AN ACT concerning safety.

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

Section 1. Short title. This Act may be cited as the Drug Take-Back Act.

Section 5. Findings. The General Assembly finds that:

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

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

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

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

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

Section 10. Definitions. In this Act:

"Agency" means the Environmental Protection Agency.

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

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

(2) a law enforcement agency;

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

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

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

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

household.

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

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

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

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

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

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

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

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

(8) needles or sharps;

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

(10) dialysate drugs or other saline solutions required to perform kidney dialysis;

(11) drugs sold at retail as a unit dose package; or

(12) homeopathic drugs.

"Covered manufacturer" means a manufacturer of a covered drug that is sold or offered for sale in Illinois.

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

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

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

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

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

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

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

by practitioners only.

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

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

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

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

"Private label distributor" has the same meaning as defined in 21 CFR 207.1. A private label distributor is not a covered manufacturer.

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

"Proprietary information" means information that is:

(1) submitted under this Act;

(2) a trade secret or commercial or financial information that is privileged or confidential and is identified as such by the person providing the information; and

(3) not required to be disclosed under any other law, rule, or regulation affecting a covered drug, covered manufacturer, or pharmacy.

"Repackager" means a repacker as that term is defined in 21 CFR 207.1. A repackager is not a covered manufacturer.

Section 15. Participation in a drug take-back program. Each covered manufacturer must, beginning January 1, 2024 or 6 months after becoming a covered manufacturer, whichever is later, individually or collectively implement an approved drug take-back program that complies with the requirements of this Act. A covered manufacturer must establish, fund, and implement a drug take-back program independently or as part of a group of covered manufacturers.

Section 20. Identification of covered manufacturers.

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

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

Section 25. Drug take-back program requirements.

(a) At least 120 days prior to submitting a proposal under Section 35, a manufacturer program operator must notify potential authorized collectors of the opportunity to serve as an authorized collector for the proposed drug take-back program. No later than 30 days after a potential authorized collector expresses interest in participating in a proposed program, the manufacturer program operator must commence good faith negotiations with the potential authorized collector regarding the collector's participation in the program.

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

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

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

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

(f) An authorized collector operating a drug take-back

program collection site must accept all covered drugs from consumers during the hours that the location used as a collection site is normally open for business to the public.

(g) A drug take-back program collection site must collect covered drugs and store them in compliance with State and federal law, including United States Drug Enforcement Administration regulations. The manufacturer program operator must provide for transportation and disposal of collected covered drugs in a manner that ensures each collection site is serviced as often as necessary to avoid reaching capacity and that collected covered drugs are transported to final disposal in a manner compliant with State and federal law, including a process for additional prompt collection service upon notification from the collection site. Covered drugs shall be disposed of at:

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

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

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

(h) Authorized collectors must comply with all State and

federal laws and regulations governing the collection, storage, and disposal of covered drugs, including United States Drug Enforcement Administration regulations.

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

(j) A drug take-back program shall provide, in every county with a potential authorized collector, one authorized collection site and a minimum of at least one additional collection site for every 50,000 county residents, provided that there are enough potential authorized collectors offering to participate in the drug take-back program.

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

(k) A drug take-back program may include mail-back distribution locations or periodic collection events for each county in the State. The manufacturer program operator shall consult with each county authority identified in the written

notice prior to preparing the program plan to determine the role that mail-back distribution locations or periodic collection events will have in the drug take-back program.

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

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

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

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

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

(3) Promote the program by providing consumers,

pharmacies, and other entities with educational and informational materials as required under Section 45.

(4) Consider:

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

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

(C) recycling of drug packaging.

Section 35. Drug take-back program approval.

