VILLAGE OF NORTHBROOK
ENVIRONMENTAL QUALITY
COMMISSION

Thursday, May 16, 2019
Terrace Room

AGENDA

Regular EQC Meeting – 7:00

1. Call To Order

2. Review of Minutes
   - April 18, 2019 Meeting Minutes

3. Hear From the Audience

4. Old Business
   A. Review of Neonicotinoid Pesticide Materials
   B. Plastic Bags – State Bills

5. New Business

6. Good of the Order

7. Next Meeting – June 20, 2019

8. Adjourn.

The Village of Northbrook is subject to the requirements of the Americans with Disabilities Act of 1990. Individuals with disabilities who plan to attend this meeting and who require certain accommodations in order to allow them to observe and/or participate in this meeting, or who have questions regarding the accessibility of this meeting or the facilities, are requested to contact Greg Van Dahm or Debra J. Ford (847-664-4014 and 847-664-4013, respectively) promptly to allow the Village of Northbrook to make reasonable accommodations for those persons. Hearing impaired individuals may call the TDD number, 847-564-8465, for more information.

Jeremy Reynolds
I'm concerned about what I'm missing from this brochure, or is this too much info already? Everyone's input appreciated.

Landscaping Best Practices

OR

When It Comes to Chemicals...

Best Practices for Your Yard

OR

Speaking of Chemicals In Your Yard: Try Best Practices

Village of Northbrook Environmental Quality Commission

Although readily available on store shelves, multiple studies have implicated certain pesticides, insecticides and herbicides in the decline of honeybees, monarch butterflies, and many other pollinators.
The widespread and indiscriminate use of these chemicals is a major factor in the huge number of extinctions and decline among insects species, which are already seriously disrupting food webs, altering ecosystems, and effecting people's health.

Most of us are not chemists and don't have the time or inclination to learn names and properties of these chemicals, but would still like to do the right thing for our families, the environment and our future.

Avoidance is best. But if you do use chemicals learn about best practices in your yard. If you hire a landscape service talk to the owner about bringing fewer chemicals into your yard and more of the following best practices tips.

For lawn care:

- Revise the way you think about the green space surrounding your home. The perfect lawn is no longer something we can afford to strive for. Clovers, especially native clovers feed bees, for example.
- If you do have a bug or weed problem try to address it early and use organic controls (not synthetic) and follow best practices.
- Plant more flower beds and less grass. Native flowering plants provide food and habitat for native critters and require much less watering and care.
- Consider planting ground covers in shady areas and around trees where grass does not grow well. Look into lawn alternatives for a more natural, more sustainable landscape.
- Set your mower height at 3 inches. Mow more frequently when your grass is actively growing (spring and fall) and less frequently when your lawn is dormant during the hottest, driest part of the summer. Leave the grass clipping on the lawn. They will provide a good dose of natural fertilizer and they're free!
- A thicker, taller lawn is the best defense against weeds. Hand pull or spot treat broadleaf weeds with an organic weed killer.
- Apply lawn fertilizer in the fall and use natural fertilizer such as milorganite. Lawns older than 10 years require less nitrogen. Also sweep any fertilizer that lands on concrete areas back onto grassy areas to keep it out of our waterways.
- Established lawns generally do not need to be watered. They will go dormant during the hot, dry part of the summer and green up again when cooler temperatures return and rainfall increases. If watering is necessary, such as with a new lawn, water for a longer period of time but less frequently to encourage a deeper root system. Frequent shallow watering encourages a weak, drought-intolerant root system.
- Learn more: visit www.beyondpesticides.org.

