products, as defined by 42 U.S.C.  
20 262(i)(1);

21 (6) drugs that are administered in a clinical setting;

22 (7) emptied injector products or emptied medical  
23 devices and their component parts or accessories;

24 (8) needles or sharps;

25 (9) pet pesticide products contained in pet collars,  
26 powders, shampoos, topical applications, or other forms;

1 or

2 (10) dialysate drugs or other saline solutions  
3 required to perform kidney dialysis.

4 "Covered manufacturer" means a manufacturer of a covered  
5 drug that is sold or offered for sale in Illinois. "Covered  
6 manufacturer" does not include a pharmacy.

7 "Drug" has the same meaning as defined in Section 2.4 of  
8 the Illinois Food, Drug and Cosmetic Act.

9 "Drug take-back program" means a program implemented under  
10 this Act by a manufacturer program operator for the  
11 collection, transportation, and disposal of covered drugs.

12 "Generic drug" means a drug determined to be  
13 therapeutically equivalent to a brand name drug by the United  
14 States Food and Drug Administration and that is available for  
15 substitution in Illinois in accordance with the Illinois Food,  
16 Drug and Cosmetic Act and the Pharmacy Practice Act.

17 "Legend drug" has the same meaning as defined in Section  
18 3.23 of the Illinois Food, Drug and Cosmetic Act.

19 "Manufacturer program operator" means a covered  
20 manufacturer, a group of covered manufacturers, or an entity  
21 acting on behalf of a covered manufacturer or group of covered  
22 manufacturers, that implements a drug take-back program.

23 "Medical practitioner" has the same meaning as defined in  
24 Section 3.23 of the Illinois Food, Drug and Cosmetic Act.

25 "Nonlegend drug" means a drug that does not require  
26 dispensing by prescription and which is not restricted to use

1 by practitioners only.

2 "Person" means any individual, partnership,  
3 co-partnership, firm, company, limited liability company,  
4 corporation, association, joint stock company, trust, estate,  
5 political subdivision, State agency, or any other legal  
6 entity, or their legal representative, agent, or assign.

7 "Pharmacy" has the meaning provided in Section 3 of the  
8 Pharmacy Practice Act. A "pharmacy" is not a covered  
9 manufacturer.

10 "Potential authorized collector" means a person who is  
11 eligible to be an authorized collector by participating in a  
12 drug take-back program.

13 "Prescription drug" has the same meaning as defined in  
14 Section 2.37 of the Illinois Food, Drug and Cosmetic Act.

15 "Private label distributor" has the same meaning as  
16 defined in 21 CFR 207.1.

17 "Program year" means a calendar year, except that the  
18 first program year is from January 1, 2024 through December  
19 31, 2024.

20 "Proprietary information" means information that is  
21 submitted under this Act.

22 "Repackager" means a repacker as that term is defined in  
23 21 CFR 207.1.

24 Section 15. Participation in a drug take-back program.  
25 Each covered manufacturer must, beginning January 1, 2024 or 6

1 months after becoming a covered manufacturer, whichever is  
2 later, individually or collectively implement an approved drug  
3 take-back program that complies with the requirements of this  
4 Act. A covered manufacturer must establish, fund, and  
5 implement a drug take-back program independently or as part of  
6 a group of covered manufacturers.

7 Section 20. Identification of covered manufacturers.

8 (a) No later than April 1, 2023, each pharmacy, private  
9 label distributor, and repackager that sells or offers for  
10 sale in Illinois, under its own label, a covered drug must  
11 provide written notification to the Agency identifying the  
12 covered manufacturer from which the covered drug is obtained.

13 (b) All covered manufacturers of covered drugs sold or  
14 offered for sale in Illinois must register with the Agency and  
15 pay to the Agency the annual registration fee as set forth  
16 under Section 60.

17 Section 25. Drug take-back program requirements.

18 (a) At least 120 days prior to submitting a proposal under  
19 Section 35, a manufacturer program operator must notify  
20 potential authorized collectors of the opportunity to serve as  
21 an authorized collector for the proposed drug take-back  
22 program. No later than 30 days after a potential authorized  
23 collector expresses interest in participating in a proposed  
24 program, the manufacturer program operator must commence good

1 faith negotiations with the potential authorized collector  
2 regarding the collector's participation in the program.

3 (b) A person may serve as an authorized collector for a  
4 drug take-back program voluntarily or in exchange for  
5 compensation. Nothing in this Act requires any person to serve  
6 as an authorized collector for a drug take-back program.

7 (c) A pharmacy shall not be required to participate in a  
8 drug take-back program.

9 (d) A drug take-back program must include as a collector  
10 any person who (i) is a potential authorized collector and  
11 (ii) offers to participate in the program. The manufacturer  
12 program operator must include the person in the program as an  
13 authorized collector no later than 90 days after receiving a  
14 written offer to participate.

15 (e) A drug take-back program must pay for all  
16 administrative and operational costs of the drug take-back  
17 program, as outlined in subsection (a) of Section 55.

18 (f) An authorized collector operating a drug take-back  
19 program collection site must accept all covered drugs from  
20 consumers during the hours that the location used as a  
21 collection site is normally open for business to the public.

22 (g) A drug take-back program collection site must collect  
23 covered drugs and store them in compliance with State and  
24 federal law, including United States Drug Enforcement  
25 Administration regulations. The manufacturer program operator  
26 must provide for transportation and disposal of collected

1 covered drugs in a manner that ensures each collection site is  
2 serviced as often as necessary to avoid reaching capacity and  
3 that collected covered drugs are transported to final disposal  
4 in a manner compliant with State and federal law, including a  
5 process for additional prompt collection service upon  
6 notification from the collection site. Covered drugs shall be  
7 disposed of at:

8 (1) a permitted hazardous waste facility that meets  
9 the requirements under 40 CFR 264 and 40 CFR 265;

10 (2) a permitted municipal waste incinerator that meets  
11 the requirements under 40 CFR 50 and 40 CFR 62; or

12 (3) a permitted hospital, medical, and infectious  
13 waste incinerator that meets the requirements under  
14 subpart HHH of 40 CFR part 62, an applicable State plan for  
15 existing hospital, medical, and infectious waste  
16 incinerators, or subpart Ec of 40 CFR part 60 for new  
17 hospital, medical, and infectious waste incinerators.

18 (h) Authorized collectors must comply with all State and  
19 federal laws and regulations governing the collection,  
20 storage, and disposal of covered drugs, including United  
21 States Drug Enforcement Administration regulations.

22 (i) A drug take-back program must provide for the  
23 collection, transportation, and disposal of covered drugs on  
24 an ongoing, year-round basis and must provide access for  
25 residents across the State as set forth in subsection (j).

26 (j) A drug take-back program shall provide, in every



1 county with a potential authorized collector, one authorized  
2 collection site and a minimum of at least one additional  
3 collection site for every 50,000 county residents, provided  
4 that there are enough potential authorized collectors offering  
5 to participate in the drug take-back program.

6 All potential authorized collection sites that offer to  
7 participate in a drug take-back program shall be counted  
8 towards meeting the minimum number of authorized collection  
9 sites within a drug take-back program. Collection sites funded  
10 in part or in whole under a contract between a covered  
11 manufacturer and a pharmacy entered into on or before the  
12 effective date of this Act shall be counted towards the  
13 minimum requirements within this Section for so long as the  
14 contract continues.

15 (k) A drug take-back program may include mail-back  
16 distribution locations or periodic collection events for each  
17 county in the State. The manufacturer program operator shall  
18 consult with each county authority identified in the written  
19 notice prior to preparing the program plan to determine the  
20 role that mail-back distribution locations or periodic  
21 collection events will have in the drug take-back program.

22 The requirement to hold periodic collection events shall  
23 be deemed to be satisfied if a manufacturer program operator  
24 makes reasonable efforts to arrange periodic collection events  
25 but they cannot be scheduled due to lack of law enforcement  
26 availability.

1           A drug take-back program must permit a consumer who is a  
2 homeless, homebound, or disabled individual to request  
3 prepaid, preaddressed mailing envelopes. A manufacturer  
4 program operator shall accept the request through a website  
5 and toll-free telephone number that it must maintain to comply  
6 with the requests.

7           Section 30. Manufacturer program operator requirements. A  
8 manufacturer program operator shall:

9           (1) Adopt policies and procedures to be followed by  
10 persons handling covered drugs collected under the program  
11 to ensure compliance with State and federal laws, rules,  
12 and regulations, including regulations adopted by the  
13 United States Drug Enforcement Administration.

14           (2) Ensure the security of patient information on drug  
15 packaging during collection, transportation, recycling,  
16 and disposal.

17           (3) Promote the program by providing consumers,  
18 pharmacies, and other entities with educational and  
19 informational materials as required under Section 45.

20           (4) Consider:

21           (A) the use of existing providers of  
22 pharmaceutical waste transportation and disposal  
23 services;

24           (B) separation of covered drugs from packaging to  
25 reduce transportation and disposal costs; and

1 (C) recycling of drug packaging.