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

(b) The Agency shall approve a proposed program if each covered manufacturer and manufacturer program operator participating in the program has registered and paid the fee under Section 60, the program proposal demonstrates the

program fulfills the requirements under Section 25, and the proposal includes the following information on forms prescribed by the Agency:

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

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

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

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

(c) Within 90 days after receiving a drug take-back program proposal, the Agency shall either approve, reject, or approve with modification the proposal in writing to the manufacturer program operator. During this 90-day period, the Agency shall provide a 30-day public comment period on the drug take-back program proposal. If the Agency rejects the proposal, it shall provide the reason for rejection in the written notification to the manufacturer program operator.

(d) No later than 90 days after receipt of a notice of rejection under subsection (c) of this Section, the

manufacturer or manufacturers participating in the program shall submit a revised proposal to the Agency. Within 90 days of receipt of a revised proposal the Agency shall either approve or reject the revised proposal in writing to the manufacturer program operator. During this 90-day period, the Agency shall provide a 30-day public comment period on the revised proposal.

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

Section 40. Changes or modifications to the approved manufacturer drug take-back program. A manufacturer program operator shall maintain records for 5 years of any changes to an approved drug take-back program. These include, but are not limited to, changes in:

(1) participating covered manufacturers;

(2) collection methods;

(3) collection site locations; or

(4) contact information for the program operator or authorized collectors.

Section 45. Drug take-back program promotion. Each drug take-back program must include a system of promotion, education, and public outreach about the proper collection and

management of covered drugs. If there is more than one drug take-back program operated by more than one manufacturer program operator, the requirements of this Section shall be implemented by all drug take-back programs collectively using a single toll-free number and website and similar education, outreach, and promotional materials. This may include, but is not limited to, signage, written materials to be provided at the time of purchase or delivery of covered drugs, and advertising or other promotional materials. At a minimum, promotion, education, and public outreach must include the following:

(1) Promoting the proper management of drugs by residents and the collection of covered drugs through a drug take-back program.

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

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

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

(5) Preparing and distributing to program collection sites, for dissemination to consumers, the educational and

outreach materials. The materials must use plain language and explanatory images to make collection services and discouraged disposal practices readily understandable by residents, including residents with limited English proficiency.

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

The program promotion requirements under this Section do not apply to any drug take-back program established prior to the effective date of this Act that provides promotional or educational materials to the public about the proper collection and management of covered drugs.

Section 50. Annual program report.

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

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

(2) the total amount, by weight, of covered drugs collected and the amount, by weight, from each collection

method used during the program year, reported by county;

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

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

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

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

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

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

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

(6) a description of how collected packaging was recycled to the extent feasible; and

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

Section 55. Manufacturer drug take-back program funding.

(a) A covered manufacturer or group of covered manufacturers must pay all administrative and operational

costs associated with establishing and implementing the drug take-back program in which it participates. Such administrative and operational costs include, but are not limited to:

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

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

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

(4) costs related to prepaid, preaddressed mail;

(5) compensation of authorized collectors, if applicable;

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

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

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

(9) program promotion and outreach.

(b) A manufacturer program operator shall allocate to covered manufacturers participating in the drug take-back program the administration and operational costs of the programs. The method of cost allocation shall be included in

the drug take-back program proposal required under Section 35.

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

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

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

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

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

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

Section 60. Registration fee.

(a) By January 1, 2023, and by January 1 of each year thereafter, each covered manufacturer and manufacturer program operator shall register with the Agency and submit to the Agency a $2,500 registration fee.

(b) All fees collected under this Section must be

deposited in the Solid Waste Management Fund to be used solely for the administration of this Act.

Section 65. Rules; enforcement; penalties.

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

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

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

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

(e) The penalties and injunctions provided in this Act are in addition to any penalties, injunctions, or other relief provided under any other law. Nothing in this Act bars a cause

of action by the State for any other penalty, injunction, or other relief provided by any other law.

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

Section 70. Antitrust immunity. The activities authorized by this Act require collaboration among covered manufacturers and among authorized collectors. These activities will enable safe and secure collection and disposal of covered drugs in Illinois and are therefore in the best interest of the public. The benefits of collaboration, together with active State supervision, outweigh potential adverse impacts. Therefore, the General Assembly intends to exempt from State antitrust laws, and provide immunity through the state action doctrine from federal antitrust laws, activities that are undertaken pursuant to this Act that might otherwise be constrained by such laws. The General Assembly does not intend and does not authorize any person or entity to engage in activities not provided for by this Act, and the General Assembly neither exempts nor provides immunity for such activities.

