



Board of Commissioners of Cook County

Legislation and Intergovernmental Relations Committee Minutes

Tuesday, October 25, 2016

1:00 PM

**Cook County Building, Board Room, 569
118 North Clark Street, Chicago, Illinois**

ATTENDANCE

Present: Chairman Suffredin, Vice Chair Fritchey, Commissioners Arroyo, Boykin, Daley, Gainer, García, Goslin, Moody, Moore, Morrison, Schneider, Silvestri, Sims, Steele and Tobolski (16)

Absent: Commissioner Butler

PUBLIC TESTIMONY

Chairman Suffredin asked the Secretary to the Board to call upon the registered public speakers, in Accordance with Cook County Code.

1. Sam Toia, Illinois Restaurant Association
2. Ed Paesel, South Suburban Mayors & Managers Association
3. Saiza Elay-da, PhRMA
4. Brian Jordan, Illinois Food Retailer Association
5. Karen Gollrad, Concerned Citizen
6. Debra Shore, Commissioners, Metropolitan Water Reclamation District
7. Jessie Cummins, Garret-Evangelical Theological Seminary
8. Greg Hoke, Biotechnology Innovation Organization
9. Carlos Gutierrez, Consumer Healthcare Products Association
10. Tanya Triche, Illinois Retail Merchants Association
11. Mark Saulys, Concerned Citizen
12. Ellie Molise, Concerned Citizen
13. Jim Simonis, Concerned Citizen
14. Mike Libron, Concerned Citizen
15. Becca Wojcicki, The People's Lobby
16. Rev. Dwayne Grant, Xperience Church
17. George Blakemore, Concerned Citizen
18. Katrina Phillips, Sierra Club
19. Melissa Hill, Jewel-Osco
20. Joseph Persky, University of Illinois at Chicago
21. TJ Callahan, Farmheads, Inc.
22. Rev. Charles Straight, Faith United Methodist Church
23. Jim Garrett, Southland Convention & Visitors Bureau
24. Daniel La Spata, The People's Lobby
25. Steve Manning, Park Lawn Association
26. Robin Rye, The People's Lobby
27. Kevin Vaughan, Square Left Ale House and Grill
28. Frank Lowe, Respond Now
29. Gus Van Den Brink, Sertoma Centre

16-5935

COMMITTEE MINUTES

Approval of the minutes from the meeting of 10/5/2016

A motion was made by Commissioner Moody, seconded by Commissioner Steele, to approve 16-5935. The motion carried by the following vote:

Ayes: Chairman Suffredin, Vice Chair Fritchey, Commissioners Arroyo, Boykin, Daley, Gainer, García, Goslin, Moody, Moore, Morrison, Schneider, Silvestri, Sims, Steele and Tobolski (16)

Absent: Commissioner Butler

A motion was made by Commissioner Silvestri, seconded by Commissioner Steele, to appoint Commissioner Daley as acting chairman. The motion carried by the following vote:

Ayes: Chairman Suffredin, Vice Chair Fritchey, Commissioners Arroyo, Boykin, Daley, Gainer, García, Goslin, Moody, Moore, Morrison, Schneider, Silvestri, Sims, Steele and Tobolski (16)

Absent: Commissioner Butler

16-1983

Sponsored by: LARRY SUFFREDIN, LUIS ARROYO JR., RICHARD R. BOYKIN, JOHN P. DALEY, BRIDGET GAINER, and PETER N. SILVESTRI, Cook County Commissioners

AN ORDINANCE GOVERNING THE SAFE DISPOSAL OF PHARMACEUTICALS

NOW, THEREFORE, BE IT ORDAINED, by the Cook County Board of Commissioners that Chapter 46 Law Enforcement, Article II, Sheriff, Division 4, Pharmaceutical Disposal Program, Sections 46-101 – 46-119 is hereby enacted as follows:

Sec. 46-101 –Short Title.

This Division shall be known and may be cited as the Cook County Safe Disposal of Pharmaceuticals Ordinance.

Sec. 46-102 - Definitions.

For the purposes of this Division, the following definitions apply:

Board means the Board of Commissioners of Cook County, Illinois.

Collection Plan means a plan for the collection, transportation and disposal of Unwanted Covered Drugs required under Sec. 46-104 of this Division that is created by the Director.

County means Cook County, Illinois.

County residents mean human beings residing in the County.