2 Section 35. Drug take-back program approval.

3 (a) By July 1, 2023, each covered manufacturer must  
4 individually or collectively submit to the Agency for review  
5 and approval a proposal for the establishment and  
6 implementation of a drug take-back program. The proposal must  
7 demonstrate that the drug take-back program will fulfill the  
8 requirements under Section 25. If the Agency receives more  
9 than one proposal for a drug take-back program, the Agency  
10 shall review all proposals in conjunction with one another to  
11 ensure the proposals are coordinated to achieve the authorized  
12 collection site coverage set forth in subsection (j) of  
13 Section 25.

14 (b) The Agency shall approve a proposed program if each  
15 covered manufacturer and manufacturer program operator  
16 participating in the program has registered and paid the fee  
17 under Section 60, the program proposal demonstrates the  
18 program fulfills the requirements under Section 25, and the  
19 proposal includes the following information on forms  
20 prescribed by the Agency:

21 (1) The identity and contact information for the  
22 manufacturer program operator and each participating  
23 covered manufacturer.

24 (2) The identity and contact information for the  
25 authorized collectors participating in the drug take-back

1 program.

2 (3) The identity of transporters and waste disposal  
3 facilities that the program will use to transport and  
4 dispose of collected covered drugs.

5 (4) The identity of all potential authorized  
6 collectors that were notified of the opportunity to serve  
7 as an authorized collector, including how they were  
8 notified.

9 (c) Within 90 days after receiving a drug take-back  
10 program proposal, the Agency shall either approve, reject, or  
11 approve with modification the proposal in writing to the  
12 manufacturer program operator. If the Agency rejects the  
13 proposal, it shall provide the reason for rejection.

14 (d) No later than 90 days after receipt of a notice of  
15 rejection under subsection (c) of this Section, the  
16 manufacturer or manufacturers participating in the program  
17 shall submit a revised proposal to the Agency. Within 90 days  
18 of receipt of a revised proposal the Agency shall either  
19 approve or reject the revised proposal in writing to the  
20 manufacturer program operator.

21 (e) After approval, covered manufacturers must,  
22 individually or collectively, initiate operation of a drug  
23 take-back program meeting the requirements under Section 25 no  
24 later than December 1, 2023.

25 Section 40. Changes or modifications to the approved

1 manufacturer drug take-back program. A manufacturer program  
2 operator shall maintain records for 5 years of any changes to  
3 an approved drug take-back program. These include, but are not  
4 limited to, changes in:

- 5 (1) participating covered manufacturers;
- 6 (2) collection methods;
- 7 (3) collection site locations; or
- 8 (4) contact information for the program operator or  
9 authorized collectors.

10 Section 45. Drug take-back program promotion. Each drug  
11 take-back program must include a system of promotion,  
12 education, and public outreach about the proper collection and  
13 management of covered drugs. If there is more than one drug  
14 take-back program operated by more than one manufacturer  
15 program operator, the requirements of this Section shall be  
16 implemented by all drug take-back programs collectively using  
17 a single toll-free number and website and similar education,  
18 outreach, and promotional materials. This may include, but is  
19 not limited to, signage, written materials to be provided at  
20 the time of purchase or delivery of covered drugs, and  
21 advertising or other promotional materials. At a minimum,  
22 promotion, education, and public outreach must include the  
23 following:

- 24 (1) Promoting the proper management of drugs by  
25 residents and the collection of covered drugs through a

1 drug take-back program.

2 (2) Discouraging residents from disposing of drugs in  
3 household waste, sewers, or septic systems.

4 (3) Promoting the use of the drug take-back program so  
5 that where and how to return covered drugs is readily  
6 understandable to residents.

7 (4) Maintaining a toll-free telephone number and  
8 website publicizing collection options and collection  
9 sites, and discouraging improper disposal practices for  
10 covered drugs, such as disposal in household waste,  
11 sewers, or septic systems.

12 (5) Preparing and distributing to program collection  
13 sites, for dissemination to consumers, the educational and  
14 outreach materials. The materials must use plain language  
15 and explanatory images to make collection services and  
16 discouraged disposal practices readily understandable by  
17 residents, including residents with limited English  
18 proficiency.

19 (6) Promotional materials prepared and distributed in  
20 conjunction with an approved drug take-back program under  
21 this Section may not be used to promote in-home disposal  
22 products of any kind, including, but not limited to,  
23 in-home disposal products of authorized collectors  
24 participating in a drug take-back program.

25 Section 50. Annual program report.

1 (a) By April 1, 2025, and each April 1 thereafter, a  
2 manufacturer program operator must submit to the Agency a  
3 report describing implementation of the drug take-back program  
4 during the previous calendar year. The report must include:

5 (1) a list of the covered manufacturers participating  
6 in the drug take-back program during the program year;

7 (2) the total amount, by weight, of covered drugs  
8 collected and the amount, by weight, from each collection  
9 method used during the program year, reported by county;

10 (3) the total amount, by weight, of covered drugs  
11 collected from each collection site during the prior year;

12 (4) the following details regarding the program's  
13 collection system:

14 (A) a list of collection sites, with addresses;

15 (B) collection sites where mailers to program  
16 collection sites, for dissemination to consumers, and  
17 education and outreach materials were made available  
18 to the public;

19 (C) dates and locations of collection events held;

20 and

21 (D) the transporters and disposal facility or  
22 facilities used to dispose of the covered drugs  
23 collected;

24 (5) a description of the promotion, education, and  
25 public outreach activities implemented;

26 (6) a description of how collected packaging was

1 recycled to the extent feasible; and

2 (7) an evaluation of the program's effectiveness in  
3 collecting covered drugs during the program year and of  
4 any program changes that have been implemented.

5 Section 55. Manufacturer drug take-back program funding.

6 (a) A covered manufacturer or group of covered  
7 manufacturers must pay all administrative and operational  
8 costs associated with establishing and implementing the drug  
9 take-back program in which it participates. Such  
10 administrative and operational costs include, but are not  
11 limited to:

12 (1) collection and transportation supplies for each  
13 collection site;

14 (2) purchase of collection receptacles for each  
15 collection site;

16 (3) ongoing maintenance or replacement of collection  
17 receptacles when requested by authorized collectors;

18 (4) costs related to prepaid, preaddressed mail;

19 (5) compensation of authorized collectors, if  
20 applicable;

21 (6) operation of periodic collection events,  
22 including, but not limited to, the cost of law enforcement  
23 staff time;

24 (7) transportation of all collected covered drugs to  
25 final disposal;



1           (8) proper disposal of all collected covered drugs in  
2           compliance with State and federal laws, rules, and  
3           regulations; and

4           (9) program promotion and outreach.

5           (b) A manufacturer program operator shall allocate to  
6           covered manufacturers participating in the drug take-back  
7           program the administration and operational costs of the  
8           programs. The method of cost allocation shall be included in  
9           the drug take-back program proposal required under Section 35.

10          (c) A manufacturer program operator, covered manufacturer,  
11          authorized collector, or other person may not charge:

12                 (1) a specific point-of-sale fee to consumers to  
13                 recoup the costs of a drug take-back program;

14                 (2) a specific point-of-collection fee at the time  
15                 covered drugs are collected from a person; or

16                 (3) an increase in the cost of covered drugs to recoup  
17                 the costs of a drug take-back program.

18          (d) A manufacturer program operator or covered  
19          manufacturer shall not charge any fee to an authorized  
20          collector or authorized collection site.

21          (e) The funding requirements in this Section shall not  
22          apply to a pharmacy location that is part of an existing  
23          contractual agreement entered into prior to the effective date  
24          of this Act between a pharmacy and a covered manufacturer to  
25          fund in part or whole the collection, transportation, or  
26          disposal of a covered drug so long as that contractual

1 arrangement continues.

2 Section 60. Registration fee.

3 (a) By January 1, 2023, and by January 1 of each year  
4 thereafter, each covered manufacturer and manufacturer program  
5 operator shall register with the Agency and submit to the  
6 Agency a \$5,000 registration fee.

7 (b) All fees collected under this Section must be  
8 deposited in the Solid Waste Management Fund to be used solely  
9 for the administration of this Act.

10 Section 65. Rules; enforcement; penalties.

11 (a) The Agency may adopt any rules it deems necessary to  
12 implement and administer this Act.

13 (b) Except as otherwise provided in this Act, any person  
14 who violates any provision of this Act is liable for a civil  
15 penalty of \$7,000 per violation per day, provided that the  
16 penalty for failure to register or pay a fee under this Act  
17 shall be double the applicable registration fee.

18 (c) The penalties provided for in this Section may be  
19 recovered in a civil action brought in the name of the People  
20 of the State of Illinois by the State's Attorney of the county  
21 in which the violation occurred or by the Attorney General.  
22 Any penalties collected under this Section in an action in  
23 which the Attorney General has prevailed shall be deposited in  
24 the Environmental Protection Trust Fund.