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

Section 90. Home rule.

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

(b) A home rule municipality may not regulate drug take-back programs in a manner inconsistent with the regulation by the State of drug take-back programs under this Act. This Section is a limitation under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units of powers and functions exercised by the State.

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

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

Sec. 7. Exemptions.

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

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

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

(b-5) Files, documents, and other data or databases maintained by one or more law enforcement agencies and specifically designed to provide information to one or more law enforcement agencies regarding the physical or mental status of one or more individual subjects.

(c) Personal information contained within public records, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, unless the disclosure is consented to in writing by the individual subjects of the information. "Unwarranted invasion of personal privacy" means the disclosure of

information that is highly personal or objectionable to a reasonable person and in which the subject's right to privacy outweighs any legitimate public interest in obtaining the information. The disclosure of information that bears on the public duties of public employees and officials shall not be considered an invasion of personal privacy.

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

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

(ii) interfere with active administrative enforcement proceedings conducted by the public body that is the recipient of the request;

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

(iv) unavoidably disclose the identity of a confidential source, confidential information furnished only by the confidential source, or persons who file complaints with or provide information to

administrative, investigative, law enforcement, or penal agencies; except that the identities of witnesses to traffic accidents, traffic accident reports, and rescue reports shall be provided by agencies of local government, except when disclosure would interfere with an active criminal investigation conducted by the agency that is the recipient of the request;

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

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

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

(d-5) A law enforcement record created for law enforcement purposes and contained in a shared electronic record management system if the law enforcement agency that is the recipient of the request did not create the record, did not participate in or have a role in any of the events which are the subject of the record, and only has

access to the record through the shared electronic record management system.

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

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

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

(e-6) Records requested by persons committed to the Department of Corrections, Department of Human Services Division of Mental Health, or a county jail if those materials include records from staff members' personnel files, staff rosters, or other staffing assignment information.

(e-7) Records requested by persons committed to the Department of Corrections or Department of Human Services Division of Mental Health if those materials are available

through an administrative request to the Department of Corrections or Department of Human Services Division of Mental Health.

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

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

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

claim.

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

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

The information included under this exemption includes all trade secrets and commercial or financial information obtained by a public body, including a public pension fund, from a private equity fund or a privately held company within the investment portfolio of a private equity fund as a result of either investing or evaluating a potential investment of public funds in a private equity

fund. The exemption contained in this item does not apply to the aggregate financial performance information of a private equity fund, nor to the identity of the fund's managers or general partners. The exemption contained in this item does not apply to the identity of a privately held company within the investment portfolio of a private equity fund, unless the disclosure of the identity of a privately held company may cause competitive harm.

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

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

(i) Valuable formulae, computer geographic systems, designs, drawings and research data obtained or produced by any public body when disclosure could reasonably be expected to produce private gain or public loss. The exemption for "computer geographic systems" provided in this paragraph (i) does not extend to requests made by news media as defined in Section 2 of this Act when the

requested information is not otherwise exempt and the only purpose of the request is to access and disseminate information regarding the health, safety, welfare, or legal rights of the general public.

(j) The following information pertaining to educational matters:

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

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

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

(iv) course materials or research materials used by faculty members.

(k) Architects' plans, engineers' technical submissions, and other construction related technical documents for projects not constructed or developed in whole or in part with public funds and the same for projects constructed or developed with public funds, including, but not limited to, power generating and distribution stations and other transmission and

distribution facilities, water treatment facilities, airport facilities, sport stadiums, convention centers, and all government owned, operated, or occupied buildings, but only to the extent that disclosure would compromise security.

