

AN ACT concerning health regulation.

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

Section 5. The Swimming Facility Act is amended by changing Sections 2, 3, 3.01, 3.02, 3.05, 3.10, 3.12, 3.13, 4, 5, 6, 7, 8, 9, 11, 13, 17, 20, 21, 22, 23, and 27 and by adding Sections 3.14, 3.15, 3.16, 3.17, 3.18, 3.19, 3.20, 3.21, 3.22, 3.23, 3.24, 5.1, 5.2, 8.1, 8.2, 8.3, 20.5, 22.2, 30, 31, and 32 as follows:

(210 ILCS 125/2) (from Ch. 111 1/2, par. 1202)

Sec. 2. Legislative purpose. It is found that there exists, and may in the future exist, within the State of Illinois public swimming facilities, including swimming pools, spas, water slides, public bathing beaches, and other swimming facilities, which are substandard in one or more important features of safety, cleanliness or sanitation. Such conditions adversely affect the public health, safety and general welfare of persons.

Therefore, the purpose of this Act is to protect, promote and preserve the public health, safety and general welfare by providing for the establishment and enforcement of minimum standards for safety, cleanliness and general sanitation for all swimming facilities, including swimming pools, spas, water

slides, public bathing beaches, and other aquatic features now in existence or hereafter constructed, developed, or altered, and to provide for inspection and licensing of all such facilities.

(Source: P.A. 96-1081, eff. 7-16-10.)

(210 ILCS 125/3) (from Ch. 111 1/2, par. 1203)

Sec. 3. Definitions. As used in this Act, unless the context otherwise requires, the terms specified in Sections 3.01 through 3.24 ~~3.13~~ have the meanings ascribed to them in those Sections.

(Source: P.A. 96-1081, eff. 7-16-10.)

(210 ILCS 125/3.01) (from Ch. 111 1/2, par. 1203.01)

Sec. 3.01. Swimming pool. "Swimming Pool" means any artificial basin of water which is modified, improved, constructed or installed for the purpose of public swimming, wading, floating, or diving, and includes: pools for community use, pools at apartments, condominiums, and other groups or associations having 5 or more living units, clubs, churches, camps, schools, institutions, Y.M.C.A.'s, Y.W.C.A.'s, parks, recreational areas, motels, hotels, health clubs, golf and country clubs, and other commercial establishments. It does not include pools at private single-family residences intended only for the use of the owner and guests.

(Source: P.A. 92-18, eff. 6-28-01.)

(210 ILCS 125/3.02) (from Ch. 111 1/2, par. 1203.02)

Sec. 3.02. "Public Bathing Beach" means any body of water, except as defined in Section 3.01, or that portion thereof used for the purpose of public swimming or recreational bathing, and includes beaches at: apartments, condominiums, subdivisions, and other groups or associations having 5 or more living units, clubs, churches, camps, schools, institutions, parks, recreational areas, motels, hotels and other commercial establishments. It includes shores, equipments, buildings and appurtenances pertaining to such areas. It does not include bathing beaches at private residences intended only for the use of the owner and guests.

(Source: P.A. 78-1149.)

(210 ILCS 125/3.05) (from Ch. 111 1/2, par. 1203.05)

Sec. 3.05. "Person" means any individual, group of individuals, association, trust, partnership, limited liability company, corporation, person doing business under an assumed name, county, municipality, the State of Illinois, or any political subdivision or department thereof, or any other entity.

(Source: P.A. 78-1149.)

(210 ILCS 125/3.10)

Sec. 3.10. Spa. "Spa" means a basin of water designed for

recreational or therapeutic use that is not drained, cleaned, or refilled for each user. It may include hydrojet circulation, hot water, cold water mineral bath, air induction bubbles, or some combination thereof. It includes "therapeutic pools", "hydrotherapy pools", "whirlpools", "cold spas", "hot spas", and "hot tubs". It does not include these facilities at individual single-family residences intended for use by the occupant and his or her guests.

(Source: P.A. 92-18, eff. 6-28-01.)

(210 ILCS 125/3.12)

Sec. 3.12. Swimming facility. "Swimming Facility" means a swimming pool, spa, public bathing beach, ~~water slide, lazy river, spray pool,~~ or ~~other~~ aquatic feature and its appurtenances, singular or aggregated together, that exists for the purpose of providing recreation or therapeutic services to the public. It does not include isolation or flotation tanks.

(Source: P.A. 96-1081, eff. 7-16-10.)