For tree and shrub care:

Trees and shrubs that are properly cared for and therefore not stressed are much less vulnerable to diseases and infestations that would require the use of chemicals. Here's how to keep them healthy:

- Plant more trees, but make sure they are the right choice for the site.
- Mulch properly around trees and shrubs to help maintain soil moisture and minimize heaving in winter. Do NOT pile up mulch against the bark. Keep it at least 12 inches away from trunks.
- Learn proper pruning timing and techniques for the plants in your yard. Good pruning at the right time will minimize infections from airborne culprits such as spores and nonnative bugs. Proper pruning allows air to circulate and the sun to shine in.
- If needed, use organic pesticides to control infections that are harmful, and keep in mind that many are not. Sometimes just spraying bugs off with the hose will control an infestation. Learn more at www.chicagobotanic.org/plantinfo. Click on Pests and Problems.
• Watering usually isn’t necessary for well established trees and shrubs, except in long periods of drought. They will appreciate a good soaking before winter if there is a drier than normal fall.
• Compost yard waste and use it to fertilize your trees and shrubs. Learn proper composting techniques at: www.chicagobotanic.org/plantinfo/composting.

WARNING-EXTERNAL EMAIL: If unknown sender, do not click links/attachments. Never give out your user ID or password.
For Indoor Care:

Still to come if you like my approach.
Introduction

Although readily available on store shelves, multiple studies have implicated certain pesticides, insecticides and herbicides in the decline of honeybees, monarch butterflies, and many other pollinators.

The widespread and indiscriminate use of these chemicals is a major factor in the huge number of extinctions and decline among insects species, which are already seriously disrupting food webs, altering ecosystems, and effecting people's health.

Most of us are not chemists and don't have the time or inclination to learn names and properties of these chemicals, but would still like to do the right thing for our families, the environment and our future.

Avoidance is best. But if you do use chemicals learn about best practices in your yard. If you hire a landscape service talk to the owner about bringing fewer chemicals into your yard and more of the following best practices tips.

Yard Care

For yard care:

- Revise the way you think about the green space surrounding your home. The perfect lawn is no longer something we can afford to strive for. Clovers, especially native clovers feed bees, for example.
- If you do have a bug or weed problem try to address it early and use organic controls (not synthetic) and follow best practices.
- Plant more flower beds and less grass. Native flowering plants provide food and habitat for native critters and require much less watering and care.
- Consider planting ground covers in shady areas and around trees where grass does not grow well. Look into lawn alternatives for a more natural, more sustainable landscape. Frequently when your lawn is dormant during the hottest, driest part of the summer. Leave the grass clipping on the lawn. They will provide a good dose of natural fertilizer.
- Apply lawn fertilizer in the fall and use natural fertilizer such as milorganite. Lawns older than 10 years require less nitrogen. Also sweep any fertilizer that lands on concrete areas back onto grassy areas to keep it out of our waterways.
- Established lawns generally do not need to be watered. They will go dormant during the hot, dry part of the summer and green up again when cooler temperatures return and rainfall increases. If watering is necessary, such as with a new lawn, water for a longer period of time but less frequently to encourage a deeper root system. Frequent shallow watering encourages a weak, drought intolerant root system.

Learn more: visit www.beyondpesticides.org.

For tree and shrub care:

Trees and shrubs that are properly cared for and therefore not stressed are much less vulnerable to diseases and infestations that would require the use of chemicals. Here's how to keep them healthy:

- Plant more trees, but make sure they are the right choice for the site.
- Mulch properly around trees and shrubs to help maintain soil moisture and minimize heaving in winter. Do NOT pile up mulch against the bark. Keep it at least 12 inches away from trunks.
- Learn proper pruning timing and techniques for the plants in your yard. Good pruning at the right time will minimize infections from airborne culprits such as spores and nonnative bugs. Proper pruning allows air to circulate and the sun to shine in.
- If needed, use organic pesticides to control infections that are harmful, and keep in mind that many are not. Sometimes just spraying bugs off with the hose will control an infestation. Learn more at www.chicagobotanic.org/plantinfo. Click on Pests and Problems.
- Watering usually isn't necessary for well established trees and shrubs, except in long periods of drought. They will appreciate a good soaking before winter if there is a drier than normal fall.