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

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

(n) Records relating to a public body's adjudication of employee grievances or disciplinary cases; however, this exemption shall not extend to the final outcome of cases in which discipline is imposed.

(o) Administrative or technical information associated with automated data processing operations, including, but not limited to, software, operating protocols, computer program abstracts, file layouts, source listings, object modules, load modules, user guides, documentation

pertaining to all logical and physical design of computerized systems, employee manuals, and any other information that, if disclosed, would jeopardize the security of the system or its data or the security of materials exempt under this Section.

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

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

(r) The records, documents, and information relating to real estate purchase negotiations until those negotiations have been completed or otherwise terminated. With regard to a parcel involved in a pending or actually and reasonably contemplated eminent domain proceeding under the Eminent Domain Act, records, documents, and information relating to that parcel shall be exempt except as may be allowed under discovery rules adopted by the Illinois Supreme Court. The records, documents, and information relating to a real estate sale shall be exempt until a sale is consummated.

(s) Any and all proprietary information and records related to the operation of an intergovernmental risk management association or self-insurance pool or jointly

self-administered health and accident cooperative or pool. Insurance or self insurance (including any intergovernmental risk management association or self insurance pool) claims, loss or risk management information, records, data, advice or communications.

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

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

(v) Vulnerability assessments, security measures, and response policies or plans that are designed to identify, prevent, or respond to potential attacks upon a community's population or systems, facilities, or installations, the destruction or contamination of which would constitute a clear and present danger to the health or safety of the community, but only to the extent that disclosure could reasonably be expected to jeopardize the effectiveness of the measures or the safety of the

personnel who implement them or the public. Information exempt under this item may include such things as details pertaining to the mobilization or deployment of personnel or equipment, to the operation of communication systems or protocols, or to tactical operations.

(w) (Blank).

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

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

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

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

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

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

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

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

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

(gg) Confidential information described in Section 1-100 of the Illinois Independent Tax Tribunal Act of

2012.

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

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

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

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

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

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

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

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

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

(Source: P.A. 101-434, eff. 1-1-20; 101-452, eff. 1-1-20; 101-455, eff. 8-23-19; 101-652, eff. 1-1-22; 102-38, eff. 6-25-21; 102-558, eff. 8-20-21; revised 11-22-21.)

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

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

Sec. 22.15. Solid Waste Management Fund; fees.

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

(b) The Agency shall assess and collect a fee in the amount set forth herein from the owner or operator of each sanitary landfill permitted or required to be permitted by the Agency to dispose of solid waste if the sanitary landfill is located off the site where such waste was produced and if such sanitary landfill is owned, controlled, and operated by a person other than the generator of such waste. The Agency shall deposit all fees collected into the Solid Waste Management Fund. If a site is contiguous to one or more landfills owned or operated by the same person, the volumes permanently disposed of by each landfill shall be combined for purposes of determining the fee under this subsection. Beginning on July 1, 2018, and on the first day of each month thereafter during fiscal years 2019 through 2022, the State Comptroller shall direct and State Treasurer shall transfer an amount equal to 1/12 of $5,000,000

per fiscal year from the Solid Waste Management Fund to the General Revenue Fund.

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

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

(3) If more than 50,000 cubic yards but not more than 100,000 cubic yards of non-hazardous solid waste is permanently disposed of at a site in a calendar year, the owner or operator shall pay a fee of $23,790.

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

(5) If not more than 10,000 cubic yards of

non-hazardous solid waste is permanently disposed of at a site in a calendar year, the owner or operator shall pay a fee of $1050.

(c) (Blank).

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

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

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

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

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

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

(f) The Agency is authorized to enter into such agreements

and to promulgate such rules as are necessary to carry out its duties under this Section and the Illinois Solid Waste Management Act.