(210 ILCS 125/3.13)

Sec. 3.13. Spray pool. "Spray pool" means an aquatic feature ~~recreational facility~~ that is not a swimming pool and that has structures or fittings for spraying, dumping, or shooting water. The term does not include features ~~facilities~~ having as a source of water a public water supply that is

regulated by the Illinois Environmental Protection Agency or the Illinois Department of Public Health and that has no capacity to recycle water.

(Source: P.A. 96-1081, eff. 7-16-10.)

(210 ILCS 125/3.14 new)

Sec. 3.14. Prequalified architect or prequalified professional engineer. "Prequalified architect" or "prequalified professional engineer" means an individual who is prequalified by the Department and is responsible for coordinating the design, planning, and creation of specifications for swimming facilities and for applying for a permit for construction or major alteration.

(210 ILCS 125/3.15 new)

Sec. 3.15. Prequalified swimming facility contractor. "Prequalified swimming facility contractor" means a person who is prequalified by the Department to perform the construction, installation, modification, or repair of a swimming facility and its appurtenances.

(210 ILCS 125/3.16 new)

Sec. 3.16. Aquatic feature. "Aquatic feature" means any single element of a swimming facility other than a swimming pool or spa or bathing beach, including, but not limited to, a lazy river, water slide, spray pool, or other feature that

provides aquatic recreation or therapy.

(210 ILCS 125/3.17 new)

Sec. 3.17. Lapsed fee. "Lapsed fee" means the amount charged to a licensee for failing to renew a swimming facility license within one year after the expiration of the license. This fee is in addition to any other fees associated with renewal of a swimming facility license.

(210 ILCS 125/3.18 new)

Sec. 3.18. Living unit. "Living unit" means a home, mobile home, duplex unit, apartment unit, condominium unit, or any dwelling unit in a multi-unit residential structure or a campground lot.

(210 ILCS 125/3.19 new)

Sec. 3.19. Major alteration. "Major alteration" means any change to a swimming facility or its aquatic features or appurtenances that alters the facility's functionality or as-built or as-permitted condition. This includes, but is not limited to, an alteration of a pool that changes the water surface area, depth, or volume, addition of a permanently installed appurtenance such as a diving board, slide, or starting platform, modification of the design of the recirculation system, and replacement or modification of a bather preparation facility. It does not include maintenance or

minor repair or the replacement of equipment with comparable components.

(210 ILCS 125/3.20 new)

Sec. 3.20. Subsequent inspection. "Subsequent inspection" means any inspection made by the Department or its agents or certified local health departments that are authorized by local government ordinance to administer and enforce this Act for purposes of annual renewals, responding to a substantiated complaint, complying with a request by the licensee or its agent, or ensuring compliance with an order of the Department. The term does not include initial inspections performed by the Department relating to permitted construction, interim compliance inspections, or Department inspections in a case in which no violations are found.

(210 ILCS 125/3.21 new)

Sec. 3.21. Initial review. "Initial review" means the first review of any submittal made by an applicant for a permit for construction or major alteration, as provided for in Section 5 of this Act. If the requirements of Section 5 are met, a permit shall be issued; otherwise the Department shall issue correspondence indicating deficiencies.

(210 ILCS 125/3.22 new)

Sec. 3.22. Initial inspection. "Initial inspection" means

an inspection conducted by the Department to determine compliance with this Act and rules promulgated thereunder in order to approve the operation of a swimming facility after the Department has issued a permit for construction or major alteration.

(210 ILCS 125/3.23 new)

Sec. 3.23. Agent health department. "Agent health department" means a certified local health department that the Department has designated as its agent for making inspections and investigations under Section 11 of this Act.

(210 ILCS 125/3.24 new)

Sec. 3.24. Ordinance health department. "Ordinance health department" means a certified local health department belonging to a unit of local government that has adopted an ordinance electing to administer and enforce this Act and adopting, by reference, the rules adopted and amended from time to time by the Department under the authority of Section 27 of this Act.

(210 ILCS 125/4) (from Ch. 111 1/2, par. 1204)

Sec. 4. License to operate. After May 1, 2002, it shall be unlawful for any person to open, establish, maintain or operate a swimming facility within this State without first obtaining a license therefor from the Department or, where applicable, from

the ordinance health department. Applications for original licenses shall be made on forms furnished by the Department or, where applicable, by an ordinance health department. Each application ~~to the Department~~ shall be signed by the applicant and accompanied by an affidavit of the applicant as to the truth of the application ~~and, except in the case of an application by an organization incorporated under the General Not for Profit Corporation Act, as amended, by the payment of a license application fee of \$50. License fees are not refundable.~~ Each application shall contain: the name and address of the applicant, or names and addresses of the partners if the applicant is a partnership, or the name and addresses of the officers if the applicant is a corporation or the names and addresses of all persons having an interest therein if the applicant is a group of individuals, association, or trust; and the location of the swimming facility. A license shall be valid only in the possession of the person to whom it is issued and shall not be the subject of sale, assignment, or other transfer, voluntary, or involuntary, nor shall the license be valid for any premises other than those for which originally issued. Upon receipt of an application for an original license, the Department or, where applicable, the ordinance health department shall inspect such swimming facility to insure compliance with this Act. In no case shall license fees be assessed by both the Department and the ordinance health department.