Compost yard waste and use it to fertilize your trees and shrubs. Learn proper composting techniques at: www.chicagobotanic.org/plantinfo/composting.
Hi Jeremy. Can we add this to the agenda for May meeting as followup to our plastic bag discussion? This is important bc there are 2 versions--one real and the other bogus (written by the plastic lobby). Also, I am working on the "chemicals" brochure and will have another draft ready for May discussion.

Dale

SUPPORT

HB3335, the Carryout Bag Fee Act, would place a $0.10 fee on plastic bags sold at retail locations, and fund environmental programs across the state. This bill would provide necessary funding for implementing and enforcing the program, while providing communities the ability to take action on plastic pollutants.

OPPOSE

SB1240 is a competing bill brought forward by big industry is starting to gain support in the general assembly and we've got to do everything we can to stop it. This bill would direct funds raised through a bag fee toward the pockets of manufacturers instead of environmental programs, while prohibiting communities from taking action on other pollutants, including straws and styrofoam.

TAKE ACTION LINK:

https://ilenviro.salsalabs.org/plasticbags/index.html

WARNING- EXTERNAL EMAIL: If unknown sender, do not click links/attachments. Never give out your user ID or password.
SYNOPSIS AS INTRODUCED:

New Act
30 ILCS 105/5.891 new
55 ILCS 5/5-1184 new
65 ILCS 5/11-42-17 new

Creates the Checkout Bag Tax Act. Imposes a tax of $0.07 on each checkout bag used by a customer at a retail establishment in the State. Provides that the term "checkout bag" means a single use plastic, paper, or compostable bag provided by a retail establishment at the checkout, cash register, point of sale, or other point of departure to a customer for the purpose of transporting goods out of the retail establishment. Sets forth certain exceptions. Provides that the proceeds from the tax shall be distributed as follows: (1) the retailer shall retain $0.02 per bag; (2) the wholesaler shall retain $0.02 per bag; and (3) $0.03 per bag shall be deposited into the Checkout Bag Tax Fund. Amends the State Finance Act to create the Checkout Bag Tax Fund. Provides that moneys in the Fund shall be remitted to counties and municipal joint action agencies. Amends the Counties Code and the Illinois Municipal Code to preempt certain actions by counties and municipalities concerning auxiliary containers or checkout bags.
AN ACT concerning revenue.

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 Checkout Bag Tax Act.

Section 5. Definitions. As used in this Act:

"Agency" means the Illinois Environmental Protection Agency.

"Auxiliary container" means, but is not limited to, a bag, cup, bottle, lid, or other packaging that is:

(1) designed to be reusable or for single use;
(2) made of cloth, paper, plastic, cardboard, corrugated material, aluminum, glass, extruded polystyrene, postconsumer recycled material, or similar material or substrates, including coated, laminated, or multi-layer substrates;
(3) designed for transporting, containing, or protecting merchandise, food, or beverages from a retail establishment or restaurant;
(4) used to package bulk items such as fruit, vegetables, nuts, grains, or candy;
(5) used for greeting cards or small hardware items such as nails and bolts;
(6) used to contain or wrap frozen foods, meat, or fish whether prepackaged or not;
(7) used to contain or wrap flowers or potted plants or other items where dampness may be a problem;
(8) used to contain unwrapped prepared foods or bakery goods;
(9) used to contain prescription drugs;
(10) used to safeguard public health and safety during the transportation of prepared take-out foods and prepared liquids intended for consumption away from a retail establishment or restaurant; or
(11) a newspaper bag, door-hanger bag, laundry cleaning bag, garment bag, or a bag of any type that customers bring to a retail establishment for their own use or to carry away from the retail establishment goods that are not placed in a bag provided by the retail establishment.

"Checkout bag" means a single use plastic, paper, or compostable bag that is provided by a retail establishment at the checkout, cash register, point of sale, or other point of departure to a customer for the purpose of transporting goods out of the retail establishment. The term "checkout bag" does not include auxiliary containers.