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

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

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

(j) A unit of local government, as defined in the Local Solid Waste Disposal Act, in which a solid waste disposal facility is located may establish a fee, tax, or surcharge with regard to the permanent disposal of solid waste. All fees, taxes, and surcharges collected under this subsection shall be utilized for solid waste management purposes, including long-term monitoring and maintenance of landfills, planning, implementation, inspection, enforcement and other activities consistent with the Solid Waste Management Act and the Local Solid Waste Disposal Act, or for any other

environment-related purpose, including, but not limited to, an environment-related public works project, but not for the construction of a new pollution control facility other than a household hazardous waste facility. However, the total fee, tax or surcharge imposed by all units of local government under this subsection (j) upon the solid waste disposal facility shall not exceed:

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

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

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

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

(5) $650 if not more than 10,000 cubic yards of

non-hazardous solid waste is permanently disposed of at the site in a calendar year.

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

For the disposal of solid waste from general construction or demolition debris recovery facilities as defined in subsection (a-1) of Section 3.160, the total fee, tax, or surcharge imposed by all units of local government under this subsection (j) upon the solid waste disposal facility shall not exceed 50% of the applicable amount set forth above. A unit of local government, as defined in the Local Solid Waste Disposal Act, in which a general construction or demolition debris recovery facility is located may establish a fee, tax, or surcharge on the general construction or demolition debris recovery facility with regard to the permanent disposal of solid waste by the general construction or demolition debris recovery facility at a solid waste disposal facility, provided that such fee, tax, or surcharge shall not exceed 50% of the applicable amount set forth above, based on the total amount of solid waste transported from the general construction or

demolition debris recovery facility for disposal at solid waste disposal facilities, and the unit of local government and fee shall be subject to all other requirements of this subsection (j).

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

If the fees are to be used to conduct a local sanitary landfill inspection or enforcement program, the unit of local government must enter into a written delegation agreement with the Agency pursuant to subsection (r) of Section 4. The unit of local government and the Agency shall enter into such a written delegation agreement within 60 days after the establishment of such fees. At least annually, the Agency shall conduct an audit of the expenditures made by units of local government from the funds granted by the Agency to the units of local government for purposes of local sanitary landfill inspection and enforcement programs, to ensure that the funds have been expended for the prescribed purposes under the grant.

The fees, taxes or surcharges collected under this subsection (j) shall be placed by the unit of local government

in a separate fund, and the interest received on the moneys in the fund shall be credited to the fund. The monies in the fund may be accumulated over a period of years to be expended in accordance with this subsection.

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

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

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

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

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

(5) A narrative detailing the general direction and scope of future expenditures for one, 2 and 3 years.

The exemptions granted under Sections 22.16 and 22.16a, and under subsection (k) of this Section, shall be applicable to any fee, tax or surcharge imposed under this subsection (j); except that the fee, tax or surcharge authorized to be imposed under this subsection (j) may be made applicable by a unit of local government to the permanent disposal of solid waste after December 31, 1986, under any contract lawfully

executed before June 1, 1986 under which more than 150,000 cubic yards (or 50,000 tons) of solid waste is to be permanently disposed of, even though the waste is exempt from the fee imposed by the State under subsection (b) of this Section pursuant to an exemption granted under Section 22.16.

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

(1) waste which is hazardous waste;

(2) waste which is pollution control waste;

(3) waste from recycling, reclamation or reuse processes which have been approved by the Agency as being designed to remove any contaminant from wastes so as to render such wastes reusable, provided that the process renders at least 50% of the waste reusable; the exemption set forth in this paragraph (3) of this subsection (k) shall not apply to general construction or demolition debris recovery facilities as defined in subsection (a-1) of Section 3.160;

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

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

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

(415 ILCS 5/22.55)

Sec. 22.55. Household waste drop-off points.

(a) Findings; purpose and intent.

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

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

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

"Compostable waste" means household waste that is source-separated food scrap, household waste that is source-separated landscape waste, or a mixture of both.

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

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

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

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

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

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

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

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

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

(c) Except as otherwise provided in Agency rules, the following requirements apply to each household waste drop-off

point, other than a one-day household waste collection event, one-day compostable waste collection event, or permanent compostable waste collection point:

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

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

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

(B) Household waste drop-off points that accept mercury thermometers can be located at any site or

facility where non-mercury thermometers are sold, distributed, or dispensed.