(Source: P.A. 96-1081, eff. 7-16-10.)

(210 ILCS 125/5) (from Ch. 111 1/2, par. 1205)

Sec. 5. Permit for construction or major alteration. No swimming facility shall be constructed, ~~developed, installed,~~ or altered in a major manner until plans, specifications, and other information relative to such swimming facility and appurtenant facilities as may be requested on forms provided by the Department are submitted to and reviewed by the Department and found to comply with minimum sanitary and safety requirements and design criteria, and until a permit for the construction or major alteration ~~development~~ is issued by the Department. Permits are valid for a period of one year from date of issue. They may be reissued upon application to the Department and payment of the permit fee ~~as provided in this Act.~~

The fee to be paid by an applicant, ~~other than an organization incorporated under the General Not for Profit Corporation Act, as now or hereafter amended,~~ for a permit for construction, ~~development,~~ major alteration, or installation of each swimming facility shall be in accordance with Sections 8.1, 8.2, and 8.3 of this Act and is \$50, which shall accompany such application.

(Source: P.A. 96-1081, eff. 7-16-10.)

(210 ILCS 125/5.1 new)

Sec. 5.1. Permit applications; certification. Permit applications shall be made by an architect or engineer prequalified in accordance with Section 30 of this Act. Such applications shall include the sealed technical submissions of the prequalified architect or prequalified professional engineer responsible for the application. The requirements for permit applications by a prequalified architect or prequalified professional engineer shall take effect upon adoption of rules to implement Section 30 of this Act.

(210 ILCS 125/5.2 new)

Sec. 5.2. Plan resubmittal. Those permit applications failing to qualify for a permit for construction or major alteration after review by the Department shall be supplemented within 30 days by a plan resubmittal. Such resubmittals shall include, but not be limited to, revised plans, specifications and other required documentation sufficient to correct deficiencies in the application and demonstrate compliance with the rules. All plan resubmittals shall be submitted to the Department by a prequalified architect or prequalified professional engineer and shall be accompanied by a fee in accordance with Sections 8.1, 8.2 and 8.3 of this Act. The requirements for plan resubmittal by a prequalified architect or prequalified professional engineer shall take effect upon adoption of rules to implement Section 30 of this Act.

(210 ILCS 125/6) (from Ch. 111 1/2, par. 1206)

Sec. 6. License renewal. Applications and fees for renewal of the license shall be made in writing by the holder of the license, on forms furnished by the Department or, where applicable, the ordinance health department, ~~and, except in the case of an application by an organization incorporated under the General Not for Profit Corporation Act, as now or hereafter amended,~~ shall be accompanied by a license application fee in accordance with Sections 8.1, 8.2, and 8.3 of this Act for fees assessed by the Department or as established by local ordinance for fees assessed by the ordinance health department ~~of \$50,~~ which shall not be refundable, and shall contain any change in the information submitted since the original license was issued or the latest renewal granted. In addition to any other fees required under this Act, a late fee in accordance with Sections 8.1, 8.2, and 8.3 of this Act ~~of \$20~~ shall be charged when any renewal application is received by the Department after the license has expired or as established by local ordinance for fees assessed by the ordinance health department; however, educational institutions and units of State or local government shall not be required to pay late fees. If, after inspection, the Department or the ordinance health department is satisfied that the swimming facility is in substantial compliance with the provisions of this Act and the rules ~~and regulations~~ issued thereunder, the Department or the ordinance health department shall issue the renewal license. No license shall be renewed if

the licensee has unpaid fines, fees, or penalties owed to the Department. In no case shall license renewal or late fees be assessed by both the Department and the ordinance health department.

(Source: P.A. 96-1081, eff. 7-16-10.)

(210 ILCS 125/7) (from Ch. 111 1/2, par. 1207)

Sec. 7. Conditional license. If the Department or, where applicable, the ordinance health department finds that the facilities of any swimming facility for which a license is sought are not in compliance with the provisions of this Act and the rules of the Department relating thereto, but may operate without undue prejudice to the public, the Department or the ordinance health department may issue a conditional license setting forth the conditions on which the license is issued, the manner in which the swimming facility fails to comply with the Act and such rules, and shall set forth the time, not to exceed 3 years, within which the applicant must make any changes or corrections necessary to fully comply with this Act and the rules ~~and regulations~~ of the Department relating thereto. No more than 3 such consecutive annual conditional licenses may be issued.

