



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB2056

by Rep. JoAnn D. Osmond

SYNOPSIS AS INTRODUCED:

30 ILCS 105/5.786 new	
415 ILCS 5/3.330	was 415 ILCS 5/3.32
415 ILCS 5/17.9A new	
730 ILCS 5/5-9-1.1	from Ch. 38, par. 1005-9-1.1
730 ILCS 5/5-9-1.1-5	

Amends the State Finance Act to create the Household Pharmaceutical Disposal Fund as a special fund in the State treasury. Amends the Environmental Protection Act. Excludes from the definition of "pollution control facility" the portion of a site or facility used to incinerate only pharmaceuticals from residential sources that are in the possession or control of a law enforcement agency. Authorizes a law enforcement agency to collect pharmaceuticals from residential sources and to incinerate the collected pharmaceuticals in a manner that is consistent with rules adopted by the Agency. Authorizes the Department of State Police to use moneys in the Household Pharmaceutical Disposal Fund to make grants to local law enforcement agencies for the purpose of facilitating the collection and incineration of pharmaceuticals from residential sources. Defines "law enforcement agency". Amends the Unified Code of Corrections. Requires a \$20 assessment to be levied against persons who commit specified drug offenses. Requires the proceeds of those assessments to be collected by the Circuit Clerk and remitted to the State Treasurer for deposit into the Household Pharmaceutical Disposal Fund.

LRB097 07029 JDS 47122 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 5. The State Finance Act is amended by adding
5 Section 5.786 as follows:

6 (30 ILCS 105/5.786 new)

7 Sec. 5.786. The Household Pharmaceutical Disposal Fund.

8 Section 10. The Environmental Protection Act is amended by
9 changing Section 3.330 and by adding Section 17.9A as follows:

10 (415 ILCS 5/3.330) (was 415 ILCS 5/3.32)

11 Sec. 3.330. Pollution control facility.

12 (a) "Pollution control facility" is any waste storage site,
13 sanitary landfill, waste disposal site, waste transfer
14 station, waste treatment facility, or waste incinerator. This
15 includes sewers, sewage treatment plants, and any other
16 facilities owned or operated by sanitary districts organized
17 under the Metropolitan Water Reclamation District Act.

18 The following are not pollution control facilities:

19 (1) (blank);

20 (2) waste storage sites regulated under 40 CFR, Part
21 761.42;

1 (3) sites or facilities used by any person conducting a
2 waste storage, waste treatment, waste disposal, waste
3 transfer or waste incineration operation, or a combination
4 thereof, for wastes generated by such person's own
5 activities, when such wastes are stored, treated, disposed
6 of, transferred or incinerated within the site or facility
7 owned, controlled or operated by such person, or when such
8 wastes are transported within or between sites or
9 facilities owned, controlled or operated by such person;

10 (4) sites or facilities at which the State is
11 performing removal or remedial action pursuant to Section
12 22.2 or 55.3;

13 (5) abandoned quarries used solely for the disposal of
14 concrete, earth materials, gravel, or aggregate debris
15 resulting from road construction activities conducted by a
16 unit of government or construction activities due to the
17 construction and installation of underground pipes, lines,
18 conduit or wires off of the premises of a public utility
19 company which are conducted by a public utility;

20 (6) sites or facilities used by any person to
21 specifically conduct a landscape composting operation;

22 (7) regional facilities as defined in the Central
23 Midwest Interstate Low-Level Radioactive Waste Compact;

24 (8) the portion of a site or facility where coal
25 combustion wastes are stored or disposed of in accordance
26 with subdivision (r) (2) or (r) (3) of Section 21;

1 (9) the portion of a site or facility used for the
2 collection, storage or processing of waste tires as defined
3 in Title XIV;

4 (10) the portion of a site or facility used for
5 treatment of petroleum contaminated materials by
6 application onto or incorporation into the soil surface and
7 any portion of that site or facility used for storage of
8 petroleum contaminated materials before treatment. Only
9 those categories of petroleum listed in Section 57.9(a)(3)
10 are exempt under this subdivision (10);