Collector means a Person approved by the Director to gather Unwanted Covered Drugs from County residents for the purpose of collection, transportation, and disposal.

Covered Drug means a Drug sold, offered for sale or distribution in Cook County in pill, capsule, solid dosage, tablet, suppository, bolus, lozenge, implant, strip, powder and/or pellet form used by County residents, including prescription, nonprescription, brand name and generic drugs. Notwithstanding the previous sentence, “Covered Drug” does not include:

- (1) vitamins or supplements;
- (2) herbal-based remedies and homeopathic drugs, products, or remedies;
- (3) cosmetics, shampoos, sunscreens, toothpaste, lip balm, antiperspirants, or other personal care products that are regulated as both cosmetics and nonprescription drugs under the federal Food, Drug, and Cosmetic Act (Title 21 U.S.C. Chapter 9);
- (4) Drugs for which Producers provide a pharmaceutical product collection or take-back program as part of a federal Food and Drug Administration-managed risk evaluation and mitigation strategy (21 U.S.C. § 355-1);
- (5) Drugs that are biological products as defined by 21 C.F.R. § 600.3(h) as it exists on the effective date of this Division if the Producer already provides a pharmaceutical product collection or take-back program;
- (6) medical devices or their component parts or accessories; and
- (7) Drugs that are in a cream, elixir, spirit, tincture, syrup, solution, lotion, emulsion, topical, transdermal, aerosol, propellant, valve, actuator, injectable, infusion, irrigation, ointment, suspension, liquid and/or paste form.

The definition of *Covered Drug* shall be inclusive and determined by guidelines issued by the Director with the advice of the Pharmaceutical Disposal Advisory Committee established in Section 46-115.

Director means the Director of the Prescription Drug Take Back Program of the Cook County Sheriff’s Office, or a duly authorized representative.

District means the districts of Cook County as defined in Article II, Section 22-34 of the Code of Ordinances of Cook County, Illinois.

Drug means:

- (1) any article recognized in the official United States pharmacopoeia, the official national formulary, the official homeopathic pharmacopoeia of the United States or any supplement of the formulary or those pharmacopoeias as published by the U.S. Pharmacopoeial Convention and the Homeopathic Pharmacopoeia Convention of the United States;
- (2) any substance intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in humans or other animals;
- (3) any substance, other than food, intended to affect the structure or any function of the body of humans or other animals; or

(4) any substance intended for use as a component of any substance specified in (1), (2), or (3) of this definition.

Drug Wholesaler means a Person that sells or distributes Drugs and Covered Drugs for resale to an Entity other than a consumer.

Generic Drug means a Drug that is chemically identical or bioequivalent to a brand name drug in dosage form, safety, strength, route of administration, quality, performance, characteristics, and intended use though inactive ingredients may vary.

Mail-back services means a collection method for the return of Unwanted Covered Drugs from County residents utilizing pre-paid and pre-addressed mailing envelopes.

Manufacture means the production, preparation, propagation, compounding, or processing of a Drug but does not include the activities of a Repackager or Drug Wholesaler, or practitioner who, distributes or dispenses such substance or device in the course of his or her professional practice or, prepares, compounds, packages, or labels such substance or device.

Manufacturer means a Person engaged in the Manufacture of Drugs.

Nonprescription Drug means a Drug that may be lawfully sold without a prescription.

Person means any individual, corporation, limited liability corporation, organization, government, governmental subdivision or agency, business trust, estate, trust, partnership, association and any other legal entity.

Pharmacy means a place licensed by the state of Illinois Department of Financial and Professional Regulation engaged in the practice of "Pharmacy," as defined by the Illinois Pharmacy Practice Act, 225 ILCS 85/1 *et. seq.* is conducted. Notwithstanding the previous sentence, *Pharmacy* does not include a Pharmacy dispensing pharmaceuticals exclusively pursuant to an "Inpatient Drug Order" as defined by the Illinois Pharmacy Practice Act, 225 ILCS 85/3 (k).

Prescription Drug means any Drug, including any controlled substance that is required by federal or state law or regulation to be dispensed by prescription only or is restricted to use by practitioners only.