(Source: P.A. 96-1081, eff. 7-16-10.)

(210 ILCS 125/8) (from Ch. 111 1/2, par. 1208)

Sec. 8. Payment of fees; display of licenses. All fees and

penalties generated under the authority of this Act, except fees collected by agent health departments or ordinance health departments, shall be deposited into the Facility Licensing Fund and, subject to appropriation, shall be used by the Department in the administration of this Act. All fees and penalties shall be submitted in the form of a check or money order, ~~or by other means authorized by the Department,~~ agent health department, or ordinance health department. All licenses provided for in this Act shall be displayed in a conspicuous place for public view, within or on such premises. In case of revocation or suspension, the licensee ~~owner or operator or both~~ shall cause the license to be removed and to post the notice of revocation or suspension issued by the Department or ordinance health department. Fees for a permit for construction or major alteration, an original license, and a plan resubmittal shall be determined by the total water surface area of the swimming facility, except that aquatic features and bathing beaches shall be charged a fixed fee regardless of water surface area. License renewal fees assessed by the Department shall be determined by the total water surface area of the swimming facility, except that aquatic features and bathing beaches shall be charged a fixed fee regardless of water surface area. Late renewal, lapsed, initial inspection, and subsequent inspection fees assessed by the Department shall be fixed fees regardless of water surface area.

Fees assessed by the Department shall be determined in accordance with the ownership designation of the swimming facility at the time of application. Fees assessed by agent health departments and ordinance health departments may be established by local ordinance.

(Source: P.A. 96-1081, eff. 7-16-10.)

(210 ILCS 125/8.1 new)

Sec. 8.1. Fee schedule for fees assessed by the Department for all licensees except certain tax-exempt organizations, governmental units, and public elementary and secondary schools. The fee schedule for fees assessed by the Department for all licensees, except those specifically identified in Sections 8.2 and 8.3 of this Act, shall be as follows:

<u>Water Surface</u>	<u>Construction</u>	<u>Major</u>	<u>Plan</u>
<u>Area or Other</u>	<u>Permit Fee</u>	<u>Alteration Fee</u>	<u>Resubmittal</u>
<u>Feature</u>			<u>Fee</u>
<u>0-500 sq ft</u>	<u>\$625</u>	<u>\$310</u>	<u>\$200</u>
<u>501-1,000 sq ft</u>	<u>\$1,250</u>	<u>\$625</u>	<u>\$200</u>
<u>1,001-2,000 sq</u>			
<u>ft</u>	<u>\$1,500</u>	<u>\$750</u>	<u>\$200</u>
<u>2,001 sq ft and</u>			
<u>up</u>	<u>\$1,950</u>	<u>\$975</u>	<u>\$200</u>
<u>Aquatic Feature</u>	<u>\$625</u>	<u>\$310</u>	<u>\$200</u>
<u>Bathing Beach</u>	<u>\$625</u>	<u>\$310</u>	<u>\$200</u>

<u>Water Surface Area or Other Feature</u>	<u>Original License and License Renewal Fee</u>
<u>0-500 sq ft</u>	<u>\$150</u>
<u>501-1,000 sq ft</u>	<u>\$300</u>
<u>1,001-2,000 sq ft</u>	<u>\$400</u>
<u>2,001 sq ft and up</u>	<u>\$500</u>
<u>Aquatic Feature</u>	<u>\$150</u>
<u>Bathing Beach</u>	<u>\$150</u>
<u>Late Renewal Fee</u>	<u>\$100</u>
<u>Lapsed Fee</u>	<u>\$150</u>
<u>Inspections</u>	<u>Fee</u>
<u>Initial Inspection</u>	<u>\$150</u>
<u>Subsequent Inspection</u>	<u>\$100</u>

All fees set forth in this Section shall be charged on a per-swimming-facility or per-aquatic-feature basis, unless otherwise noted.