11 (11) the portion of a site or facility where used oil
12 is collected or stored prior to shipment to a recycling or
13 energy recovery facility, provided that the used oil is
14 generated by households or commercial establishments, and
15 the site or facility is a recycling center or a business
16 where oil or gasoline is sold at retail;

17 (11.5) processing sites or facilities that receive
18 only on-specification used oil, as defined in 35 Ill.
19 Admin. Code 739, originating from used oil collectors for
20 processing that is managed under 35 Ill. Admin. Code 739 to
21 produce products for sale to off-site petroleum
22 facilities, if these processing sites or facilities are:
23 (i) located within a home rule unit of local government
24 with a population of at least 30,000 according to the 2000
25 federal census, that home rule unit of local government has
26 been designated as an Urban Round II Empowerment Zone by

1 the United States Department of Housing and Urban
2 Development, and that home rule unit of local government
3 has enacted an ordinance approving the location of the site
4 or facility and provided funding for the site or facility;
5 and (ii) in compliance with all applicable zoning
6 requirements;

7 (12) the portion of a site or facility utilizing coal
8 combustion waste for stabilization and treatment of only
9 waste generated on that site or facility when used in
10 connection with response actions pursuant to the federal
11 Comprehensive Environmental Response, Compensation, and
12 Liability Act of 1980, the federal Resource Conservation
13 and Recovery Act of 1976, or the Illinois Environmental
14 Protection Act or as authorized by the Agency;

15 (13) the portion of a site or facility that (i) accepts
16 exclusively general construction or demolition debris,
17 (ii) is located in a county with a population over
18 3,000,000 as of January 1, 2000 or in a county that is
19 contiguous to such a county, and (iii) is operated and
20 located in accordance with Section 22.38 of this Act;

21 (14) the portion of a site or facility, located within
22 a unit of local government that has enacted local zoning
23 requirements, used to accept, separate, and process
24 uncontaminated broken concrete, with or without protruding
25 metal bars, provided that the uncontaminated broken
26 concrete and metal bars are not speculatively accumulated,

1 are at the site or facility no longer than one year after
2 their acceptance, and are returned to the economic
3 mainstream in the form of raw materials or products;

4 (15) the portion of a site or facility located in a
5 county with a population over 3,000,000 that has obtained
6 local siting approval under Section 39.2 of this Act for a
7 municipal waste incinerator on or before July 1, 2005 and
8 that is used for a non-hazardous waste transfer station;

9 (16) a site or facility that temporarily holds in
10 transit for 10 days or less, non-putrescible
11 ~~non-petruscible~~ solid waste in original containers, no
12 larger in capacity than 500 gallons, provided that such
13 waste is further transferred to a recycling, disposal,
14 treatment, or storage facility on a non-contiguous site and
15 provided such site or facility complies with the applicable
16 10-day transfer requirements of the federal Resource
17 Conservation and Recovery Act of 1976 and United States
18 Department of Transportation hazardous material
19 requirements. For purposes of this Section only,
20 "non-putrescible ~~non-petruscible~~ solid waste" means waste
21 other than municipal garbage that does not rot or become
22 putrid, including, but not limited to, paints, solvent,
23 filters, and absorbents;

24 (17) the portion of a site or facility located in a
25 county with a population greater than 3,000,000 that has
26 obtained local siting approval, under Section 39.2 of this

1 Act, for a municipal waste incinerator on or before July 1,
2 2005 and that is used for wood combustion facilities for
3 energy recovery that accept and burn only wood material, as
4 included in a fuel specification approved by the Agency;

5 (18) a transfer station used exclusively for landscape
6 waste, including a transfer station where landscape waste
7 is ground to reduce its volume, where the landscape waste
8 is held no longer than 24 hours from the time it was
9 received;

10 (19) the portion of a site or facility that (i) is used
11 for the composting of food scrap, livestock waste, crop
12 residue, uncontaminated wood waste, or paper waste,
13 including, but not limited to, corrugated paper or
14 cardboard, and (ii) meets all of the following
15 requirements:

16 (A) There must not be more than a total of 30,000
17 cubic yards of livestock waste in raw form or in the
18 process of being composted at the site or facility at
19 any one time.