Producer means a Manufacturer engaged in the Manufacture of a Covered Drug sold in the County, including a brand-name or Generic Drug. Notwithstanding the previous sentence, *Producer* does not include:

- (1) a retailer whose store label appears on a Covered Drug or the drug's packaging if the Manufacturer from whom the retailer obtains the drug is identified under Sec. 46-104(c) of this Division;
- (2) a Repackager if the Manufacturer from whom the Repackager obtains the Drug is identified under Sec. 46-104(c) of this Division;
- (3) a pharmacist who compounds or repackages a prescribed individual drug product for a consumer; or
- (4) a wholesaler who is not also the Manufacturer.

Registration is the informing of the Director of the distribution of Covered Drugs by a Producer in a manner set forth by the Director.

Registration Fee is a sum paid by a Producer to cover the cost of the Collection Plan for the protection of the public safety, health and environment.

Repackager means a person who owns or operates an establishment that repacks and relabels a product or package for further sale, or for distribution without a further transaction.

Sheriff means the Office of the Cook County Sheriff.

Unwanted Covered Drug means any Covered Drug that the owner has discarded or intends to discard.

Sec. 46-103 - Implementation of this Division.

(a) The Director shall:

- (1) Develop a Collection Plan that is in compliance with this Division, including determining whether a Drug is a Covered Drug as established in accordance with Section Sec. 46-102; and
- (2) Determine the method of collection of Unwanted Covered Drugs as specified under this Division; and
- (3) Determine the total cost of the collection of Unwanted Covered Drugs as specified under this Division.

(b) Producers shall:

- (1) Within 90 days of the passage of this Division register with the Director, in a form mandated by the Director; and
- (2) Pay all registration fees mandated by Section 32-1 of the Cook County Code.

Sec. 46-104 - Collection Plan – Participation.

(a) Each Producer shall participate in the Collection Plan and pay a Registration Fee.

(b) By three months after the effective date of this Division, or by three months after a Producer starts sale of a Covered Drug in the County, a Producer must register with the Director in writing of the Producer's intent to participate in the Collection Plan. Within 60 days of a Producer's Registration, the Director shall meet with the Producer in order to formulate a plan to ensure the Producer's compliance with this Division.

(c) By three months after the effective date of this Division, or by three months after a retailer whose label appears on a Covered Drug or the Covered Drug's packaging starts selling the Covered Drug in the County, or by three months after a Covered Drug repackaged by Repackager is first sold in the County, and, thereafter, upon request from the Director, a retailer or Repackager whose label appears on a Covered Drug or the Covered Drug's packaging must provide the contact

information of the Manufacturer from whom the retailer or Repackager obtains the Covered Drug, including the telephone number, mailing address and email address of the retailer's or Repackager's point of contact at the Manufacturer.

(d) The Director may, on a case-by-case basis, approve in writing requests for extensions of time for the submission dates and deadlines in this Sec. 46-104.

(e) The Director may audit the records of a Producer.

Sec. 46-105 - Collection Plan – Components.

The Director shall take all appropriate actions to design, oversee, manage and implement the Collection Plan. The Collection Plan shall include:

(a) Contact information for all Producers participating in the Collection Plan, including each Drug Producer's name, address, phone number, and email address, and the name, address, phone number, and email address of a human being to whom the Director may direct all inquiries regarding the Producer's participation in the Collection Plan;

(b) A description of the proposed collection system to provide convenient ongoing collection service for all Unwanted Covered Drugs from County residents in compliance with the provisions and requirements in Sec. 46-106, including a list of all collection methods and participating Collectors, a list of drop-off sites, a description of how any periodic collection events will be scheduled and located, a description of how any mail-back services will be provided and an example of the prepaid, preaddressed mailers the plan will use. The description of the collection service shall include a list of Retail Pharmacies and law enforcement agencies contacted by the plan under Sec. 46-106 (b) of this Division, and a list of all Collectors who offered to participate;

(c) A description of the handling and disposal system, including identification of and contact information for Collectors, transporters and waste disposal facilities to be used by the Collection Plan in accordance with Sec. 46-106 and Sec. 46-108 of this Division;

(d) A description of the policies and procedures to be followed by Persons handling Unwanted Covered Drugs collected under the Collection Plan, including a description of how all Collectors, transporters and waste disposal facilities used will ensure that the collected Unwanted Covered Drugs are safely and securely tracked from collection through final disposal, and how all entities participating in the Collection Plan will operate under and comply with all applicable federal and state laws, rules and guidelines, including but not limited to those of the United States Drug Enforcement Administration, and how any Pharmacy collection site will operate under applicable rules and guidelines of the Safe Pharmaceutical Disposal Act of Illinois, 210 ILCS 150/1, *et. seq.*