(210 ILCS 125/8.2 new)

Sec. 8.2. Fee schedule for fees assessed by the Department for certain tax-exempt organizations. The fee schedule for fees assessed by the Department for a licensee that is an organization recognized by the United States Internal Revenue Service as tax-exempt under Title 26 of the United States Code,

Section 501(c) (3) shall be as follows:

<u>Water Surface</u>	<u>Construction</u>	<u>Major Alteration</u>	<u>Plan</u>
<u>Area or Other</u>	<u>Permit Fee</u>	<u>Fee</u>	<u>Resubmittal</u>
<u>Feature</u>			<u>Fee</u>
<u>0-500 sq ft</u>	<u>\$150</u>	<u>\$50</u>	<u>\$200</u>
<u>501-1,000 sq ft</u>	<u>\$150</u>	<u>\$50</u>	<u>\$200</u>
<u>1,001-2,000 sq ft</u>	<u>\$150</u>	<u>\$50</u>	<u>\$200</u>
<u>2,001 sq ft and</u>			
<u>up</u>	<u>\$150</u>	<u>\$200</u>	<u>\$200</u>
<u>Aquatic Feature</u>	<u>\$600</u>	<u>\$300</u>	<u>\$200</u>
<u>Bathing Beach</u>	<u>\$150</u>	<u>\$50</u>	<u>\$200</u>

<u>Water Surface Area or Other</u>	<u>Original License and License</u>
<u>Feature</u>	<u>Renewal Fee</u>
<u>0-500 sq ft</u>	<u>\$0</u>
<u>501-1,000 sq ft</u>	<u>\$0</u>
<u>1,001-2,000 sq ft</u>	<u>\$0</u>
<u>2,001 sq ft and up</u>	<u>\$0</u>
<u>Aquatic Feature</u>	<u>\$75</u>
<u>Bathing Beach</u>	<u>\$75</u>
<u>Late Renewal Fee</u>	<u>\$50</u>
<u>Lapsed Fee</u>	<u>\$75</u>
<u>Inspections</u>	<u>Fee</u>
<u>Initial Inspection</u>	<u>\$0</u>

Subsequent Inspection \$100

All fees set forth in this Section shall be charged on a per-swimming-facility or per-aquatic-feature basis.

(210 ILCS 125/8.3 new)

Sec. 8.3. Fee schedule for fees assessed by the Department for certain governmental units and schools. The fee schedule for fees assessed by the Department for a licensee that is a unit of State or local government or a public elementary or secondary school shall be as follows:

<u>Water Surface</u>	<u>Construction</u>	<u>Major Alteration</u>	<u>Plan</u>
<u>Area or Other</u>	<u>Permit Fee</u>	<u>Permit Fee</u>	<u>Resubmittal</u>
<u>Feature</u>			<u>Fee</u>
<u>0-500 sq ft</u>	<u>\$0</u>	<u>\$0</u>	<u>\$200</u>
<u>501-1,000 sq ft</u>	<u>\$0</u>	<u>\$0</u>	<u>\$200</u>
<u>1,001-2,000 sq ft</u>	<u>\$0</u>	<u>\$0</u>	<u>\$200</u>
<u>2,001 sq ft and</u>			
<u>up</u>	<u>\$0</u>	<u>\$0</u>	<u>\$200</u>
<u>Aquatic Feature</u>	<u>\$600</u>	<u>\$300</u>	<u>\$200</u>
<u>Bathing Beach</u>	<u>\$0</u>	<u>\$0</u>	<u>\$200</u>

<u>Water Surface Area or Other</u>	<u>Original License and License</u>
<u>Feature</u>	<u>Renewal Fee</u>
<u>0-500 sq ft</u>	<u>\$0</u>

<u>501-1,000 sq ft</u>	<u>\$0</u>
<u>1,001-2,000 sq ft</u>	<u>\$0</u>
<u>2,001 sq ft and up</u>	<u>\$0</u>
<u>Aquatic Feature</u>	<u>\$0</u>
<u>Bathing Beach</u>	<u>\$0</u>
<u>Late Renewal Fee</u>	<u>\$0</u>
<u>Lapsed Fee</u>	<u>\$0</u>
<u>Inspections</u>	<u>Fee</u>
<u>Initial Inspection</u>	<u>\$0</u>
<u>Subsequent Inspection</u>	<u>\$100</u>

Construction permit fees and major alteration permit fees set forth in this Section shall be due only if the Department produces an initial review within 60 days after receipt of the application. The fees for aquatic features under this Section shall cover all aquatic features at a particular facility, and an aquatic feature fee is not required for each and every aquatic feature.

(210 ILCS 125/9) (from Ch. 111 1/2, par. 1209)

Sec. 9. Inspections. Subject to constitutional limitations, the Department, by its representatives, after proper identification, is authorized and shall have the power to enter at reasonable times upon private or public property for the purpose of inspecting and investigating conditions

relating to the enforcement of this Act and rules ~~regulations~~ issued hereunder. Written notice of all violations shall be given to each person against whom a violation is alleged ~~the owners, operators and licensees of swimming facilities.~~

(Source: P.A. 92-18, eff. 6-28-01.)