20 (B) All food scrap, livestock waste, crop residue,
21 uncontaminated wood waste, and paper waste must, by the
22 end of each operating day, be processed and placed into
23 an enclosed vessel in which air flow and temperature
24 are controlled, or all of the following additional
25 requirements must be met:

26 (i) The portion of the site or facility used

1 for the composting operation must include a
2 setback of at least 200 feet from the nearest
3 potable water supply well.

4 (ii) The portion of the site or facility used
5 for the composting operation must be located
6 outside the boundary of the 10-year floodplain or
7 floodproofed.

8 (iii) The portion of the site or facility used
9 for the composting operation must be located at
10 least one-eighth of a mile from the nearest
11 residence, other than a residence located on the
12 same property as the site or facility.

13 (iv) The portion of the site or facility used
14 for the composting operation must be located at
15 least one-eighth of a mile from the property line
16 of all of the following areas:

17 (I) Facilities that primarily serve to
18 house or treat people that are
19 immunocompromised or immunosuppressed, such as
20 cancer or AIDS patients; people with asthma,
21 cystic fibrosis, or bioaerosol allergies; or
22 children under the age of one year.

23 (II) Primary and secondary schools and
24 adjacent areas that the schools use for
25 recreation.

26 (III) Any facility for child care licensed

1 under Section 3 of the Child Care Act of 1969;
2 preschools; and adjacent areas that the
3 facilities or preschools use for recreation.

4 (v) By the end of each operating day, all food
5 scrap, livestock waste, crop residue,
6 uncontaminated wood waste, and paper waste must be
7 (i) processed into windrows or other piles and (ii)
8 covered in a manner that prevents scavenging by
9 birds and animals and that prevents other
10 nuisances.

11 (C) Food scrap, livestock waste, crop residue,
12 uncontaminated wood waste, paper waste, and compost
13 must not be placed within 5 feet of the water table.

14 (D) The site or facility must meet all of the
15 requirements of the Wild and Scenic Rivers Act (16
16 U.S.C. 1271 et seq.).

17 (E) The site or facility must not (i) restrict the
18 flow of a 100-year flood, (ii) result in washout of
19 food scrap, livestock waste, crop residue,
20 uncontaminated wood waste, or paper waste from a
21 100-year flood, or (iii) reduce the temporary water
22 storage capacity of the 100-year floodplain, unless
23 measures are undertaken to provide alternative storage
24 capacity, such as by providing lagoons, holding tanks,
25 or drainage around structures at the facility.

26 (F) The site or facility must not be located in any

1 area where it may pose a threat of harm or destruction
2 to the features for which:

3 (i) an irreplaceable historic or
4 archaeological site has been listed under the
5 National Historic Preservation Act (16 U.S.C. 470
6 et seq.) or the Illinois Historic Preservation
7 Act;

8 (ii) a natural landmark has been designated by
9 the National Park Service or the Illinois State
10 Historic Preservation Office; or

11 (iii) a natural area has been designated as a
12 Dedicated Illinois Nature Preserve under the
13 Illinois Natural Areas Preservation Act.

14 (G) The site or facility must not be located in an
15 area where it may jeopardize the continued existence of
16 any designated endangered species, result in the
17 destruction or adverse modification of the critical
18 habitat for such species, or cause or contribute to the
19 taking of any endangered or threatened species of
20 plant, fish, or wildlife listed under the Endangered
21 Species Act (16 U.S.C. 1531 et seq.) or the Illinois
22 Endangered Species Protection Act; ~~and~~

23 (20) the portion of a site or facility that is located
24 entirely within a home rule unit having a population of no
25 less than 120,000 and no more than 135,000, according to
26 the 2000 federal census, and that meets all of the

1 following requirements:

2 (i) the portion of the site or facility is used
3 exclusively to perform testing of a thermochemical
4 conversion technology using only woody biomass,
5 collected as landscape waste within the boundaries
6 of the home rule unit, as the hydrocarbon feedstock
7 for the production of synthetic gas in accordance
8 with Section 39.9 of this Act;

9 (ii) the portion of the site or facility is in
10 compliance with all applicable zoning
11 requirements; and

