

AN ACT concerning safety.

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

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

(5 ILCS 140/7.5)

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

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

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

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

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

(d) Information and records held by the Department of

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(t) (Blank).

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

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

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

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

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

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

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

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

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

(cc) Recordings made under the Law Enforcement

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

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

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

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

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

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

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

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

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

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

Aid Code.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Violence Fatality Review Act.

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

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

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

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

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

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

(lll) (Reserved).

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

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

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

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

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

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

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

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

(d) Information and records held by the Department of Public Health and its authorized representatives relating

to known or suspected cases of sexually transmissible disease or any information the disclosure of which is restricted under the Illinois Sexually Transmissible Disease Control Act.

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

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

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

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

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

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

(k) Law enforcement officer identification information

or driver identification information compiled by a law enforcement agency or the Department of Transportation under Section 11-212 of the Illinois Vehicle Code.

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

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

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

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

(p) Security portions of system safety program plans, investigation reports, surveys, schedules, lists, data, or information compiled, collected, or prepared by or for the Department of Transportation under Sections 2705-300 and 2705-616 of the Department of Transportation Law of the

Civil Administrative Code of Illinois, the Regional Transportation Authority under Section 2.11 of the Regional Transportation Authority Act, or the St. Clair County Transit District under the Bi-State Transit Safety Act (repealed).

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

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

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

(t) (Blank).

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

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

(v-5) Records of the Firearm Owner's Identification

Card Review Board that are exempted from disclosure under Section 10 of the Firearm Owners Identification Card Act.

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

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

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

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

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

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

(cc) Recordings made under the Law Enforcement Officer-Worn Body Camera Act, except to the extent

authorized under that Act.

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

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

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

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

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

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

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

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

(ll) Information the disclosure of which is restricted and exempted under Section 5-30.8 of the Illinois Public Aid Code.

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

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

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

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

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

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

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

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

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

(vv) Information that is exempt from disclosure under

subsections (f) and (j) of Section 5-36 of the Illinois Public Aid Code.

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

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

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

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

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

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

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

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

(eee) Information prohibited from being disclosed under subsection (b) of Section 75 of the Domestic Violence Fatality Review Act.

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

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

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

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

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

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

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

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

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

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

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

(415 ILCS 180/10)

Sec. 10. Definitions. In this Act:

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

"Agency" means the Environmental Protection Agency.

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

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

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

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

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

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

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

(3) a State or local government facility; or

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

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

"Director" means the Director of the Agency.

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

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

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

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

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

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

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

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

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

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

purpose of marketing or communicating information about the product;

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

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

"Packaging" does not include:

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

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

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

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

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

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

federal law, rule, or regulation; and

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

"Paper product" means:

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

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

"Paper product" does not include:

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

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

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

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

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

"Postconsumer recycled content" means the portion of an

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

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

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

"Reusable" means:

- (1) designed to be refilled or used repeatedly for its original intended purpose and is returnable;
- (2) safe for washing and sanitizing according to applicable State food safety laws; and
- (3) with the exception of ceramic products, capable of

being recycled at the end of use.

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

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

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

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

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

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

(415 ILCS 180/20)

Sec. 20. Statewide needs assessment.

(a) The Agency shall issue a competitive solicitation in accordance with the Illinois Procurement Code to select a qualified consultant to conduct a statewide needs assessment to assess recycling, composting, and reuse conditions in the State for packaging and paper products, including identifying current conditions and an evaluation of the capacity, costs, gaps, and needs associated with recycling and the diversion of packaging and paper products. The Agency shall select the consultant on or before January 1, 2025 ~~July 1, 2024~~. The competitive solicitation issued by the Agency and the contract, including any contract modification or extension, executed by the consultant and the Agency must provide that the data or information received by the consultant and the Agency must be used exclusively to complete the statewide needs assessment and for no other purposes. The needs assessment shall be funded by an appropriation from the Agency's Solid Waste Management Fund or other appropriated funding.

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

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

(1) the quantity, by weight and type, of packaging and

paper products sold, offered for sale, distributed, or served to consumers in the State by material type and format;

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

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

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

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

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

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

(8) current system-wide costs for the collection, reuse, recycling, and composting of packaging and paper

products;

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

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

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

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

(13) multilingual public education needs for the

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

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

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

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

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

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

(e) On or before June 30, 2026 ~~December 31, 2025~~, the Agency shall provide the draft needs assessment to the Advisory Council. The Advisory Council shall provide written comments to the Agency within 60 days after receipt of the needs assessment. The Agency's consultant shall include an assessment of comments received in the revised draft needs assessment submitted to the Agency and shall provide a summary and an analysis of any issues raised by the Advisory Council and significant changes suggested by any such comments, a statement of the reasons why any significant changes were not incorporated into the results of the study, and a description of any changes made to the results of the needs assessment as a

result of such comments. The needs assessment shall be finalized by the Agency on or before November 1, 2026 ~~May 1, 2026~~.

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

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

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