(210 ILCS 125/11) (from Ch. 111 1/2, par. 1211)

Sec. 11. Department's agents. The Department may designate certified local health departments as its agents for purposes of carrying out this Act. An agent so designated may charge fees for costs associated with enforcing this Act. Where the agent determines that it cannot perform an inspection under this Act, the Department shall perform the inspection and any applicable fees shall be payable to the Department and the agent may not charge a fee. If the Department performs a service or activity for the agent that the agent cannot perform, the fee for the service or activity shall be paid to the Department and not to the agent. In no case shall fees be assessed by both the Department and an agent for the same service or activity. ~~full-time Municipal, District, County or multiple County Health Departments as its agents in making inspections and investigations.~~

(Source: P.A. 78-1149.)

(210 ILCS 125/13) (from Ch. 111 1/2, par. 1213)

Sec. 13. Rules. The Department shall promulgate, publish,

adopt and amend such rules as may be necessary for the proper enforcement of this Act, to protect the health and safety of the public using swimming facilities ~~such pools and beaches, spas, and their other~~ appurtenances, and may, when necessary, utilize the services of any other state agencies to assist in carrying out the purposes of this Act. These rules shall include but are not limited to design criteria for swimming facility areas and bather preparation facilities, standards relating to sanitation, cleanliness, plumbing, water supply, sewage and solid waste disposal, design and construction of all equipment, buildings, rodent and insect control, communicable disease control, safety and sanitation of appurtenant swimming facilities. The rules must include provisions for the prevention of bather entrapment or entanglement at new and existing swimming facilities. Bather preparation facilities consisting of dressing room space, toilets and showers shall be available for use of patrons of swimming facilities, except as provided by Department rules.

(Source: P.A. 96-1081, eff. 7-16-10.)

(210 ILCS 125/17) (from Ch. 111 1/2, par. 1217)

Sec. 17. Subpoenas; witness fees. The Director or Hearing Officer may compel by subpoena or subpoena duces tecum the attendance and testimony of witnesses and the production of records or documents either in electronic or paper form ~~books and papers~~ and administer oaths to witnesses. All subpoenas

issued by the Director or Hearing Officer may be served as provided for in a civil action.

The fees of witnesses for attendance and travel shall be the same as the fees for witnesses before the circuit court and shall be paid by the party to such proceeding at whose request the subpoena is issued. If such subpoena is issued at the request of the Department, the witness fee shall be paid as an administrative expense.

In cases of refusal of a witness to attend or testify, or to produce records or documents ~~books or papers~~, concerning any matter upon which he might be lawfully examined, the circuit court of the county where the hearing is held, upon application of any party to the proceeding, may compel obedience by proceeding as for contempt.

(Source: P.A. 83-334.)

(210 ILCS 125/20) (from Ch. 111 1/2, par. 1220)

Sec. 20. Judicial review. The Department is not required to certify any record or file any answer or otherwise appear in any proceeding for judicial review unless there is filed in the court with the complaint a receipt from the Department acknowledging payment of the costs of furnishing and certifying the record, which costs shall be computed at the rate of \$1 per page of such record ~~the party filing the complaint deposits with the clerk of the court the sum of \$1 per page representing costs of such certification.~~ Failure on the part of the

plaintiff to make such deposit shall be grounds for dismissal of the action.

(Source: P.A. 82-1057.)

(210 ILCS 125/20.5 new)

Sec. 20.5. Reproduction of records. The Department may charge \$0.25 per each 8.5" x 11" page, whether paper or electronic, for copies of records held by the Department pursuant to this Act. For documents larger than 8.5" x 11", actual copying costs plus \$0.25 per page shall apply.

(210 ILCS 125/21) (from Ch. 111 1/2, par. 1221)

Sec. 21. Closure of facility. Whenever the Department finds any violation of this Act or the rules promulgated under this Act, if the violation presents an emergency or risk to public health, the Department shall, without prior notice or hearing, issue a written notice, immediately order the owner, operator, or licensee to close the swimming facility and to prohibit any person from using such facilities. Notwithstanding any other provisions in this Act, such order shall be effective immediately.

The notice shall state the reasons prompting the closing of the facilities and a copy of the notice must be posted conspicuously at the pool or beach by the owner, operator or licensee.

The Attorney General and the State's Attorney and Sheriff

of the county in which the swimming facility is located shall enforce the closing order after receiving notice thereof.

Any owner, operator or licensee affected by such an order is entitled, upon written request to the Department, to a hearing as provided in this Act.