"Department" means the Department of Revenue.

"Restaurant" means any business having sales of ready-to-eat food for immediate consumption comprising at
least 51% of total sales excluding the sale of liquor.

"Retail establishment" means any person, corporation, partnership, business venture, public sports or entertainment facility, government agency, or organization that sells or provides merchandise, goods, or materials, including, but not limited to, clothing, food, beverages, household goods, or personal items of any kind directly to a customer. "Retail establishment" includes, but is not limited to, department stores, clothing stores, jewelry stores, grocery stores, pharmacies, home improvement stores, liquor stores, convenience stores, gas stations, restaurants, mobile food delivery, and farmers markets. The term "retail establishment" does not include food banks or other food assistance programs.

"Wholesaler" means any person who engages in the business of selling or supplying checkout bags to any retail establishment for use in the State and includes any such person who makes or fabricates checkout bags or packs and sells checkout bags in packages.


(a) The Checkout Bag Tax Fund is created as a special fund in the State treasury. Moneys in the Fund shall be used as provided in this Act.

(b) Notwithstanding any other provision of law, the Checkout Bag Tax Fund is not subject to sweeps, administrative charges or chargebacks, or any other fiscal or budgetary
maneuver that would in any way transfer any funds from the Checkout Bag Tax Fund into any other fund of the State.

Section 15. Payment of checkout bag tax required. A checkout bag tax of $0.07 is imposed on each checkout bag used by a customer at retail establishments located in the State, except for a retail establishment located in a municipality that passed a bag fee or bag tax ordinance on or before February 1, 2018. The fee shall be paid by the customer. The ultimate incidence and liability for payment of the tax is to be borne by the customer. The tax shall be separately stated on the receipt provided to the customer at the time of sale and shall be identified as the Checkout Bag Tax. It is a violation of this Section for the retail establishment to fail to separately itemize the tax on a customer's purchase of such a bag or to otherwise absorb the tax on such sale. The tax shall be collected by each wholesaler who sells checkout bags to a retail establishment in Illinois. Any wholesaler required to pay the tax shall collect the tax from each retail establishment in the State to whom the sales of checkout bags are made. The retail establishment shall retain $0.02 of the tax. The retail establishment shall remit the remaining $0.05 of the tax to the wholesaler. The wholesaler receiving such remittance or payment from a retail establishment shall be required to remit to the Department, on form ST-1 or any successor form, the net amount of $0.05 per checkout bag sold.
or used. If a wholesaler sells checkout bags to a purchaser other than a retail establishment for use or consumption by such person in the State, then the wholesaler shall collect the tax from such purchaser and remit it to the Department in the same manner as applies to its sales to retail establishments. The wholesaler shall be eligible to retain $0.02 per checkout bag sold to such purchaser. The Department shall deposit $0.03 per bag into the Checkout Bag Tax Fund and $0.02 per bag into the General Revenue Fund. The Department shall monthly remit the $0.03 per bag of the tax from the Checkout Bag Tax Fund to the county where the retail establishment is located, except that, if a municipal joint action agency is located within the county where the retail establishment is located, then the Department shall monthly remit to the municipal joint action agency a portion of the tax to the municipal joint action agency based on the location of retail establishments within the municipal joint action agency.

The Department shall publish an annual report detailing the amount of taxes remitted to each individual county or municipal joint action agency from the Checkout Bag Tax Fund. The report may be published electronically.