12 (iii) a complete application for a
13 demonstration permit at the portion of the site or
14 facility has been submitted to the Agency in
15 accordance with Section 39.9 of this Act within one
16 year after July 27, 2010 (the effective date of
17 Public Act 96-1314); ~~this amendatory Act of the~~
18 ~~96th General Assembly~~

19 (21) ~~(19)~~ the portion of a site or facility used to
20 perform limited testing of a gasification conversion
21 technology in accordance with Section 39.8 of this Act and
22 for which a complete permit application has been submitted
23 to the Agency prior to one year from April 9, 2010 (the
24 effective date of Public Act 96-887); and ~~this amendatory~~
25 ~~Act of the 96th General Assembly.~~

26 (22) the portion of a site or facility that is used, in

1 accordance with Section 17.9A and the rules adopted by the
2 Agency under that Section, to incinerate only
3 pharmaceuticals from residential sources that are in the
4 possession or control of a law enforcement agency.

5 (b) A new pollution control facility is:

6 (1) a pollution control facility initially permitted
7 for development or construction after July 1, 1981; or

8 (2) the area of expansion beyond the boundary of a
9 currently permitted pollution control facility; or

10 (3) a permitted pollution control facility requesting
11 approval to store, dispose of, transfer or incinerate, for
12 the first time, any special or hazardous waste.

13 (Source: P.A. 95-131, eff. 8-13-07; 95-177, eff. 1-1-08;
14 95-331, eff. 8-21-07; 95-408, eff. 8-24-07; 95-876, eff.
15 8-21-08; 96-418, eff. 1-1-10; 96-611, eff. 8-24-09; 96-887,
16 eff. 4-9-10; 96-1000, eff. 7-2-10; 96-1068, eff. 7-16-10;
17 96-1314, eff. 7-27-10; revised 9-2-10.)

18 (415 ILCS 5/17.9A new)

19 Sec. 17.9A. Incineration of pharmaceuticals by law
20 enforcement agency.

21 (a) Notwithstanding any other provision of this Act, a law
22 enforcement agency may collect pharmaceuticals from
23 residential sources and incinerate the collected
24 pharmaceuticals in a manner consistent with rules adopted by
25 the Agency. The Agency shall adopt rules to implement this

1 Section as soon as practical after the effective date of this
2 Section. For the purposes of this Section, "law enforcement
3 agency" means an agency of the State or unit of local
4 government which is vested by law or ordinance with the duty to
5 maintain public order and to enforce criminal laws.

6 (b) The Household Pharmaceutical Disposal Fund is created
7 as a special fund in the State treasury. Moneys in the Fund
8 shall be used for grants by the Department of State Police to
9 local law enforcement agencies for the purpose of facilitating
10 the collection and incineration of pharmaceuticals from
11 residential sources as provided under this Section. Interest
12 attributable to moneys in the Fund shall be returned to the
13 Fund.

14 Section 15. The Unified Code of Corrections is amended by
15 changing Sections 5-9-1.1 and 5-9-1.1-5 as follows:

16 (730 ILCS 5/5-9-1.1) (from Ch. 38, par. 1005-9-1.1)

17 (Text of Section from P.A. 94-550, 96-132, and 96-402)

18 Sec. 5-9-1.1. Drug related offenses.

19 (a) When a person has been adjudged guilty of a drug
20 related offense involving possession or delivery of cannabis or
21 possession or delivery of a controlled substance, other than
22 methamphetamine, as defined in the Cannabis Control Act, as
23 amended, or the Illinois Controlled Substances Act, as amended,
24 in addition to any other penalty imposed, a fine shall be

1 levied by the court at not less than the full street value of
2 the cannabis or controlled substances seized.

3 "Street value" shall be determined by the court on the
4 basis of testimony of law enforcement personnel and the
5 defendant as to the amount seized and such testimony as may be
6 required by the court as to the current street value of the
7 cannabis or controlled substance seized.

8 (b) In addition to any penalty imposed under subsection (a)
9 of this Section, a fine of \$100 shall be levied by the court,
10 the proceeds of which shall be collected by the Circuit Clerk
11 and remitted to the State Treasurer under Section 27.6 of the
12 Clerks of Courts Act for deposit into the Trauma Center Fund
13 for distribution as provided under Section 3.225 of the
14 Emergency Medical Services (EMS) Systems Act.