When such violations are abated in the opinion of the Department, the Department may authorize reopening the swimming facility.

(Source: P.A. 96-1081, eff. 7-16-10.)

(210 ILCS 125/22) (from Ch. 111 1/2, par. 1222)

Sec. 22. Criminal penalties. Any person who violates this Act or any rule ~~or regulation~~ adopted by the Department, or who violates any determination or order of the Department under this Act, shall be guilty of a Class A misdemeanor punishable by a fine of \$1,000 for each day the violation exists, in addition to civil penalties, or up to 6 months imprisonment, or both a fine and imprisonment.

Each day's violation constitutes a separate offense. The State's Attorney of the county in which the violation occurred, or the Attorney General shall bring such actions in the name of the people of the State of Illinois, ~~or may in addition to other remedies provided in this Act, bring action for an injunction to restrain such violation, or to enjoin the operation of any such establishment.~~

(Source: P.A. 78-1149.)

(210 ILCS 125/22.2 new)

Sec. 22.2. Civil enforcement. The Department may impose administrative civil penalties for violations of this Act and the rules promulgated thereunder, pursuant to rules for such penalties adopted by the Department. The State's Attorney of the county in which the violation occurred, or the Attorney General, shall bring actions for collection of penalties imposed under this Section in the name of the people of the State of Illinois. The State's Attorney or Attorney General may, in addition to other remedies provided in this Act, bring an action (i) for an injunction to restrain the violation, (ii) to impose civil penalties (if no penalty has been imposed by the Department), or (iii) to enjoin the operation of any such person or establishment.

(210 ILCS 125/23) (from Ch. 111 1/2, par. 1223)

Sec. 23. Applicability of Act. Nothing in this Act shall be construed to exclude the State of Illinois and Departments and educational institutions thereof and units of local government except that the provisions in this Act for fees or late fees for licenses and permits, and the provisions for civil penalties, fines ~~fine~~ and imprisonment shall not apply to the State of Illinois, to Departments and educational institutions thereof, or units of local government. This Act shall not apply to beaches operated by units of local government located on

Lake Michigan.

(Source: P.A. 96-1081, eff. 7-16-10.)

(210 ILCS 125/27) (from Ch. 111 1/2, par. 1227)

Sec. 27. Adoption of ordinances. Any unit of government having a certified local ~~full-time municipal, district, county or multiple county~~ health department ~~and which employs full-time a physician licensed in Illinois to practice medicine in all its branches and a professional engineer, registered in Illinois, with a minimum of 2 years' experience in environmental health,~~ may administer and enforce this Act by adopting an ordinance electing to administer and enforce this Act and adopting by reference the rules ~~and regulations~~ promulgated and amended from time to time by the Department under authority of this Act.

A unit of local government that so qualified and elects to administer and enforce this Act shall furnish the Department a copy of its ordinance and the names and qualifications of the employees required by this Act. The unit of local government ordinance shall then prevail in lieu of the state licensure ~~fee~~ and inspection program with the exception of Section 5 of this Act which provides for permits for construction or major alteration, and Sections 5.1, 5.2, 30, and 31, ~~development and installation,~~ which provisions shall continue to be administered by the Department. With the exception of permits as provided for in Section 5 of this Act, a unit of local

government may collect fees for administration of ordinances adopted pursuant to this Section. Units of local government shall require such State permits as provided in Section 5 prior to issuing licenses for swimming facilities constructed, ~~developed,~~ ~~installed,~~ or altered in a major manner in accordance with this Act ~~after the effective date of this Act.~~

Not less than once every 3 years ~~each year~~ the Department shall evaluate each unit of local government's licensing and inspection program to determine whether such program is being operated and enforced in accordance with this Act and the rules ~~and regulations~~ promulgated thereunder. If the Department finds, after investigation, that such program is not being enforced within the provisions of this Act or the rules ~~and regulations~~ promulgated thereunder, the Director shall give written notice of such findings to the unit of government. If the Department finds, not less than 30 days after ~~of~~ such given notice, that the program is not being conducted and enforced within the provisions of this Act or the rules ~~and regulations~~ promulgated thereunder, the Director shall give written notice to the unit of government that its authority to administer this Act is revoked. Any unit of government whose authority to administer this Act is revoked may request an administrative hearing as provided in this Act. If the unit of government fails to request a hearing within 15 days after receiving the notice or if, after such hearing, the Director confirms the revocation, all swimming facilities then operating under such

unit of government shall be immediately subject to the State licensure fee and inspection program, until such time as the unit of government is again authorized by the Department to administer and enforce this Act.