1           (d) The Attorney General or the State's Attorney of a  
2 county in which a violation occurs may institute a civil  
3 action for an injunction, prohibitory or mandatory, to  
4 restrain violations of this Act or to require such actions as  
5 may be necessary to address violations of this Act.

6           (e) The penalties and injunctions provided in this Act are  
7 in addition to any penalties, injunctions, or other relief  
8 provided under any other law. Nothing in this Act bars a cause  
9 of action by the State for any other penalty, injunction, or  
10 other relief provided by any other law.

11           (f) Any person who knowingly makes a false, fictitious, or  
12 fraudulent material statement, orally or in writing, to the  
13 Agency, related to or required by this Act or any rule adopted  
14 under this Act commits a Class 4 felony, and each such  
15 statement or writing shall be considered a separate Class 4  
16 felony. A person who, after being convicted under this  
17 subsection (f), violates this subsection (f) a second or  
18 subsequent time, commits a Class 3 felony.

19           Section 70. Antitrust immunity. The activities authorized  
20 by this Act require collaboration among covered manufacturers  
21 and among authorized collectors. These activities will enable  
22 safe and secure collection and disposal of covered drugs in  
23 Illinois and are therefore in the best interest of the public.  
24 The benefits of collaboration, together with active State  
25 supervision, outweigh potential adverse impacts. Therefore,

1 the General Assembly intends to exempt from State antitrust  
2 laws, and provide immunity through the state action doctrine  
3 from federal antitrust laws, activities that are undertaken  
4 pursuant to this Act that might otherwise be constrained by  
5 such laws. The General Assembly does not intend and does not  
6 authorize any person or entity to engage in activities not  
7 provided for by this Act, and the General Assembly neither  
8 exempts nor provides immunity for such activities.

9 Section 75. Public disclosure. Proprietary information  
10 submitted to the Agency under this Act is exempted from  
11 disclosure as provided under paragraphs (g) and (mm) of  
12 subsection (1) of Section 7 of the Freedom of Information Act.

13 Section 90. Home rule.

14 (a) It is the intent of the General Assembly that, in order  
15 to ensure a uniform, statewide solution, on and after the  
16 effective date of this Act no unit of local government shall  
17 mandate that a new drug take-back or disposal program be  
18 created and no expansion or change of an existing program or  
19 program requirement by a unit of local government shall occur  
20 that is inconsistent with this Act.

21 (b) A home rule municipality may not regulate drug  
22 take-back programs in a manner inconsistent with the  
23 regulation by the State of drug take-back programs under this  
24 Act. This Section is a limitation under subsection (i) of

1 Section 6 of Article VII of the Illinois Constitution on the  
2 concurrent exercise by home rule units of powers and functions  
3 exercised by the State.

4 Section 95. The Freedom of Information Act is amended by  
5 changing Section 7 as follows:

6 (5 ILCS 140/7) (from Ch. 116, par. 207)

7 Sec. 7. Exemptions.

8 (1) When a request is made to inspect or copy a public  
9 record that contains information that is exempt from  
10 disclosure under this Section, but also contains information  
11 that is not exempt from disclosure, the public body may elect  
12 to redact the information that is exempt. The public body  
13 shall make the remaining information available for inspection  
14 and copying. Subject to this requirement, the following shall  
15 be exempt from inspection and copying:

16 (a) Information specifically prohibited from  
17 disclosure by federal or State law or rules and  
18 regulations implementing federal or State law.

19 (b) Private information, unless disclosure is required  
20 by another provision of this Act, a State or federal law or  
21 a court order.

22 (b-5) Files, documents, and other data or databases  
23 maintained by one or more law enforcement agencies and  
24 specifically designed to provide information to one or

1 more law enforcement agencies regarding the physical or  
2 mental status of one or more individual subjects.

3 (c) Personal information contained within public  
4 records, the disclosure of which would constitute a  
5 clearly unwarranted invasion of personal privacy, unless  
6 the disclosure is consented to in writing by the  
7 individual subjects of the information. "Unwarranted  
8 invasion of personal privacy" means the disclosure of  
9 information that is highly personal or objectionable to a  
10 reasonable person and in which the subject's right to  
11 privacy outweighs any legitimate public interest in  
12 obtaining the information. The disclosure of information  
13 that bears on the public duties of public employees and  
14 officials shall not be considered an invasion of personal  
15 privacy.

16 (d) Records in the possession of any public body  
17 created in the course of administrative enforcement  
18 proceedings, and any law enforcement or correctional  
19 agency for law enforcement purposes, but only to the  
20 extent that disclosure would:

21 (i) interfere with pending or actually and  
22 reasonably contemplated law enforcement proceedings  
23 conducted by any law enforcement or correctional  
24 agency that is the recipient of the request;

25 (ii) interfere with active administrative  
26 enforcement proceedings conducted by the public body

1           that is the recipient of the request;

2           (iii) create a substantial likelihood that a  
3 person will be deprived of a fair trial or an impartial  
4 hearing;

5           (iv) unavoidably disclose the identity of a  
6 confidential source, confidential information  
7 furnished only by the confidential source, or persons  
8 who file complaints with or provide information to  
9 administrative, investigative, law enforcement, or  
10 penal agencies; except that the identities of  
11 witnesses to traffic accidents, traffic accident  
12 reports, and rescue reports shall be provided by  
13 agencies of local government, except when disclosure  
14 would interfere with an active criminal investigation  
15 conducted by the agency that is the recipient of the  
16 request;

17           (v) disclose unique or specialized investigative  
18 techniques other than those generally used and known  
19 or disclose internal documents of correctional  
20 agencies related to detection, observation or  
21 investigation of incidents of crime or misconduct, and  
22 disclosure would result in demonstrable harm to the  
23 agency or public body that is the recipient of the  
24 request;

25           (vi) endanger the life or physical safety of law  
26 enforcement personnel or any other person; or

1 (vii) obstruct an ongoing criminal investigation  
2 by the agency that is the recipient of the request.

3 (d-5) A law enforcement record created for law  
4 enforcement purposes and contained in a shared electronic  
5 record management system if the law enforcement agency  
6 that is the recipient of the request did not create the  
7 record, did not participate in or have a role in any of the  
8 events which are the subject of the record, and only has  
9 access to the record through the shared electronic record  
10 management system.

11 (d-6) Records contained in the Officer Professional  
12 Conduct Database under Section 9.2 ~~9.4~~ of the Illinois  
13 Police Training Act, except to the extent authorized under  
14 that Section. This includes the documents supplied to the  
15 Illinois Law Enforcement Training Standards Board from the  
16 Illinois State Police and Illinois State Police Merit  
17 Board.

18 (e) Records that relate to or affect the security of  
19 correctional institutions and detention facilities.

20 (e-5) Records requested by persons committed to the  
21 Department of Corrections, Department of Human Services  
22 Division of Mental Health, or a county jail if those  
23 materials are available in the library of the correctional  
24 institution or facility or jail where the inmate is  
25 confined.

26 (e-6) Records requested by persons committed to the



1 Department of Corrections, Department of Human Services  
2 Division of Mental Health, or a county jail if those  
3 materials include records from staff members' personnel  
4 files, staff rosters, or other staffing assignment  
5 information.

6 (e-7) Records requested by persons committed to the  
7 Department of Corrections or Department of Human Services  
8 Division of Mental Health if those materials are available  
9 through an administrative request to the Department of  
10 Corrections or Department of Human Services Division of  
11 Mental Health.

12 (e-8) Records requested by a person committed to the  
13 Department of Corrections, Department of Human Services  
14 Division of Mental Health, or a county jail, the  
15 disclosure of which would result in the risk of harm to any  
16 person or the risk of an escape from a jail or correctional  
17 institution or facility.

18 (e-9) Records requested by a person in a county jail  
19 or committed to the Department of Corrections or  
20 Department of Human Services Division of Mental Health,  
21 containing personal information pertaining to the person's  
22 victim or the victim's family, including, but not limited  
23 to, a victim's home address, home telephone number, work  
24 or school address, work telephone number, social security  
25 number, or any other identifying information, except as  
26 may be relevant to a requester's current or potential case

1 or claim.

2 (e-10) Law enforcement records of other persons  
3 requested by a person committed to the Department of  
4 Corrections, Department of Human Services Division of  
5 Mental Health, or a county jail, including, but not  
6 limited to, arrest and booking records, mug shots, and  
7 crime scene photographs, except as these records may be  
8 relevant to the requester's current or potential case or  
9 claim.

10 (f) Preliminary drafts, notes, recommendations,  
11 memoranda and other records in which opinions are  
12 expressed, or policies or actions are formulated, except  
13 that a specific record or relevant portion of a record  
14 shall not be exempt when the record is publicly cited and  
15 identified by the head of the public body. The exemption  
16 provided in this paragraph (f) extends to all those  
17 records of officers and agencies of the General Assembly  
18 that pertain to the preparation of legislative documents.

19 (g) Trade secrets and commercial or financial  
20 information obtained from a person or business where the  
21 trade secrets or commercial or financial information are  
22 furnished under a claim that they are proprietary,  
23 privileged, or confidential, and that disclosure of the  
24 trade secrets or commercial or financial information would  
25 cause competitive harm to the person or business, and only  
26 insofar as the claim directly applies to the records

1 requested.