Section 20. Use of tax proceeds by counties and municipal joint action agencies. A county or municipal joint action agency shall use the revenue received from the checkout bag tax in the following manner:
(1) At least 50% of the funds shall be used to collect items that include auxiliary containers, checkout bags, oil-based paints, latex paints, paint thinners, herbicides, insecticides, pesticides, gasoline, pool chemicals, packaging, plastic film, prescription drugs, non-prescription drugs, cleaning products, mercury, household batteries, used motor oil, oil filters, drain cleaners, lawn chemicals, solvents, antifreeze, carpet, mattresses, sharps, needles, fluorescent lamps, aerosol products, adhesives, glues, acids, caustics, flammable liquids, and any other products collected at residential household hazardous waste events funded by the Agency. A county or municipal joint action agency or county may contract with a governmental entity whose primary function is environmental protection and operates permanent and temporary household waste facilities or a private vendor whose primary function is to collect and process permanent and temporary household hazardous waste to collect materials in this Section that are considered hazardous.

(2) The remainder of the funds shall be used for:

   (A) education programs to reduce contamination and increase participation in recycling and composting programs;

   (B) programs to increase the collection and recycling or composting of auxiliary containers;

   (C) programs or grants to encourage infrastructure
development for and market development or recycling and composting; or

(D) the implementation of solid waste management plans developed pursuant to the Solid Waste Planning and Recycling Act.

Section 25. Recordkeeping. Each county or municipal joint action agency that receives revenue from the Checkout Bag Tax Fund shall provide an annual report to the Agency detailing how the revenues received from the Checkout Bag Tax Fund were spent or distributed pursuant to Section 20 by no later than March 15 of each year. The report shall include but not be limited to itemized amounts for each individual program, grant, plan, event or any other disbursement made pursuant to Section 20; the percentage of the revenue distributed to item (1) of Section 20 and the enumerated categories in item (2) of Section 20; the category of products collected, the aggregate weight of each product collected, and the amount of fund spent on collecting each product.

The Agency shall publish an annual report that includes each municipal joint action agency and county report.

Section 30. Exemption. The tax imposed under this Act does not apply to the retail sale or use of checkout bags that are used to carry items purchased pursuant to the Supplemental Nutrition Assistance Program or a similar governmental food
assistance program.

Section 35. Illinois False Claims Act. No acts or omissions by the employee or retailer regarding the charging of taxes under this Act shall be the basis for filing an action by a private person under the Illinois False Claims Act.

The Department of Revenue shall have the sole authority to bring an administrative action resulting from information provided by any person alleging a false claim, statement or record, as defined in Section 3 of the Illinois False Claims Act pertaining to any tax administered by the Department of Revenue under this Act.

Section 40. Incorporation by reference. All of the provisions of Sections 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5j, 6, 6a, 6b, 6c, 7, 8, 9, 10, 11, 11, 12, and 13 of the Retailers' Occupation Tax Act that are not inconsistent with this Act, and all provisions of the Uniform Penalty and Interest Act shall apply, as far as practicable, to the subject matter of this Act to the same extent as if such provisions were included in this Act.

Section 45. Repealer. This Act is repealed on January 1, 2030.

Section 900. The State Finance Act is amended by adding
Section 5.891 as follows:

(30 ILCS 105/5.891 new)

Sec. 5.891. The Checkout Bag Tax Fund.

Section 905. The Counties Code is amended by adding Section 5-1184 as follows:

(55 ILCS 5/5-1184 new)

Sec. 5-1184. Auxiliary containers and checkout bags.

(a) As used in this Section:

"Auxiliary container" has the meaning given to that term in Section 5 of the Checkout Bag Tax Act.

"Checkout bag" has the meaning given to that term in Section 5 of the Checkout Bag Tax Act.

(b) Except as otherwise provided in this Section, a county may not ban, place a fee or tax on, or regulate in any other manner the use, disposition, content, taxation, or sale of auxiliary containers or checkout bags.

(c) Except for the prohibition on taxing or placing a fee on auxiliary containers and checkout bags, Subsection (b) may not be construed to prohibit or restrict any of the following:

(1) a curbside recycling program;

(2) a designated residential or commercial recycling location;

(3) a commercial recycling program; or
(4) the use or sale of auxiliary containers on property
owned or operated by a unit of local government.