15 (c) In addition to any penalty imposed under subsection (a)
16 of this Section, a fee of \$5 shall be assessed by the court,
17 the proceeds of which shall be collected by the Circuit Clerk
18 and remitted to the State Treasurer under Section 27.6 of the
19 Clerks of Courts Act for deposit into the Spinal Cord Injury
20 Paralysis Cure Research Trust Fund. This additional fee of \$5
21 shall not be considered a part of the fine for purposes of any
22 reduction in the fine for time served either before or after
23 sentencing.

24 (d) In addition to any penalty imposed under subsection (a)
25 of this Section for a drug related offense involving possession
26 or delivery of cannabis or possession or delivery of a

1 controlled substance as defined in the Cannabis Control Act,
2 the Illinois Controlled Substances Act, or the Methamphetamine
3 Control and Community Protection Act, a fee of \$50 shall be
4 assessed by the court, the proceeds of which shall be collected
5 by the Circuit Clerk and remitted to the State Treasurer under
6 Section 27.6 of the Clerks of Courts Act for deposit into the
7 Performance-enhancing Substance Testing Fund. This additional
8 fee of \$50 shall not be considered a part of the fine for
9 purposes of any reduction in the fine for time served either
10 before or after sentencing. The provisions of this subsection
11 (d), other than this sentence, are inoperative after June 30,
12 2011.

13 (e) ~~(d)~~ In addition to any penalty imposed under subsection
14 (a) of this Section, a \$25 assessment shall be assessed by the
15 court, the proceeds of which shall be collected by the Circuit
16 Clerk and remitted to the State Treasurer for deposit into the
17 State Police Services Fund and shall be used for grants by the
18 Department of State Police to drug task forces and Metropolitan
19 Enforcement Groups in accordance with the Intergovernmental
20 Drug Laws Enforcement Act.

21 (f) In addition to any penalty imposed under subsection (a)
22 of this Section, a \$20 assessment shall be assessed by the
23 court, the proceeds of which shall be collected by the Circuit
24 Clerk and remitted to the State Treasurer for deposit into the
25 Household Pharmaceutical Disposal Fund.

26 (Source: P.A. 94-550, eff. 1-1-06; 96-132, eff. 8-7-09; 96-402,

1 eff. 1-1-10, revised 10-6-09.)

2 (Text of Section from P.A. 94-556, 96-132, and 96-402)

3 Sec. 5-9-1.1. Drug related offenses.

4 (a) When a person has been adjudged guilty of a drug
5 related offense involving possession or delivery of cannabis or
6 possession or delivery of a controlled substance as defined in
7 the Cannabis Control Act, the Illinois Controlled Substances
8 Act, or the Methamphetamine Control and Community Protection
9 Act, in addition to any other penalty imposed, a fine shall be
10 levied by the court at not less than the full street value of
11 the cannabis or controlled substances seized.

12 "Street value" shall be determined by the court on the
13 basis of testimony of law enforcement personnel and the
14 defendant as to the amount seized and such testimony as may be
15 required by the court as to the current street value of the
16 cannabis or controlled substance seized.

17 (b) In addition to any penalty imposed under subsection (a)
18 of this Section, a fine of \$100 shall be levied by the court,
19 the proceeds of which shall be collected by the Circuit Clerk
20 and remitted to the State Treasurer under Section 27.6 of the
21 Clerks of Courts Act for deposit into the Trauma Center Fund
22 for distribution as provided under Section 3.225 of the
23 Emergency Medical Services (EMS) Systems Act.

24 (c) In addition to any penalty imposed under subsection (a)
25 of this Section, a fee of \$5 shall be assessed by the court,

1 the proceeds of which shall be collected by the Circuit Clerk
2 and remitted to the State Treasurer under Section 27.6 of the
3 Clerks of Courts Act for deposit into the Spinal Cord Injury
4 Paralysis Cure Research Trust Fund. This additional fee of \$5
5 shall not be considered a part of the fine for purposes of any
6 reduction in the fine for time served either before or after
7 sentencing.