(e) A description of a plan for the removal of any patient information on Drug packaging;

(f) A description of the public education effort and promotion strategy required in Sec. 46-107 of this Division, including a copy of standardized instructions for County residents, signage developed for Collectors, and required promotional materials;

(g) Proposed short-term and long-term goals of the Collection Plan for collection amounts, education and promotion; and

(h) A description of how the Collection Plan will consider:

- (1) use of existing providers of waste pharmaceutical services;
- (2) separating Covered Drugs from packaging to the extent possible to reduce transportation and disposal costs; and
- (3) recycling of Drug packaging to the extent feasible.

Sec. 46-106 - Collection Plan – Collection of Covered Drugs.

(a) This Section does not require any Person to serve as a Collector in the Collection Plan. A Person may offer to serve as a Collector voluntarily, or may agree to serve as a Collector in exchange for incentives or payment offered by the Director. Collectors may include law enforcement agencies, Pharmacies, mail-back services or other entities, operating in accordance with state and federal laws and regulations for the handling of Covered Drugs, including but not limited to those of the United States Drug Enforcement Administration, and in compliance with this Division. A Pharmacy collection site shall operate under applicable rules and guidelines of the Safe Pharmaceutical Disposal Act of Illinois, 210 ILCS 150/1, *et. seq.*

(b) The collection system under the Collection Plan shall:

- (1) Provide reasonably convenient and equitable access for County residents in all Districts through drop-off sites. The system of drop-off sites shall provide at least one drop-off site for every 150,000 County residents in each District, distributed to provide reasonably convenient and equitable access, but at no time shall there be less than five drop-off sites per District. If the service convenience goal in this subsection (b)(1) cannot be achieved due to a lack of drop-off sites at pharmacies, law enforcement agencies, or other qualified Collectors in each District, then those areas shall be served through periodic collection events and/or or mail-back services.
- (2) Be safe and secure, including providing for the prompt destruction of patient information on Drug packaging.
- (3) Give preference to having Retail Pharmacies and law enforcement agencies serve as drop-off sites.
- (4) Include, as Collectors, any Pharmacy or any law enforcement agency willing to serve voluntarily as a drop-off site for Unwanted Covered Drugs and able to meet the requirements of this Division within three months of their offer to participate, unless the Collector requests a longer time frame. A Collection Plan may also accept other Collectors willing to serve as a drop-off site for Unwanted Covered Drugs and able to meet the requirements of this Division; and
- (5) At the Director's discretion, make mail-back services available, free of charge, to disabled and homebound County residents upon request through the Collection Plan's toll-free telephone number and web site, and through distribution of prepaid, preaddressed mailers to Persons providing services to such County residents. If implemented by the Director, the toll-free telephone number and web site required by this subsection (b)(5) shall be in English, Spanish, Polish, Chinese, Korean, Arabic and Russian.

(c) Drop-off sites shall accept all Covered Drugs from County residents during all hours that the Pharmacy, law enforcement agency, or other Collector is normally open for business with the public. Drop-off sites not operated by a law enforcement agency shall utilize secure collection bins in compliance with all applicable requirements, including but not limited to those of the United States Drug Enforcement Administration and the Safe Pharmaceutical Disposal Act of Illinois, 210 ILCS 150/1, *et. seq.* In the event that the Collection Plan operates a drop-off site at a particular location, each drop-off site must accept all Covered Drugs.

Sec. 46-107 - Collection Plan – Promotion.

(a) The Director may coordinate with each Producer and develop a single system of promotion. The Director may coordinate with each Producer, or its representative, to secure its participation in the single system of promotion. The system of promotion shall:

- (1) Promote the Collection Plan so that collection options for Covered Drugs are widely understood by County residents, pharmacists, retailers of Covered Drugs and health care practitioners including doctors and other prescribers, veterinarians and veterinary hospitals, and promote the safe storage of Covered Drugs by County residents.
- (2) Coordinate with Producers to include promotion of the Collection Plan on the Producers' marketing and packaging materials and devices.
- (3) Work with Collectors participating in the Collection Plan to develop clear, standardized instructions for County residents on the use of collection bins and a readily-recognizable, consistent design of collection bins.
- (4) Establish a single toll-free telephone number and single web site where collection options and current locations of drop-off sites will be publicized, and prepare educational and outreach materials promoting safe storage of medicines and describing where and how to return Unwanted Covered Drugs to the Collection Plan. These materials must be provided to Pharmacies, health care facilities, veterinary facilities, and other interested parties for dissemination to County residents. Plain language and explanatory images should be used to make use of medicine collection services readily understandable by all County residents, including individuals with limited English proficiency.
- (5) Conduct a biennial survey of County residents and a survey of pharmacists, veterinarians, and health professionals in the County who interact with patients on use of medicines after the first full year of operation of the plans. Survey questions shall measure percent awareness of the Stewardship Plans, assess to what extent drop-off sites and other collection methods are convenient and easy to use, and assess knowledge and attitudes about risks of abuse, poisonings and overdoses from prescription and nonprescription medicines used in the home. Draft survey questions shall be submitted to the Director for review and comment at least 30 days prior to initiation of the survey. Results of the survey shall be reported to the Director and made available to the public on the website required in Sec. 46-107 within 90 days of the end of the survey period. The privacy of all survey respondents shall be maintained.
- (6) Work with the Illinois Poison Center to advertise drop-off sites and other collection opportunities under the Collection Plan.

(b) All surveys, outreach, education, promotion, websites, and toll-free phone numbers required by this Section 16-107 shall be in English, Spanish, Polish, Chinese, Korean, Arabic and Russian.

- (1) The Director shall provide guidance on the development of a single system of promotion.

Sec. 46-108 - Collection Plan— Disposal of Covered Drugs.

(a) Covered Drugs collected under the Collection Plan must be disposed of at a permitted hazardous waste disposal facility as defined by the United States Environmental Protection Agency under 40 C.F.R. parts 264 and 265 and/or pursuant to a method permitted by the United States Drug Enforcement Administration under 21 C.F.R. part 1317.95.

(b) The Director may grant approval under the Collection Plan to dispose of some or all collected Covered Drugs at a permitted large municipal waste combustor, as defined by the United States Environmental Protection Agency under 40 C.F.R. parts 60 and 62, if the Director deems the use of a hazardous waste disposal facility described under subsection (a) of this Sec. 46-108 to be infeasible for the Plan based on cost, logistics or other considerations.

(c) The Director may use final disposal technologies that provide superior environmental and human health protection than provided by the disposal technologies in subsections (a) and (b) of this Section or equivalent protection at lesser cost. The proposed technology must provide equivalent or superior protection in each of the following areas:

- (1) monitoring of any emissions or waste;
- (2) worker health and safety;
- (3) reduction or elimination of air, water or land emissions contributing to persistent, bioaccumulative, and toxic pollution; and
- (4) overall impact on the environment and human health.

Sec. 46-109 –Collection Plan – Administrative and Operational Costs and Fees.

A Producer participating in the Collection Plan shall pay to the Cook County Department of Revenue an annual registration fee as established under Section 32-1 of the Cook County Code. The Fee shall be set to recover, but not exceed, actual costs to the County of the registration and implementation of the Collection Plan at a rate duly approved by the Board. When setting the annual registration fee, the Board may consider the following:

- (1) Collection and transportation supplies for drop-off sites;
- (2) Acquisition of all secure collection bins for drop-off sites;
- (3) Ongoing maintenance or replacement of secure collection bins, as requested by Collectors;
- (4) Prepaid, preaddressed mailers provided to disabled and/or home-bound County residents;
- (5) Operation of periodic collection events, including costs of law enforcement staff time if necessary;
- (6) Transportation of all collected Covered Drugs to final disposal, including costs of law enforcement escort if necessary;

- (7) Environmentally sound disposal of all collected Covered Drugs under Sec. 46-108 of this Division;
- (8) Creation, promotion and advertisement of the Collection Program;
- (9) Creation, maintenance and operation of the single toll-free telephone number and single web site as established in Section 46-107.

No Person or Producer may charge a point-of-sale fee to consumers or increase the cost of a Covered Drug to recoup the costs of the Collection Plan, nor may they charge a specific point-of-collection fee at the time the Covered Drugs or increase the cost of a Covered Drug are collected.

The Department of Revenue shall establish reasonable procedures for the collection of the annual registration fee, including procedures for appealing the amount of the fee and enforcement actions for nonpayment. All appeals and enforcement actions shall be conducted in accordance with Article IX – Administrative Hearings of the Cook County Code.