(d) A home rule county may not ban, place a fee or tax on,
or regulate in any other manner the use, disposition, content,
taxation, or sale of auxiliary containers or checkout bags,
except as provided for in this Section. This Section is a
denial and limitation of home rule powers and functions under
subsection (g) of Section 6 of Article VII of the Illinois
Constitution.

Section 910. The Illinois Municipal Code is amended by
adding Section 11-42-17 as follows:

(65 ILCS 5/11-42-17 new)

Sec. 11-42-17. Auxiliary containers and checkout bags.

(a) As used in this Section:

"Auxiliary container" has the meaning given to that term in
Section 5 of the Checkout Bag Tax Act.

"Checkout bag" has the meaning given to that term in
Section 5 of the Checkout Bag Tax Act.

(b) Except as otherwise provided in this Section, a
municipality may not ban, place a fee or tax on, or regulate in
any other manner the use, disposition, content, taxation, or
sale of auxiliary containers or checkout bags.

(c) Except for the prohibition on taxing or placing a fee
on auxiliary containers and checkout bags, Subsection (b) may
not be construed to prohibit or restrict any of the following:

(1) a curbside recycling program;

(2) a designated residential or commercial recycling location;

(3) a commercial recycling program; or

(4) the use or sale of auxiliary containers on property owned or operated by a unit of local government.

(d) A municipality that charged a fee or tax on checkout bags as defined by the municipality's ordinance on or before February 1, 2018 may continue to charge the fee or tax as existed on that date. The municipality is prohibited from further regulating auxiliary containers or checkout bags and from making further changes to the bag fee or bag tax ordinance in effect on or before February 1, 2018. However, the municipality may change its regulations to be consistent with this Section, the Checkout Bag Tax Act, or eliminate the tax or fee altogether.

(e) Except in municipalities with a population greater than 2,500,000, that charged a fee or tax on checkout bags as defined by the municipality's ordinance on February 1, 2018, a home rule municipality may not ban, place a fee or tax on, or regulate in any other manner the use, disposition, content, taxation, or sale of auxiliary containers and Checkout bags, except as provided for in this Section. This Section is a denial and limitation of home rule powers and functions under subsection (g) of Section 6 of Article VII of the Illinois
Constitution.
101ST GENERAL ASSEMBLY
State of Illinois
2019 and 2020
HB3335


SYNOPSIS AS INTRODUCED:

New Act
30 ILCS 105/5.891 new
55 ILCS 5/5-1184 new
65 ILCS 5/11-42-17 new

Creates the Carryout Bag Fee Act. Provides that a carryout bag fee of $0.10 is imposed on each carryout bag used by a customer at retail establishments, except in municipalities with a population greater than 1,000,000, with $0.03 being returned to the retail establishment, $0.04 into the Carryout Bag Fee Fund, $0.01 to the Prairie Research Institute of the University of Illinois, $0.01 into the Solid Waste Management Fund, and $0.01 into the Partners for Conservation Fund. Provides that the carryout bag fee does not apply to the retail sale or use of carryout bags that are used to carry items purchased under specified governmental food assistance programs. Repeals the new Act on January 1, 2026. Amends the State Finance Act making conforming changes. Amends the Counties Code and Illinois Municipal Code. Provides that a county or municipality may not ban, place a fee or tax on, or regulate in any other manner the use, disposition, content, taxation, or sale of carryout bags. Limits the applicability of the provisions as they relate to a county or municipality that charged a fee or tax on carryout bags on February 1, 2018 and specified recycling programs. Limits home rule powers.

LRB101 09557 AWJ 54655 b

FISCAL NOTE ACT MAY APPLY
HOME RULE NOTE ACT MAY APPLY
HOUSING AFFORDABILITY IMPACT NOTE ACT MAY APPLY

A BILL FOR
AN ACT concerning local government.

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 Carryout Bag Fee Act.

Section 5. Definition. As used in this Act, "carryout bag" has the meaning given to that term in subsection (a) of Section 5-1184 of the Counties Code.