(Source: P.A. 92-18, eff. 6-28-01.)

(210 ILCS 125/30 new)

Sec. 30. Prequalified architect or prequalified professional engineer.

(a) Any person responsible for designing, planning, and creating specifications for swimming facilities and for applying for a permit for construction or major alteration of a swimming facility must be an architect or professional engineer prequalified by the Department. A prequalified architect or prequalified professional engineer must be licensed and in good standing with the Illinois Department of Financial and Professional Regulation and must possess public swimming facility design experience as determined by rules promulgated by the Department. Persons seeking prequalification pursuant to this Section shall apply for prequalification pursuant to rules adopted by the Department.

(b) In addition to any other power granted in this Act to adopt rules, the Department may adopt rules relating to the issuance or renewal of the prequalification of an architect or professional engineer or the suspension of the prequalification of any such person or entity, including,

without limitation, a summary suspension without a hearing founded on any one or more of the bases set forth in this subsection.

The bases for an interim or emergency suspension of the prequalification of an architect or professional engineer include, but are not limited to, the following:

(1) A finding by the Department that the public interest, safety, or welfare requires a summary suspension of the prequalification without a hearing.

(2) The occurrence of an event or series of events which, in the Department's opinion, warrants a summary suspension of the prequalification without a hearing. Such events include, without limitation: (i) the indictment of the holder of the prequalification by a State or federal agency or another branch of government for a crime; (ii) the suspension of a license or prequalification by another State agency or by a federal agency or another branch of government after a hearing; (iii) failure to comply with State law, including, without limitation, this Act and the rules promulgated thereunder; and (iv) submission of fraudulent documentation or the making of false statements to the Department.

(c) If a prequalification is suspended by the Department without a hearing for any reason set forth in this Section or in Section 10-65 of the Illinois Administrative Procedure Act, the Department, within 30 days after the issuance of an order

of suspension of the prequalification, shall initiate a proceeding for the suspension of or other action upon the prequalification.

(d) An applicant for prequalification under this Section must, at a minimum, be licensed in Illinois as a professional engineer or architect in accordance with the Professional Engineering Practice Act of 1989 or the Illinois Architecture Practice Act of 1989.

(210 ILCS 125/31 new)

Sec. 31. Prequalified swimming facility contractor.

(a) Any person seeking to perform construction, installation, or major alteration of a swimming facility must be prequalified by the Department. A prequalified swimming facility contractor must be registered and in good standing with the Secretary of State and possess public swimming facility construction experience as determined by rules promulgated by the Department. Persons seeking prequalification pursuant to this Section shall apply for prequalification pursuant to rules adopted by the Department.

(b) In addition to any other power granted in this Act to adopt rules, the Department may adopt rules relating to the issuance or renewal of the prequalification of a swimming facility contractor or the suspension of the prequalification of any such person or entity, including, without limitation, an interim or emergency suspension without a hearing founded on

any one or more of the bases set forth in this subsection.

The bases for an interim or emergency suspension of the prequalification of a swimming facility contractor include, but are not limited to, the following:

(1) A finding by the Department that the public interest, safety, or welfare requires a summary suspension of the prequalification without a hearing.

(2) The occurrence of an event or series of events which, in the Department's opinion, warrants a summary suspension of the prequalification without a hearing. Such events include, without limitation: (i) the indictment of the holder of the prequalification by a State or federal agency or another branch of government for a crime; (ii) the suspension or modification of a license by another State agency or by a federal agency or another branch of government after a hearing; (iii) failure to comply with State law, including, without limitation, this Act and the rules promulgated thereunder; and (iv) submission of fraudulent documentation or the making of false statements to the Department.

(c) If a prequalification is suspended by the Department without a hearing for any reason set forth in this Section or in Section 10-65 of the Illinois Administrative Procedure Act, the Department, within 30 days after the issuance of an order of suspension of the prequalification, shall initiate a proceeding for the suspension of or other action upon the

prequalification.

(210 ILCS 125/32 new)

Sec. 32. Service animals. It is the duty of a licensee under this Act to allow the use of service animals as defined and prescribed in 28 C.F.R. 35.104, 28 C.F.R. 35.136, 28 C.F.R. 35.139, 28 C.F.R. 36.104, 28 C.F.R. 208, and 28 C.F.R. 302(c) if the service animal has been trained to perform a specific task or work in the water and the use of such animal does not pose a direct threat to the health and safety of the patrons of the facility or the function or sanitary conditions of the facility. Any use of a licensed swimming facility by an animal other than a service animal as authorized under this Section is prohibited.

Section 99. Effective date. This Act takes effect January 1, 2013.