2 The information included under this exemption includes  
3 all trade secrets and commercial or financial information  
4 obtained by a public body, including a public pension  
5 fund, from a private equity fund or a privately held  
6 company within the investment portfolio of a private  
7 equity fund as a result of either investing or evaluating  
8 a potential investment of public funds in a private equity  
9 fund. The exemption contained in this item does not apply  
10 to the aggregate financial performance information of a  
11 private equity fund, nor to the identity of the fund's  
12 managers or general partners. The exemption contained in  
13 this item does not apply to the identity of a privately  
14 held company within the investment portfolio of a private  
15 equity fund, unless the disclosure of the identity of a  
16 privately held company may cause competitive harm.

17 Nothing contained in this paragraph (g) shall be  
18 construed to prevent a person or business from consenting  
19 to disclosure.

20 (h) Proposals and bids for any contract, grant, or  
21 agreement, including information which if it were  
22 disclosed would frustrate procurement or give an advantage  
23 to any person proposing to enter into a contractor  
24 agreement with the body, until an award or final selection  
25 is made. Information prepared by or for the body in  
26 preparation of a bid solicitation shall be exempt until an

1 award or final selection is made.

2 (i) Valuable formulae, computer geographic systems,  
3 designs, drawings and research data obtained or produced  
4 by any public body when disclosure could reasonably be  
5 expected to produce private gain or public loss. The  
6 exemption for "computer geographic systems" provided in  
7 this paragraph (i) does not extend to requests made by  
8 news media as defined in Section 2 of this Act when the  
9 requested information is not otherwise exempt and the only  
10 purpose of the request is to access and disseminate  
11 information regarding the health, safety, welfare, or  
12 legal rights of the general public.

13 (j) The following information pertaining to  
14 educational matters:

15 (i) test questions, scoring keys and other  
16 examination data used to administer an academic  
17 examination;

18 (ii) information received by a primary or  
19 secondary school, college, or university under its  
20 procedures for the evaluation of faculty members by  
21 their academic peers;

22 (iii) information concerning a school or  
23 university's adjudication of student disciplinary  
24 cases, but only to the extent that disclosure would  
25 unavoidably reveal the identity of the student; and

26 (iv) course materials or research materials used

1           by faculty members.

2           (k) Architects' plans, engineers' technical  
3 submissions, and other construction related technical  
4 documents for projects not constructed or developed in  
5 whole or in part with public funds and the same for  
6 projects constructed or developed with public funds,  
7 including, but not limited to, power generating and  
8 distribution stations and other transmission and  
9 distribution facilities, water treatment facilities,  
10 airport facilities, sport stadiums, convention centers,  
11 and all government owned, operated, or occupied buildings,  
12 but only to the extent that disclosure would compromise  
13 security.

14           (l) Minutes of meetings of public bodies closed to the  
15 public as provided in the Open Meetings Act until the  
16 public body makes the minutes available to the public  
17 under Section 2.06 of the Open Meetings Act.

18           (m) Communications between a public body and an  
19 attorney or auditor representing the public body that  
20 would not be subject to discovery in litigation, and  
21 materials prepared or compiled by or for a public body in  
22 anticipation of a criminal, civil, or administrative  
23 proceeding upon the request of an attorney advising the  
24 public body, and materials prepared or compiled with  
25 respect to internal audits of public bodies.

26           (n) Records relating to a public body's adjudication

1 of employee grievances or disciplinary cases; however,  
2 this exemption shall not extend to the final outcome of  
3 cases in which discipline is imposed.

4 (o) Administrative or technical information associated  
5 with automated data processing operations, including, but  
6 not limited to, software, operating protocols, computer  
7 program abstracts, file layouts, source listings, object  
8 modules, load modules, user guides, documentation  
9 pertaining to all logical and physical design of  
10 computerized systems, employee manuals, and any other  
11 information that, if disclosed, would jeopardize the  
12 security of the system or its data or the security of  
13 materials exempt under this Section.

14 (p) Records relating to collective negotiating matters  
15 between public bodies and their employees or  
16 representatives, except that any final contract or  
17 agreement shall be subject to inspection and copying.

18 (q) Test questions, scoring keys, and other  
19 examination data used to determine the qualifications of  
20 an applicant for a license or employment.

21 (r) The records, documents, and information relating  
22 to real estate purchase negotiations until those  
23 negotiations have been completed or otherwise terminated.  
24 With regard to a parcel involved in a pending or actually  
25 and reasonably contemplated eminent domain proceeding  
26 under the Eminent Domain Act, records, documents, and

1 information relating to that parcel shall be exempt except  
2 as may be allowed under discovery rules adopted by the  
3 Illinois Supreme Court. The records, documents, and  
4 information relating to a real estate sale shall be exempt  
5 until a sale is consummated.

6 (s) Any and all proprietary information and records  
7 related to the operation of an intergovernmental risk  
8 management association or self-insurance pool or jointly  
9 self-administered health and accident cooperative or pool.  
10 Insurance or self insurance (including any  
11 intergovernmental risk management association or self  
12 insurance pool) claims, loss or risk management  
13 information, records, data, advice or communications.

14 (t) Information contained in or related to  
15 examination, operating, or condition reports prepared by,  
16 on behalf of, or for the use of a public body responsible  
17 for the regulation or supervision of financial  
18 institutions, insurance companies, or pharmacy benefit  
19 managers, unless disclosure is otherwise required by State  
20 law.

21 (u) Information that would disclose or might lead to  
22 the disclosure of secret or confidential information,  
23 codes, algorithms, programs, or private keys intended to  
24 be used to create electronic signatures under the Uniform  
25 Electronic Transactions Act.

26 (v) Vulnerability assessments, security measures, and

1 response policies or plans that are designed to identify,  
2 prevent, or respond to potential attacks upon a  
3 community's population or systems, facilities, or  
4 installations, the destruction or contamination of which  
5 would constitute a clear and present danger to the health  
6 or safety of the community, but only to the extent that  
7 disclosure could reasonably be expected to jeopardize the  
8 effectiveness of the measures or the safety of the  
9 personnel who implement them or the public. Information  
10 exempt under this item may include such things as details  
11 pertaining to the mobilization or deployment of personnel  
12 or equipment, to the operation of communication systems or  
13 protocols, or to tactical operations.

14 (w) (Blank).

15 (x) Maps and other records regarding the location or  
16 security of generation, transmission, distribution,  
17 storage, gathering, treatment, or switching facilities  
18 owned by a utility, by a power generator, or by the  
19 Illinois Power Agency.

20 (y) Information contained in or related to proposals,  
21 bids, or negotiations related to electric power  
22 procurement under Section 1-75 of the Illinois Power  
23 Agency Act and Section 16-111.5 of the Public Utilities  
24 Act that is determined to be confidential and proprietary  
25 by the Illinois Power Agency or by the Illinois Commerce  
26 Commission.



1           (z) Information about students exempted from  
2 disclosure under Sections 10-20.38 or 34-18.29 of the  
3 School Code, and information about undergraduate students  
4 enrolled at an institution of higher education exempted  
5 from disclosure under Section 25 of the Illinois Credit  
6 Card Marketing Act of 2009.

7           (aa) Information the disclosure of which is exempted  
8 under the Viatical Settlements Act of 2009.

9           (bb) Records and information provided to a mortality  
10 review team and records maintained by a mortality review  
11 team appointed under the Department of Juvenile Justice  
12 Mortality Review Team Act.

13           (cc) Information regarding interments, entombments, or  
14 inurnments of human remains that are submitted to the  
15 Cemetery Oversight Database under the Cemetery Care Act or  
16 the Cemetery Oversight Act, whichever is applicable.

17           (dd) Correspondence and records (i) that may not be  
18 disclosed under Section 11-9 of the Illinois Public Aid  
19 Code or (ii) that pertain to appeals under Section 11-8 of  
20 the Illinois Public Aid Code.

21           (ee) The names, addresses, or other personal  
22 information of persons who are minors and are also  
23 participants and registrants in programs of park  
24 districts, forest preserve districts, conservation  
25 districts, recreation agencies, and special recreation  
26 associations.

1           (ff) The names, addresses, or other personal  
2 information of participants and registrants in programs of  
3 park districts, forest preserve districts, conservation  
4 districts, recreation agencies, and special recreation  
5 associations where such programs are targeted primarily to  
6 minors.

7           (gg) Confidential information described in Section  
8 1-100 of the Illinois Independent Tax Tribunal Act of  
9 2012.

10          (hh) The report submitted to the State Board of  
11 Education by the School Security and Standards Task Force  
12 under item (8) of subsection (d) of Section 2-3.160 of the  
13 School Code and any information contained in that report.