Section 10. Carryout Bag Fee Fund.

(a) The Carryout Bag Fee Fund is created as a new fund in the State treasury. Moneys in the Fund shall be used as provided in this Act.

(b) Notwithstanding any other provision of law, the Carryout Bag Fee Fund is not subject to sweeps, administrative charges or chargebacks, or any other fiscal or budgetary maneuver that would in any way transfer any funds from the Carryout Bag Fee Fund into any other fund of the State.

Section 15. Payment of carryout bag fee required. A carryout bag fee of $0.10 is imposed on each carryout bag used by a customer at retail establishments located within Illinois, except in municipalities with a population greater than
1,000,000, that shall be paid by the customer. The ultimate incidence and liability for payment of the fee is to be borne by the customer. The fee shall be separately stated on the receipt provided to the customer at the time of sale and shall be identified as the Carryout Bag Fee. It is a violation of this Section for the store to fail to separately itemize the fee on a customer's purchase of such a bag, or to otherwise absorb the fee on such sale. The retail establishment shall retain $0.03 of the fee. The retail establishment shall remit the remaining $0.07 of the fee to the Department of Revenue on form ST-1. The Department shall deposit $0.04 into the Carryout Bag Fee Fund, $0.01 to the Prairie Research Institute of the University of Illinois, $0.01 into the Solid Waste Management Fund, and $0.01 into Partners for Conservation Fund. The Department of Revenue shall monthly remit the $0.03 of the fee from the Carryout Bag Fee Fund to the county where the retail establishment is located, except that if a municipal joint action agency is located within the county where the retail establishment is located, the Department of Revenue shall monthly remit to the municipal joint action agency a portion of the fee to the municipal joint action agency based on the location of retail establishments within the municipal joint action agency.

Section 20. Use of the carryout bag fee by counties and municipal joint action agencies. The county or municipal joint
action agency shall use the revenue received from the carryout bag fee to fund:

(1) household hazardous waste collection one-day events;

(2) collection centers, as defined in Section 3 of the Household Hazardous Waste Collection Program Act;

(3) education programs to reduce contamination and increase participation in recycling and composting programs;

(4) programs to increase the collection and recycling or composting of auxiliary containers;

(5) grants to encourage market development or infrastructure development for recycling and composting;

and

(6) the implementation of solid waste management plans developed pursuant to the Solid Waste Planning and Recycling Act.

At least 25% of the revenue received from the carryout bag fee shall be used as specified in items (1) and (2).

Section 25. Exemption. The carryout bag fee does not apply to the retail sale or use of carryout bags that are used to carry items purchased pursuant to the Supplemental Nutrition Assistance Program or a similar governmental food assistance program.
Section 30. Incorporation by reference. All of the provisions of Sections 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5j, 6, 6a, 6b, 6c, 7, 8, 9, 10, 11, 11a, 12, and 13 of the Retailers' Occupation Tax Act that are not inconsistent with this Act, and all provisions of the Uniform Penalty and Interest Act shall apply, as far as practicable, to the subject matter of this Act to the same extent as if such provisions were included in this Act.

Section 35. Repeal. This Act is repealed on January 1, 2026.

Section 900. The State Finance Act is amended by adding Section 5.891 as follows:

(30 ILCS 105/5.891 new)

Sec. 5.891. The Carryout Bag Fee Fund.

Section 905. The Counties Code is amended by adding Section 5-1184 as follows:

(55 ILCS 5/5-1184 new)

Sec. 5-1184. Carryout bags.

(a) As used in this Section:

"Carryout bag" means a plastic, paper, or compostable bag that is provided by a retail establishment at the checkout,
cash register, point of sale, or other point of departure to a
customer for the purpose of transporting goods out of the
retail establishment.

"Restaurant" means any business having sales of
ready-to-eat food for immediate consumption comprising at
least 51% of total sales excluding the sale of liquor.