8 (d) In addition to any penalty imposed under subsection (a)
9 of this Section for a drug related offense involving possession
10 or delivery of cannabis or possession or delivery of a
11 controlled substance as defined in the Cannabis Control Act,
12 the Illinois Controlled Substances Act, or the Methamphetamine
13 Control and Community Protection Act, a fee of \$50 shall be
14 assessed by the court, the proceeds of which shall be collected
15 by the Circuit Clerk and remitted to the State Treasurer under
16 Section 27.6 of the Clerks of Courts Act for deposit into the
17 Performance-enhancing Substance Testing Fund. This additional
18 fee of \$50 shall not be considered a part of the fine for
19 purposes of any reduction in the fine for time served either
20 before or after sentencing. The provisions of this subsection
21 (d), other than this sentence, are inoperative after June 30,
22 2011.

23 (e) ~~(d)~~ In addition to any penalty imposed under subsection
24 (a) of this Section, a \$25 assessment shall be assessed by the
25 court, the proceeds of which shall be collected by the Circuit
26 Clerk and remitted to the State Treasurer for deposit into the

1 State Police Services Fund and shall be used for grants by the
2 Department of State Police to drug task forces and Metropolitan
3 Enforcement Groups in accordance with the Intergovernmental
4 Drug Laws Enforcement Act.

5 (f) In addition to any penalty imposed under subsection (a)
6 of this Section, a \$20 assessment shall be assessed by the
7 court, the proceeds of which shall be collected by the Circuit
8 Clerk and remitted to the State Treasurer for deposit into the
9 Household Pharmaceutical Disposal Fund.

10 (Source: P.A. 94-556, eff. 9-11-05; 96-132, eff. 8-7-09;
11 96-402, eff. 1-1-10, revised 10-6-09.)

12 (730 ILCS 5/5-9-1.1-5)

13 Sec. 5-9-1.1-5. Methamphetamine related offenses.

14 (a) When a person has been adjudged guilty of a
15 methamphetamine related offense involving possession or
16 delivery of methamphetamine or any salt of an optical isomer of
17 methamphetamine or possession of a methamphetamine
18 manufacturing material as set forth in Section 10 of the
19 Methamphetamine Control and Community Protection Act with the
20 intent to manufacture a substance containing methamphetamine
21 or salt of an optical isomer of methamphetamine, in addition to
22 any other penalty imposed, a fine shall be levied by the court
23 at not less than the full street value of the methamphetamine
24 or salt of an optical isomer of methamphetamine or
25 methamphetamine manufacturing materials seized.

1 "Street value" shall be determined by the court on the
2 basis of testimony of law enforcement personnel and the
3 defendant as to the amount seized and such testimony as may be
4 required by the court as to the current street value of the
5 methamphetamine or salt of an optical isomer of methamphetamine
6 or methamphetamine manufacturing materials seized.

7 (b) In addition to any penalty imposed under subsection (a)
8 of this Section, a fine of \$100 shall be levied by the court,
9 the proceeds of which shall be collected by the Circuit Clerk
10 and remitted to the State Treasurer under Section 27.6 of the
11 Clerks of Courts Act for deposit into the Methamphetamine Law
12 Enforcement Fund and allocated as provided in subsection (d) of
13 Section 5-9-1.2.

14 (c) In addition to any penalty imposed under subsection (a)
15 of this Section, a \$25 assessment shall be assessed by the
16 court, the proceeds of which shall be collected by the Circuit
17 Clerk and remitted to the State Treasurer for deposit into the
18 Drug Traffic Prevention Fund. The moneys deposited into the
19 Drug Traffic Prevention Fund pursuant to this Section shall be
20 appropriated to and administered by the Department of State
21 Police for funding of drug task forces and Metropolitan
22 Enforcement Groups in accordance with the Intergovernmental
23 Drug Laws Enforcement Act.

24 (d) In addition to any penalty imposed under subsection (a)
25 of this Section, a \$20 assessment shall be assessed by the
26 court, the proceeds of which shall be collected by the Circuit

1 Clerk and remitted to the State Treasurer for deposit into the
2 Household Pharmaceutical Disposal Fund.

3 (Source: P.A. 96-200, eff. 8-10-09; 96-402, eff. 1-1-10;
4 96-1000, eff. 7-2-10; 96-1234, eff. 7-23-10.)