14          (ii) Records requested by persons committed to or  
15 detained by the Department of Human Services under the  
16 Sexually Violent Persons Commitment Act or committed to  
17 the Department of Corrections under the Sexually Dangerous  
18 Persons Act if those materials: (i) are available in the  
19 library of the facility where the individual is confined;  
20 (ii) include records from staff members' personnel files,  
21 staff rosters, or other staffing assignment information;  
22 or (iii) are available through an administrative request  
23 to the Department of Human Services or the Department of  
24 Corrections.

25          (jj) Confidential information described in Section  
26 5-535 of the Civil Administrative Code of Illinois.

1 (kk) The public body's credit card numbers, debit card  
2 numbers, bank account numbers, Federal Employer  
3 Identification Number, security code numbers, passwords,  
4 and similar account information, the disclosure of which  
5 could result in identity theft or impression or defrauding  
6 of a governmental entity or a person.

7 (ll) Records concerning the work of the threat  
8 assessment team of a school district.

9 (mm) Proprietary information submitted to the  
10 Environmental Protection Agency under the Drug Take-Back  
11 Act.

12 (1.5) Any information exempt from disclosure under the  
13 Judicial Privacy Act shall be redacted from public records  
14 prior to disclosure under this Act.

15 (2) A public record that is not in the possession of a  
16 public body but is in the possession of a party with whom the  
17 agency has contracted to perform a governmental function on  
18 behalf of the public body, and that directly relates to the  
19 governmental function and is not otherwise exempt under this  
20 Act, shall be considered a public record of the public body,  
21 for purposes of this Act.

22 (3) This Section does not authorize withholding of  
23 information or limit the availability of records to the  
24 public, except as stated in this Section or otherwise provided  
25 in this Act.

26 (Source: P.A. 101-434, eff. 1-1-20; 101-452, eff. 1-1-20;

1 101-455, eff. 8-23-19; 101-652, eff. 1-1-22; 102-38, eff.  
2 6-25-21; 102-558, eff. 8-20-21; revised 11-22-21.)

3 Section 100. The Environmental Protection Act is amended  
4 by changing Sections 22.15 and 22.55 as follows:

5 (415 ILCS 5/22.15) (from Ch. 111 1/2, par. 1022.15)

6 Sec. 22.15. Solid Waste Management Fund; fees.

7 (a) There is hereby created within the State Treasury a  
8 special fund to be known as the Solid Waste Management Fund, to  
9 be constituted from the fees collected by the State pursuant  
10 to this Section, from repayments of loans made from the Fund  
11 for solid waste projects, from registration fees collected  
12 pursuant to the Consumer Electronics Recycling Act, and from  
13 amounts transferred into the Fund pursuant to Public Act  
14 100-433. Moneys received by either the Agency or the  
15 Department of Commerce and Economic Opportunity in repayment  
16 of loans made pursuant to the Illinois Solid Waste Management  
17 Act shall be deposited into the General Revenue Fund.

18 (b) The Agency shall assess and collect a fee in the amount  
19 set forth herein from the owner or operator of each sanitary  
20 landfill permitted or required to be permitted by the Agency  
21 to dispose of solid waste if the sanitary landfill is located  
22 off the site where such waste was produced and if such sanitary  
23 landfill is owned, controlled, and operated by a person other  
24 than the generator of such waste. The Agency shall deposit all

1 fees collected into the Solid Waste Management Fund. If a site  
2 is contiguous to one or more landfills owned or operated by the  
3 same person, the volumes permanently disposed of by each  
4 landfill shall be combined for purposes of determining the fee  
5 under this subsection. Beginning on July 1, 2018, and on the  
6 first day of each month thereafter during fiscal years 2019  
7 through 2022, the State Comptroller shall direct and State  
8 Treasurer shall transfer an amount equal to 1/12 of \$5,000,000  
9 per fiscal year from the Solid Waste Management Fund to the  
10 General Revenue Fund.

11 (1) If more than 150,000 cubic yards of non-hazardous  
12 solid waste is permanently disposed of at a site in a  
13 calendar year, the owner or operator shall either pay a  
14 fee of 95 cents per cubic yard or, alternatively, the  
15 owner or operator may weigh the quantity of the solid  
16 waste permanently disposed of with a device for which  
17 certification has been obtained under the Weights and  
18 Measures Act and pay a fee of \$2.00 per ton of solid waste  
19 permanently disposed of. In no case shall the fee  
20 collected or paid by the owner or operator under this  
21 paragraph exceed \$1.55 per cubic yard or \$3.27 per ton.

22 (2) If more than 100,000 cubic yards but not more than  
23 150,000 cubic yards of non-hazardous waste is permanently  
24 disposed of at a site in a calendar year, the owner or  
25 operator shall pay a fee of \$52,630.

26 (3) If more than 50,000 cubic yards but not more than

1           100,000 cubic yards of non-hazardous solid waste is  
2 permanently disposed of at a site in a calendar year, the  
3 owner or operator shall pay a fee of \$23,790.

4           (4) If more than 10,000 cubic yards but not more than  
5 50,000 cubic yards of non-hazardous solid waste is  
6 permanently disposed of at a site in a calendar year, the  
7 owner or operator shall pay a fee of \$7,260.

8           (5) If not more than 10,000 cubic yards of  
9 non-hazardous solid waste is permanently disposed of at a  
10 site in a calendar year, the owner or operator shall pay a  
11 fee of \$1050.

12           (c) (Blank).

13           (d) The Agency shall establish rules relating to the  
14 collection of the fees authorized by this Section. Such rules  
15 shall include, but not be limited to:

16           (1) necessary records identifying the quantities of  
17 solid waste received or disposed;

18           (2) the form and submission of reports to accompany  
19 the payment of fees to the Agency;

20           (3) the time and manner of payment of fees to the  
21 Agency, which payments shall not be more often than  
22 quarterly; and

23           (4) procedures setting forth criteria establishing  
24 when an owner or operator may measure by weight or volume  
25 during any given quarter or other fee payment period.

26           (e) Pursuant to appropriation, all monies in the Solid

1 Waste Management Fund shall be used by the Agency for the  
2 purposes set forth in this Section and in the Illinois Solid  
3 Waste Management Act, including for the costs of fee  
4 collection and administration, and for the administration of  
5 ~~(1) the Consumer Electronics Recycling Act and the Drug~~  
6 ~~Take-Back Act (2) until January 1, 2020, the Electronic~~  
7 ~~Products Recycling and Reuse Act.~~

8 (f) The Agency is authorized to enter into such agreements  
9 and to promulgate such rules as are necessary to carry out its  
10 duties under this Section and the Illinois Solid Waste  
11 Management Act.

12 (g) On the first day of January, April, July, and October  
13 of each year, beginning on July 1, 1996, the State Comptroller  
14 and Treasurer shall transfer \$500,000 from the Solid Waste  
15 Management Fund to the Hazardous Waste Fund. Moneys  
16 transferred under this subsection (g) shall be used only for  
17 the purposes set forth in item (1) of subsection (d) of Section  
18 22.2.

19 (h) The Agency is authorized to provide financial  
20 assistance to units of local government for the performance of  
21 inspecting, investigating and enforcement activities pursuant  
22 to Section 4(r) at nonhazardous solid waste disposal sites.

23 (i) The Agency is authorized to conduct household waste  
24 collection and disposal programs.

25 (j) A unit of local government, as defined in the Local  
26 Solid Waste Disposal Act, in which a solid waste disposal

1 facility is located may establish a fee, tax, or surcharge  
2 with regard to the permanent disposal of solid waste. All  
3 fees, taxes, and surcharges collected under this subsection  
4 shall be utilized for solid waste management purposes,  
5 including long-term monitoring and maintenance of landfills,  
6 planning, implementation, inspection, enforcement and other  
7 activities consistent with the Solid Waste Management Act and  
8 the Local Solid Waste Disposal Act, or for any other  
9 environment-related purpose, including, but not limited to, an  
10 environment-related public works project, but not for the  
11 construction of a new pollution control facility other than a  
12 household hazardous waste facility. However, the total fee,  
13 tax or surcharge imposed by all units of local government  
14 under this subsection (j) upon the solid waste disposal  
15 facility shall not exceed:

16 (1) 60¢ per cubic yard if more than 150,000 cubic  
17 yards of non-hazardous solid waste is permanently disposed  
18 of at the site in a calendar year, unless the owner or  
19 operator weighs the quantity of the solid waste received  
20 with a device for which certification has been obtained  
21 under the Weights and Measures Act, in which case the fee  
22 shall not exceed \$1.27 per ton of solid waste permanently  
23 disposed of.

24 (2) \$33,350 if more than 100,000 cubic yards, but not  
25 more than 150,000 cubic yards, of non-hazardous waste is  
26 permanently disposed of at the site in a calendar year.



1           (3) \$15,500 if more than 50,000 cubic yards, but not  
2 more than 100,000 cubic yards, of non-hazardous solid  
3 waste is permanently disposed of at the site in a calendar  
4 year.

5           (4) \$4,650 if more than 10,000 cubic yards, but not  
6 more than 50,000 cubic yards, of non-hazardous solid waste  
7 is permanently disposed of at the site in a calendar year.