"Retail establishment" means any person, corporation,
partnership, business venture, public sports or entertainment
facility, government agency, or organization that sells or
provides merchandise, goods, or materials, including, but not
limited to, clothing, food, beverages, household goods, or
personal items of any kind directly to a customer. "Retail
establishment" includes, but is not limited to, department
stores, clothing stores, jewelry stores, grocery stores,
pharmacies, home improvement stores, liquor stores,
convenience stores, gas stations, and farmers markets. "Retail
establishment" does not include food banks and other food
assistance programs, mobile food delivery, or restaurants.

(b) Except as otherwise provided in this Section, a county
may not ban, place a fee or tax on, or regulate in any other
manner the use, disposition, content, taxation, or sale of
carryout bags.

(c) Subsection (b) may not be construed to prohibit or
restrict any of the following:

(1) A curbside recycling program.

(2) A designated residential or commercial recycling
(3) A commercial recycling program.

(d) A county that charged a fee or tax on carryout bags on February 1, 2018 may continue to charge the fee or tax. The county is prohibited from further regulating carryout bags and from making further changes to the bag fee or bag tax ordinance in effect on February 1, 2018. However, the county may change its regulations to be consistent with this Section.

(e) No mistakes by the employee or retailer regarding the charging of fees under this Section shall be the basis for filing an action by a private person under the Illinois False Claims Act.

(f) A home rule county may not ban, place a fee or tax on, or regulate in any other manner the use, disposition, content, taxation, or sale of carryout bags, except as provided for in this Section. This Section is a denial and limitation of home rule powers and functions under subsection (g) of Section 6 of Article VII of the Illinois Constitution.

Section 910. The Illinois Municipal Code is amended by adding Section 11-42-17 as follows:

(65 ILCS 5/11-42-17 new)

Sec. 11-42-17. Carryout bags.

(a) As used in this Section:

"Carryout bag" means a plastic, paper, or compostable bag
that is provided by a retail establishment at the checkout, cash register, point of sale, or other point of departure to a customer for the purpose of transporting goods out of the retail establishment.

"Restaurant" means any business having sales of ready-to-eat food for immediate consumption comprising at least 51% of total sales excluding the sale of liquor.

"Retail establishment" means any person, corporation, partnership, business venture, public sports, or entertainment facility, government agency, or organization that sells or provides merchandise, goods, or materials including, but not limited to, clothing, food, beverages, household goods, or personal items of any kind directly to a customer. "Retail establishment" includes, but is not limited to, department stores, clothing stores, jewelry stores, grocery stores, pharmacies, home improvement stores, liquor stores, convenience stores, gas stations, and farmers markets. "Retail establishment" does not include food banks and other food assistance programs, mobile food delivery, or restaurants.

(b) Except as otherwise provided in this Section, a municipality may not ban, place a fee or tax on, or regulate in any other manner the use, disposition, content, taxation, or sale of carryout bags.

(c) Subsection (b) may not be construed to prohibit or restrict any of the following:

(1) A curbside recycling program.
(2) A designated residential or commercial recycling location.

(3) A commercial recycling program.

(d) A municipality that charged a fee or tax on carryout bags on February 1, 2018 may continue to charge the fee or tax. The municipality is prohibited from further regulating carryout bags and from making further changes to the bag fee or bag tax ordinance in effect on February 1, 2018. However, the municipality may change its regulations to be consistent with this Section.

(e) No mistakes by the employee or retailer regarding the charging of fees under this Section shall be the basis for filing an action by a private person under the Illinois False Claims Act.

(f) Except in municipalities with a population greater than 1,000,000, a home rule municipality may not ban, place a fee or tax on, or regulate in any other manner the use, disposition, content, taxation, or sale of carryout bags, except as provided for in this Section. This Section is a denial and limitation of home rule powers and functions under subsection (g) of Section 6 of Article VII of the Illinois Constitution.