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

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

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

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

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

(7) Household waste must be managed in a manner that protects against releases of the waste, prevents

nuisances, and otherwise protects human health and the environment. Household waste must also be properly secured to prevent unauthorized public access to the waste, including, but not limited to, preventing access to the waste during the non-business hours of the site or facility on which the household waste drop-off point is located. Containers in which pharmaceutical products are collected must be clearly marked "No Controlled Substances", unless the household waste drop-off point accepts controlled substances in accordance with federal law.

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

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

(d) One-day household waste collection events. To further aid in the collection of certain household wastes, the Agency may approve the operation of one-day household waste collection events. The Agency shall not approve a one-day household waste collection event at the same site or facility for more than one day each calendar quarter. Requests for approval must be submitted on forms prescribed by the Agency. The Agency must issue its approval in writing, and it may

impose conditions as necessary to protect human health and the environment and to otherwise accomplish the purposes of this Act. One-day household waste collection events must be operated in accordance with the Agency's approval, including all conditions contained in the approval. The following requirements apply to all one-day household waste collection events, in addition to the conditions contained in the Agency's approval:

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

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

(3) Household waste must be managed in a manner that protects against releases of the waste, prevents nuisances, and otherwise protects human health and the environment. Household waste must also be properly secured

to prevent public access to the waste, including, but not limited to, preventing access to the waste during the event's non-business hours.

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

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

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

(d-5) One-day compostable waste collection event. To further aid in the collection and composting of compostable waste, as defined in subsection (b), a municipality may approve the operation of one-day compostable waste collection events at any site or facility within its territorial jurisdiction, and a county may approve the operation of one-day compostable waste collection events at any site or facility in any unincorporated area within its territorial jurisdiction. The approval granted under this subsection (d-5) must be in writing; must specify the date, location, and time

of the event; and must list the types of compostable waste that will be collected at the event. If the one-day compostable waste collection event is to be operated at a location within a county with a population of more than 400,000 but less than 2,000,000 inhabitants, according to the 2010 decennial census, then the operator of the event shall, at least 30 days before the event, provide a copy of the approval to the recycling coordinator designated by that county. The approval granted under this subsection (d-5) may include conditions imposed by the county or municipality as necessary to protect public health and prevent odors, vectors, and other nuisances. A one-day compostable waste collection event approved under this subsection (d-5) must be operated in accordance with the approval, including all conditions contained in the approval. The following requirements shall apply to the one-day compostable waste collection event, in addition to the conditions contained in the approval:

(1) Waste accepted at the event must be limited to the types of compostable waste authorized to be accepted under the approval.

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

(A) examples of compostable waste being collected;

and

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

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

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

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

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

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

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

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

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

(F) control odors and other nuisances; and

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

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

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

(8) All compostable waste received at the event must be transferred off-site to a permitted compost facility by no later than 48 hours after the event ends or by the end of the first business day after the event ends, whichever is sooner.

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

(d-6) Permanent compostable waste collection points. To further aid in the collection and composting of compostable waste, as defined in subsection (b), a municipality may approve the operation of permanent compostable waste collection points at any site or facility within its territorial jurisdiction, and a county may approve the operation of permanent compostable waste collection points at any site or facility in any unincorporated area within its territorial jurisdiction. The approval granted pursuant to this subsection (d-6) must be in writing; must specify the location, operating days, and operating hours of the collection point; must list the types of compostable waste that will be collected at the collection point; and must specify a term of not more than 365 calendar days during which the approval will be effective. In addition, if the permanent compostable waste collection point is to be operated at a location within a county with a population of more than 400,000 but less than 2,000,000 inhabitants, according to the 2010 federal decennial census, then the operator of the collection point shall, at least 30 days before the collection point begins operation, provide a copy of the approval to the recycling coordinator designated by that county. The approval may include conditions imposed by the county or municipality as necessary to protect public health and prevent odors, vectors, and other nuisances. A permanent compostable waste collection point approved pursuant to this subsection (d-6)

must be operated in accordance with the approval, including all conditions contained in the approval. The following requirements apply to the permanent compostable waste collection point, in addition to the conditions contained in the approval:

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

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

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

(4) Compostable waste must be managed in a manner that protects against releases of the waste, prevents nuisances, and otherwise protects human health and the

environment. Compostable waste must be properly secured to prevent it from being accessed by the public at any time, including, but not limited to, during the collection point's non-operating hours. Permanent compostable waste collection points must be adequately supervised during their operating hours.

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

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

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

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

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

(E) contain spills or releases that could create nuisances or otherwise harm human health or the environment;

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

(G) control odors and other nuisances; and

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

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

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

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

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

(e) The Agency may adopt rules governing the operation of household waste drop-off points, other than one-day household waste collection events, one-day compostable waste collection events, and permanent compostable waste collection points. Those rules must be designed to protect against releases of waste to the environment, prevent nuisances, and otherwise protect human health and the environment. As necessary to address different circumstances, the regulations may contain different requirements for different types of household waste and different types of household waste drop-off points, and the regulations may modify the requirements set forth in subsection (c) of this Section. The regulations may include,

but are not limited to, the following: (i) identification of additional types of household waste that can be collected at household waste drop-off points, (ii) identification of the different types of household wastes that can be received at different household waste drop-off points, (iii) the maximum amounts of each type of household waste that can be stored at household waste drop-off points at any one time, and (iv) the maximum time periods each type of household waste can be stored at household waste drop-off points.

(f) Prohibitions.

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

(2) No person shall cause or allow the operation of a one-day household waste collection event in violation of this Section or the Agency's approval issued under subsection (d) of this Section, including all conditions contained in the approval.

(3) No person shall cause or allow the operation of a one-day compostable waste collection event in violation of this Section or the approval issued for the one-day compostable waste collection event under subsection (d-5)

of this Section, including all conditions contained in the approval.

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

(g) Permit exemptions.

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

(2) No permit is required under subdivision (d)(1) of Section 21 of this Act for the operation of a one-day household waste collection event if the event is operated in accordance with this Section and the Agency's approval issued under subsection (d) of this Section, including all conditions contained in the approval, or for the operation of a household waste collection event by the Agency.

(3) No permit is required under paragraph (1) of subsection (d) of Section 21 of this Act for the operation

of a one-day compostable waste collection event if the compostable waste collection event is operated in accordance with this Section and the approval issued for the compostable waste collection point under subsection (d-5) of this Section, including all conditions contained in the approval.

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

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

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

(2) Sites or facilities operated pursuant to an intergovernmental agreement entered into with the Agency under Section 22.16b(d) of this Act.

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

(j) (Blank). ~~The Agency must develop a sign that provides information on the proper disposal of unused pharmaceutical~~

~~products. The sign shall include information on approved drop-off sites or list a website where updated information on drop-off sites can be accessed. The sign shall also include information on mail-back programs and self-disposal. The Agency shall make a copy of the sign available for downloading from its website. Every pharmacy shall display the sign in the area where medications are dispensed and shall also display any signs the Agency develops regarding local take back programs or household waste collection events. These signs shall be no larger than 8.5 inches by 11 inches.~~

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

(l) (Blank). ~~The Agency shall establish, by rule, a statewide medication take back program by June 1, 2016 to ensure that there are pharmaceutical product disposal options regularly available for residents across the State. No private entity may be compelled to serve as or fund a take back location or program. Medications collected and disposed of under the program shall include controlled substances approved for collection by federal law. All medications collected and disposed of under the program must be managed in accordance with all applicable federal and State laws and regulations. The Agency shall issue a report to the General Assembly by June 1, 2019 detailing the amount of pharmaceutical products~~

~~annually collected under the program, as well as any legislative recommendations.~~

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

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