8           (5) \$650 if not more than 10,000 cubic yards of  
9 non-hazardous solid waste is permanently disposed of at  
10 the site in a calendar year.

11           The corporate authorities of the unit of local government  
12 may use proceeds from the fee, tax, or surcharge to reimburse a  
13 highway commissioner whose road district lies wholly or  
14 partially within the corporate limits of the unit of local  
15 government for expenses incurred in the removal of  
16 nonhazardous, nonfluid municipal waste that has been dumped on  
17 public property in violation of a State law or local  
18 ordinance.

19           For the disposal of solid waste from general construction  
20 or demolition debris recovery facilities as defined in  
21 subsection (a-1) of Section 3.160, the total fee, tax, or  
22 surcharge imposed by all units of local government under this  
23 subsection (j) upon the solid waste disposal facility shall  
24 not exceed 50% of the applicable amount set forth above. A unit  
25 of local government, as defined in the Local Solid Waste  
26 Disposal Act, in which a general construction or demolition

1 debris recovery facility is located may establish a fee, tax,  
2 or surcharge on the general construction or demolition debris  
3 recovery facility with regard to the permanent disposal of  
4 solid waste by the general construction or demolition debris  
5 recovery facility at a solid waste disposal facility, provided  
6 that such fee, tax, or surcharge shall not exceed 50% of the  
7 applicable amount set forth above, based on the total amount  
8 of solid waste transported from the general construction or  
9 demolition debris recovery facility for disposal at solid  
10 waste disposal facilities, and the unit of local government  
11 and fee shall be subject to all other requirements of this  
12 subsection (j).

13 A county or Municipal Joint Action Agency that imposes a  
14 fee, tax, or surcharge under this subsection may use the  
15 proceeds thereof to reimburse a municipality that lies wholly  
16 or partially within its boundaries for expenses incurred in  
17 the removal of nonhazardous, nonfluid municipal waste that has  
18 been dumped on public property in violation of a State law or  
19 local ordinance.

20 If the fees are to be used to conduct a local sanitary  
21 landfill inspection or enforcement program, the unit of local  
22 government must enter into a written delegation agreement with  
23 the Agency pursuant to subsection (r) of Section 4. The unit of  
24 local government and the Agency shall enter into such a  
25 written delegation agreement within 60 days after the  
26 establishment of such fees. At least annually, the Agency

1 shall conduct an audit of the expenditures made by units of  
2 local government from the funds granted by the Agency to the  
3 units of local government for purposes of local sanitary  
4 landfill inspection and enforcement programs, to ensure that  
5 the funds have been expended for the prescribed purposes under  
6 the grant.

7 The fees, taxes or surcharges collected under this  
8 subsection (j) shall be placed by the unit of local government  
9 in a separate fund, and the interest received on the moneys in  
10 the fund shall be credited to the fund. The monies in the fund  
11 may be accumulated over a period of years to be expended in  
12 accordance with this subsection.

13 A unit of local government, as defined in the Local Solid  
14 Waste Disposal Act, shall prepare and post on its website, in  
15 April of each year, a report that details spending plans for  
16 monies collected in accordance with this subsection. The  
17 report will at a minimum include the following:

18 (1) The total monies collected pursuant to this  
19 subsection.

20 (2) The most current balance of monies collected  
21 pursuant to this subsection.

22 (3) An itemized accounting of all monies expended for  
23 the previous year pursuant to this subsection.

24 (4) An estimation of monies to be collected for the  
25 following 3 years pursuant to this subsection.

26 (5) A narrative detailing the general direction and

1 scope of future expenditures for one, 2 and 3 years.

2 The exemptions granted under Sections 22.16 and 22.16a,  
3 and under subsection (k) of this Section, shall be applicable  
4 to any fee, tax or surcharge imposed under this subsection  
5 (j); except that the fee, tax or surcharge authorized to be  
6 imposed under this subsection (j) may be made applicable by a  
7 unit of local government to the permanent disposal of solid  
8 waste after December 31, 1986, under any contract lawfully  
9 executed before June 1, 1986 under which more than 150,000  
10 cubic yards (or 50,000 tons) of solid waste is to be  
11 permanently disposed of, even though the waste is exempt from  
12 the fee imposed by the State under subsection (b) of this  
13 Section pursuant to an exemption granted under Section 22.16.

14 (k) In accordance with the findings and purposes of the  
15 Illinois Solid Waste Management Act, beginning January 1, 1989  
16 the fee under subsection (b) and the fee, tax or surcharge  
17 under subsection (j) shall not apply to:

18 (1) waste which is hazardous waste;

19 (2) waste which is pollution control waste;

20 (3) waste from recycling, reclamation or reuse  
21 processes which have been approved by the Agency as being  
22 designed to remove any contaminant from wastes so as to  
23 render such wastes reusable, provided that the process  
24 renders at least 50% of the waste reusable; the exemption  
25 set forth in this paragraph (3) of this subsection (k)  
26 shall not apply to general construction or demolition

1 debris recovery facilities as defined in subsection (a-1)  
2 of Section 3.160;

3 (4) non-hazardous solid waste that is received at a  
4 sanitary landfill and composted or recycled through a  
5 process permitted by the Agency; or

6 (5) any landfill which is permitted by the Agency to  
7 receive only demolition or construction debris or  
8 landscape waste.

9 (Source: P.A. 101-10, eff. 6-5-19; 101-636, eff. 6-10-20;  
10 102-16, eff. 6-17-21; 102-310, eff. 8-6-21; 102-444, eff.  
11 8-20-21; revised 9-28-21.)

12 (415 ILCS 5/22.55)

13 Sec. 22.55. Household waste drop-off points.

14 (a) Findings; purpose and intent.

15 (1) The General Assembly finds that protection of  
16 human health and the environment can be enhanced if  
17 certain commonly generated household wastes are managed  
18 separately from the general household waste stream.

19 (2) The purpose of this Section is to provide, to the  
20 extent allowed under federal law, a method for managing  
21 certain types of household waste separately from the  
22 general household waste stream.

23 (b) Definitions. For the purposes of this Section:

24 "Compostable waste" means household waste that is  
25 source-separated food scrap, household waste that is

1 source-separated landscape waste, or a mixture of both.

2 "Controlled substance" means a controlled substance as  
3 defined in the Illinois Controlled Substances Act.

4 "Household waste" means waste generated from a single  
5 residence or multiple residences.

6 "Household waste drop-off point" means the portion of  
7 a site or facility used solely for the receipt and  
8 temporary storage of household waste.

9 "One-day compostable waste collection event" means a  
10 household waste drop-off point approved by a county or  
11 municipality under subsection (d-5) of this Section.

12 "One-day household waste collection event" means a  
13 household waste drop-off point approved by the Agency  
14 under subsection (d) of this Section.

15 "Permanent compostable waste collection point" means a  
16 household waste drop-off point approved by a county or  
17 municipality under subsection (d-6) of this Section.

18 "Personal care product" means an item other than a  
19 pharmaceutical product that is consumed or applied by an  
20 individual for personal health, hygiene, or cosmetic  
21 reasons. Personal care products include, but are not  
22 limited to, items used in bathing, dressing, or grooming.

23 "Pharmaceutical product" means medicine or a product  
24 containing medicine. A pharmaceutical product may be sold  
25 by prescription or over the counter. "Pharmaceutical  
26 product" does not include medicine that contains a

1 radioactive component or a product that contains a  
2 radioactive component.

3 "Recycling coordinator" means the person designated by  
4 each county waste management plan to administer the county  
5 recycling program, as set forth in the Solid Waste  
6 Management Act.

7 (c) Except as otherwise provided in Agency rules, the  
8 following requirements apply to each household waste drop-off  
9 point, other than a one-day household waste collection event,  
10 one-day compostable waste collection event, or permanent  
11 compostable waste collection point:

12 (1) A household waste drop-off point must not accept  
13 waste other than the following types of household waste:  
14 pharmaceutical products, personal care products, batteries  
15 other than lead-acid batteries, paints, automotive fluids,  
16 compact fluorescent lightbulbs, mercury thermometers, and  
17 mercury thermostats. A household waste drop-off point may  
18 accept controlled substances in accordance with federal  
19 law.

20 (2) Except as provided in subdivision (c)(2) of this  
21 Section, household waste drop-off points must be located  
22 at a site or facility where the types of products accepted  
23 at the household waste drop-off point are lawfully sold,  
24 distributed, or dispensed. For example, household waste  
25 drop-off points that accept prescription pharmaceutical  
26 products must be located at a site or facility where

1 prescription pharmaceutical products are sold,  
2 distributed, or dispensed.

3 (A) Subdivision (c)(2) of this Section does not  
4 apply to household waste drop-off points operated by a  
5 government or school entity, or by an association or  
6 other organization of government or school entities.

7 (B) Household waste drop-off points that accept  
8 mercury thermometers can be located at any site or  
9 facility where non-mercury thermometers are sold,  
10 distributed, or dispensed.

11 (C) Household waste drop-off points that accept  
12 mercury thermostats can be located at any site or  
13 facility where non-mercury thermostats are sold,  
14 distributed, or dispensed.

15 (3) The location of acceptance for each type of waste  
16 accepted at the household waste drop-off point must be  
17 clearly identified. Locations where pharmaceutical  
18 products are accepted must also include a copy of the sign  
19 required under subsection (j) of this Section.

20 (4) Household waste must be accepted only from private  
21 individuals. Waste must not be accepted from other  
22 persons, including, but not limited to, owners and  
23 operators of rented or leased residences where the  
24 household waste was generated, commercial haulers, and  
25 other commercial, industrial, agricultural, and government  
26 operations or entities.



1           (5) If more than one type of household waste is  
2 accepted, each type of household waste must be managed  
3 separately prior to its packaging for off-site transfer.

4           (6) Household waste must not be stored for longer than  
5 90 days after its receipt, except as otherwise approved by  
6 the Agency in writing.

7           (7) Household waste must be managed in a manner that  
8 protects against releases of the waste, prevents  
9 nuisances, and otherwise protects human health and the  
10 environment. Household waste must also be properly secured  
11 to prevent unauthorized public access to the waste,  
12 including, but not limited to, preventing access to the  
13 waste during the non-business hours of the site or  
14 facility on which the household waste drop-off point is  
15 located. Containers in which pharmaceutical products are  
16 collected must be clearly marked "No Controlled  
17 Substances", unless the household waste drop-off point  
18 accepts controlled substances in accordance with federal  
19 law.

20           (8) Management of the household waste must be limited  
21 to the following: (i) acceptance of the waste, (ii)  
22 temporary storage of the waste prior to transfer, and  
23 (iii) off-site transfer of the waste and packaging for  
24 off-site transfer.

25           (9) Off-site transfer of the household waste must  
26 comply with federal and State laws and regulations.

1 (d) One-day household waste collection events. To further  
2 aid in the collection of certain household wastes, the Agency  
3 may approve the operation of one-day household waste  
4 collection events. The Agency shall not approve a one-day  
5 household waste collection event at the same site or facility  
6 for more than one day each calendar quarter. Requests for  
7 approval must be submitted on forms prescribed by the Agency.  
8 The Agency must issue its approval in writing, and it may  
9 impose conditions as necessary to protect human health and the  
10 environment and to otherwise accomplish the purposes of this  
11 Act. One-day household waste collection events must be  
12 operated in accordance with the Agency's approval, including  
13 all conditions contained in the approval. The following  
14 requirements apply to all one-day household waste collection  
15 events, in addition to the conditions contained in the  
16 Agency's approval:

17 (1) Waste accepted at the event must be limited to  
18 household waste and must not include garbage, landscape  
19 waste, or other waste excluded by the Agency in the  
20 Agency's approval or any conditions contained in the  
21 approval. A one-day household waste collection event may  
22 accept controlled substances in accordance with federal  
23 law.

24 (2) Household waste must be accepted only from private  
25 individuals. Waste must not be accepted from other  
26 persons, including, but not limited to, owners and

1 operators of rented or leased residences where the  
2 household waste was generated, commercial haulers, and  
3 other commercial, industrial, agricultural, and government  
4 operations or entities.

5 (3) Household waste must be managed in a manner that  
6 protects against releases of the waste, prevents  
7 nuisances, and otherwise protects human health and the  
8 environment. Household waste must also be properly secured  
9 to prevent public access to the waste, including, but not  
10 limited to, preventing access to the waste during the  
11 event's non-business hours.

12 (4) Management of the household waste must be limited  
13 to the following: (i) acceptance of the waste, (ii)  
14 temporary storage of the waste before transfer, and (iii)  
15 off-site transfer of the waste or packaging for off-site  
16 transfer.

17 (5) Except as otherwise approved by the Agency, all  
18 household waste received at the collection event must be  
19 transferred off-site by the end of the day following the  
20 collection event.

21 (6) The transfer and ultimate disposition of household  
22 waste received at the collection event must comply with  
23 the Agency's approval, including all conditions contained  
24 in the approval.

25 (d-5) One-day compostable waste collection event. To  
26 further aid in the collection and composting of compostable

1 waste, as defined in subsection (b), a municipality may  
2 approve the operation of one-day compostable waste collection  
3 events at any site or facility within its territorial  
4 jurisdiction, and a county may approve the operation of  
5 one-day compostable waste collection events at any site or  
6 facility in any unincorporated area within its territorial  
7 jurisdiction. The approval granted under this subsection (d-5)  
8 must be in writing; must specify the date, location, and time  
9 of the event; and must list the types of compostable waste that  
10 will be collected at the event. If the one-day compostable  
11 waste collection event is to be operated at a location within a  
12 county with a population of more than 400,000 but less than  
13 2,000,000 inhabitants, according to the 2010 decennial census,  
14 then the operator of the event shall, at least 30 days before  
15 the event, provide a copy of the approval to the recycling  
16 coordinator designated by that county. The approval granted  
17 under this subsection (d-5) may include conditions imposed by  
18 the county or municipality as necessary to protect public  
19 health and prevent odors, vectors, and other nuisances. A  
20 one-day compostable waste collection event approved under this  
21 subsection (d-5) must be operated in accordance with the  
22 approval, including all conditions contained in the approval.  
23 The following requirements shall apply to the one-day  
24 compostable waste collection event, in addition to the  
25 conditions contained in the approval:

- 26 (1) Waste accepted at the event must be limited to the

1 types of compostable waste authorized to be accepted under  
2 the approval.

3 (2) Information promoting the event and signs at the  
4 event must clearly indicate the types of compostable waste  
5 approved for collection. To discourage the receipt of  
6 other waste, information promoting the event and signs at  
7 the event must also include:

8 (A) examples of compostable waste being collected;

9 and

10 (B) examples of waste that is not being collected.

11 (3) Compostable waste must be accepted only from  
12 private individuals. It may not be accepted from other  
13 persons, including, but not limited to, owners and  
14 operators of rented or leased residences where it was  
15 generated, commercial haulers, and other commercial,  
16 industrial, agricultural, and government operations or  
17 entities.

18 (4) Compostable waste must be managed in a manner that  
19 protects against releases of the waste, prevents  
20 nuisances, and otherwise protects human health and the  
21 environment. Compostable waste must be properly secured to  
22 prevent it from being accessed by the public at any time,  
23 including, but not limited to, during the collection  
24 event's non-operating hours. One-day compostable waste  
25 collection events must be adequately supervised during  
26 their operating hours.

1           (5) Compostable waste must be secured in non-porous,  
2 rigid, leak-proof containers that:

3           (A) are covered, except when the compostable waste  
4 is being added to or removed from the containers or it  
5 is otherwise necessary to access the compostable  
6 waste;

7           (B) prevent precipitation from draining through  
8 the compostable waste;

9           (C) prevent dispersion of the compostable waste by  
10 wind;

11           (D) contain spills or releases that could create  
12 nuisances or otherwise harm human health or the  
13 environment;

14           (E) limit access to the compostable waste by  
15 vectors;

16           (F) control odors and other nuisances; and

17           (G) provide for storage, removal, and off-site  
18 transfer of the compostable waste in a manner that  
19 protects its ability to be composted.

20           (6) No more than a total of 40 cubic yards of  
21 compostable waste shall be located at the collection site  
22 at any one time.

23           (7) Management of the compostable waste must be  
24 limited to the following: (A) acceptance, (B) temporary  
25 storage before transfer, and (C) off-site transfer.

26           (8) All compostable waste received at the event must

1 be transferred off-site to a permitted compost facility by  
2 no later than 48 hours after the event ends or by the end  
3 of the first business day after the event ends, whichever  
4 is sooner.

5 (9) If waste other than compostable waste is received  
6 at the event, then that waste must be disposed of within 48  
7 hours after the event ends or by the end of the first  
8 business day after the event ends, whichever is sooner.

9 (d-6) Permanent compostable waste collection points. To  
10 further aid in the collection and composting of compostable  
11 waste, as defined in subsection (b), a municipality may  
12 approve the operation of permanent compostable waste  
13 collection points at any site or facility within its  
14 territorial jurisdiction, and a county may approve the  
15 operation of permanent compostable waste collection points at  
16 any site or facility in any unincorporated area within its  
17 territorial jurisdiction. The approval granted pursuant to  
18 this subsection (d-6) must be in writing; must specify the  
19 location, operating days, and operating hours of the  
20 collection point; must list the types of compostable waste  
21 that will be collected at the collection point; and must  
22 specify a term of not more than 365 calendar days during which  
23 the approval will be effective. In addition, if the permanent  
24 compostable waste collection point is to be operated at a  
25 location within a county with a population of more than  
26 400,000 but less than 2,000,000 inhabitants, according to the

1 2010 federal decennial census, then the operator of the  
2 collection point shall, at least 30 days before the collection  
3 point begins operation, provide a copy of the approval to the  
4 recycling coordinator designated by that county. The approval  
5 may include conditions imposed by the county or municipality  
6 as necessary to protect public health and prevent odors,  
7 vectors, and other nuisances. A permanent compostable waste  
8 collection point approved pursuant to this subsection (d-6)  
9 must be operated in accordance with the approval, including  
10 all conditions contained in the approval. The following  
11 requirements apply to the permanent compostable waste  
12 collection point, in addition to the conditions contained in  
13 the approval:

14 (1) Waste accepted at the collection point must be  
15 limited to the types of compostable waste authorized to be  
16 accepted under the approval.

17 (2) Information promoting the collection point and  
18 signs at the collection point must clearly indicate the  
19 types of compostable waste approved for collection. To  
20 discourage the receipt of other waste, information  
21 promoting the collection point and signs at the collection  
22 point must also include (A) examples of compostable waste  
23 being collected and (B) examples of waste that is not  
24 being collected.

25 (3) Compostable waste must be accepted only from  
26 private individuals. It may not be accepted from other



1 persons, including, but not limited to, owners and  
2 operators of rented or leased residences where it was  
3 generated, commercial haulers, and other commercial,  
4 industrial, agricultural, and government operations or  
5 entities.

6 (4) Compostable waste must be managed in a manner that  
7 protects against releases of the waste, prevents  
8 nuisances, and otherwise protects human health and the  
9 environment. Compostable waste must be properly secured to  
10 prevent it from being accessed by the public at any time,  
11 including, but not limited to, during the collection  
12 point's non-operating hours. Permanent compostable waste  
13 collection points must be adequately supervised during  
14 their operating hours.

15 (5) Compostable waste must be secured in non-porous,  
16 rigid, leak-proof containers that:

17 (A) are no larger than 10 cubic yards in size;

18 (B) are covered, except when the compostable waste  
19 is being added to or removed from the container or it  
20 is otherwise necessary to access the compostable  
21 waste;

22 (C) prevent precipitation from draining through  
23 the compostable waste;

24 (D) prevent dispersion of the compostable waste by  
25 wind;

26 (E) contain spills or releases that could create

1 nuisances or otherwise harm human health or the  
2 environment;

3 (F) limit access to the compostable waste by  
4 vectors;

5 (G) control odors and other nuisances; and

6 (H) provide for storage, removal, and off-site  
7 transfer of the compostable waste in a manner that  
8 protects its ability to be composted.

9 (6) No more than a total of 10 cubic yards of  
10 compostable waste shall be located at the permanent  
11 compostable waste collection site at any one time.

12 (7) Management of the compostable waste must be  
13 limited to the following: (A) acceptance, (B) temporary  
14 storage before transfer, and (C) off-site transfer.

15 (8) All compostable waste received at the permanent  
16 compostable waste collection point must be transferred  
17 off-site to a permitted compost facility not less  
18 frequently than once every 7 days.

19 (9) If a permanent compostable waste collection point  
20 receives waste other than compostable waste, then that  
21 waste must be disposed of not less frequently than once  
22 every 7 days.

23 (e) The Agency may adopt rules governing the operation of  
24 household waste drop-off points, other than one-day household  
25 waste collection events, one-day compostable waste collection  
26 events, and permanent compostable waste collection points.

1 Those rules must be designed to protect against releases of  
2 waste to the environment, prevent nuisances, and otherwise  
3 protect human health and the environment. As necessary to  
4 address different circumstances, the regulations may contain  
5 different requirements for different types of household waste  
6 and different types of household waste drop-off points, and  
7 the regulations may modify the requirements set forth in  
8 subsection (c) of this Section. The regulations may include,  
9 but are not limited to, the following: (i) identification of  
10 additional types of household waste that can be collected at  
11 household waste drop-off points, (ii) identification of the  
12 different types of household wastes that can be received at  
13 different household waste drop-off points, (iii) the maximum  
14 amounts of each type of household waste that can be stored at  
15 household waste drop-off points at any one time, and (iv) the  
16 maximum time periods each type of household waste can be  
17 stored at household waste drop-off points.

18 (f) Prohibitions.

19 (1) Except as authorized in a permit issued by the  
20 Agency, no person shall cause or allow the operation of a  
21 household waste drop-off point, other than a one-day  
22 household waste collection event, one-day compostable  
23 waste collection event, or permanent compostable waste  
24 collection point, in violation of this Section or any  
25 regulations adopted under this Section.

26 (2) No person shall cause or allow the operation of a

1 one-day household waste collection event in violation of  
2 this Section or the Agency's approval issued under  
3 subsection (d) of this Section, including all conditions  
4 contained in the approval.

5 (3) No person shall cause or allow the operation of a  
6 one-day compostable waste collection event in violation of  
7 this Section or the approval issued for the one-day  
8 compostable waste collection event under subsection (d-5)  
9 of this Section, including all conditions contained in the  
10 approval.

11 (4) No person shall cause or allow the operation of a  
12 permanent compostable waste collection event in violation  
13 of this Section or the approval issued for the permanent  
14 compostable waste collection point under subsection (d-6)  
15 of this Section, including all conditions contained in the  
16 approval.

17 (g) Permit exemptions.

18 (1) No permit is required under subdivision (d)(1) of  
19 Section 21 of this Act for the operation of a household  
20 waste drop-off point, other than a one-day household waste  
21 collection event, one-day compostable waste collection  
22 event, or permanent compostable waste collection point, if  
23 the household waste drop-off point is operated in  
24 accordance with this Section and all regulations adopted  
25 under this Section.

26 (2) No permit is required under subdivision (d)(1) of

1 Section 21 of this Act for the operation of a one-day  
2 household waste collection event if the event is operated  
3 in accordance with this Section and the Agency's approval  
4 issued under subsection (d) of this Section, including all  
5 conditions contained in the approval, or for the operation  
6 of a household waste collection event by the Agency.

7 (3) No permit is required under paragraph (1) of  
8 subsection (d) of Section 21 of this Act for the operation  
9 of a one-day compostable waste collection event if the  
10 compostable waste collection event is operated in  
11 accordance with this Section and the approval issued for  
12 the compostable waste collection point under subsection  
13 (d-5) of this Section, including all conditions contained  
14 in the approval.

15 (4) No permit is required under paragraph (1) of  
16 subsection (d) of Section 21 of this Act for the operation  
17 of a permanent compostable waste collection point if the  
18 collection point is operated in accordance with this  
19 Section and the approval issued for the compostable waste  
20 collection event under subsection (d-6) of this Section,  
21 including all conditions contained in the approval.

22 (h) This Section does not apply to the following:

23 (1) Persons accepting household waste that they are  
24 authorized to accept under a permit issued by the Agency.

25 (2) Sites or facilities operated pursuant to an  
26 intergovernmental agreement entered into with the Agency

1 under Section 22.16b(d) of this Act.

2 (i) (Blank). ~~The Agency, in consultation with the~~  
3 ~~Department of Public Health, must develop and implement a~~  
4 ~~public information program regarding household waste drop-off~~  
5 ~~points that accept pharmaceutical products, as well as~~  
6 ~~mail-back programs authorized under federal law.~~

7 (j) (Blank). ~~The Agency must develop a sign that provides~~  
8 ~~information on the proper disposal of unused pharmaceutical~~  
9 ~~products. The sign shall include information on approved~~  
10 ~~drop-off sites or list a website where updated information on~~  
11 ~~drop-off sites can be accessed. The sign shall also include~~  
12 ~~information on mail-back programs and self-disposal. The~~  
13 ~~Agency shall make a copy of the sign available for downloading~~  
14 ~~from its website. Every pharmacy shall display the sign in the~~  
15 ~~area where medications are dispensed and shall also display~~  
16 ~~any signs the Agency develops regarding local take-back~~  
17 ~~programs or household waste collection events. These signs~~  
18 ~~shall be no larger than 8.5 inches by 11 inches.~~

19 (k) If an entity chooses to participate as a household  
20 waste drop-off point, then it must follow the provisions of  
21 this Section and any rules the Agency may adopt governing  
22 household waste drop-off points.

23 (l) (Blank). ~~The Agency shall establish, by rule, a~~  
24 ~~statewide medication take-back program by June 1, 2016 to~~  
25 ~~ensure that there are pharmaceutical product disposal options~~  
26 ~~regularly available for residents across the State. No private~~

1 ~~entity may be compelled to serve as or fund a take-back~~  
2 ~~location or program. Medications collected and disposed of~~  
3 ~~under the program shall include controlled substances approved~~  
4 ~~for collection by federal law. All medications collected and~~  
5 ~~disposed of under the program must be managed in accordance~~  
6 ~~with all applicable federal and State laws and regulations.~~  
7 ~~The Agency shall issue a report to the General Assembly by June~~  
8 ~~1, 2019 detailing the amount of pharmaceutical products~~  
9 ~~annually collected under the program, as well as any~~  
10 ~~legislative recommendations.~~

11 (Source: P.A. 99-11, eff. 7-10-15; 99-480, eff. 9-9-15;  
12 99-642, eff. 7-28-16.)

13 Section 999. Effective date. This Act takes effect upon  
14 becoming law.