All Registration Fees shall be shall deposited into the Pharmaceutical Disposal Program Special Fund, pursuant to Section 46-110 of the Cook County Code.

Sec. 46-110 – Pharmaceutical Disposal Fund.

The Comptroller shall create a special fund to be known as the "Pharmaceutical Disposal Fund" which shall be subject to budget and appropriation for purposes related to the funding of the Collection Plan. The Department of Revenue shall collect, account for and transfer any remittals pursuant to Section 46-109 of the Cook County Code into such Fund. The Comptroller shall distribute monies from the Fund after appropriation by the Cook County Board of Commissioners for the purpose of funding the Collection Plan.

Sec. 46-111 - Collection Plan – Reporting Requirements.

(a) Within six months after the end of the first 12-month period of operation and annually thereafter, the Director and the Pharmaceutical Disposal Advisory Committee established in Section 46-115 shall submit a report to the Board on behalf of participating Producers describing their plan's activities during the previous reporting period. The report must include:

- (1) A list of Producers participating in the Collection Plan;
- (2) The amount, by weight, of Covered Drugs collected, including the amount by weight from each collection method used;
- (3) the number and types of Pharmaceuticals being disposed of in the Collection Plan;
- (4) the total cost of the provision of services of the Collection Plan;
- (5) the total amount of fees collected from participating Producers;
- (6) a list of the number, site and type of collection sites established and to be established;

- (7) The number of mailers provided for disabled and/or home-bound County residents;
- (8) The locations where mailers were provided, if applicable;
- (9) The dates and locations of collection events held, if applicable;
- (10) The transporters used and the disposal facility or facilities used for all Covered drugs;
- (11) Whether any safety or security problems occurred during collection, transportation or disposal of Unwanted Covered Drugs during the reporting period and, if so, what changes have or will be made to policies, procedures or tracking mechanisms to alleviate the problem and to improve safety and security in the future;
- (12) A description of the public education, outreach and evaluation activities implemented during the reporting period;
- (13) A description of how collected packaging was recycled to the extent feasible, including the recycling facility or facilities used;
- (14) A summary of the Collection Plan's goals, the degree of success in meeting those goals in the past year, and, if any goals have not been met, what effort will be made to achieve the goals in the next year; and
- (15) The total expenditures of the Collection Plan during the reporting period.
- (16) The report may also include a summary of available data on indicators and trends of abuse, poisonings and overdoses from prescription and nonprescription drugs and a review of comprehensive prevention strategies to reduce risks of drug abuse, overdoses, and preventable poisonings.

(b) The Director shall make reports submitted under this Section available to the public.

(c) For the purposes of this Sec. 46-111, "reporting period" means the period from January 1 through December 31 of the same calendar year, unless otherwise specified to the plan operator by the Director.

Sec. 46-112- Change of Collection Plan

The Director may change the Collection Plan or substantively alter plan operations, including, but not limited to, changes to participating Manufacturers, collection methods, policies and procedures for handling Unwanted Covered Drugs, or education and promotion methods or disposal facilities. The Director must provide timely notice to all Producers before changing the Collection Plan.

Sec. 46-113 - Collection Plan – Enforcement and Penalties.

(a) The Director shall administer the penalty provisions of this Division.

(b) If the Director makes findings and determines that any Person has violated this Division or a regulation adopted pursuant to this Division, the Director shall send a written warning, as well as a copy of this Division and any regulations adopted pursuant to this Division, to the Person or Persons who violated it.

The Person or Persons shall have 30 days after receipt of the warning to come into compliance and correct all violations.

(c) If the Person or Persons fail to come into compliance or correct all violations, the Director may impose administrative fines for violations of this Division or of any regulation adopted pursuant to this Division.

(1) Upon findings made under subsection (b), the Person or Persons shall be subject to an administrative fine as follows:

a. A fine not exceeding one hundred dollars (\$100.00) for a first violation;

b. A fine not exceeding two hundred dollars (\$200.00) for a second violation;

c. A fine not exceeding five hundred dollars (\$500.00) for the third violation and each subsequent violation.

(2) Each day a violation continues constitutes a separate violation.

(3) Fine Procedures. Notice of the fine shall be served on the Person or Persons. The notice shall contain an advisement of the right to request a hearing in the Cook County Department of Administrative Hearings. Hearings on violations shall be conducted in accordance with Article IX. – Administrative Hearings of the Cook County Code of Ordinances. Payments for fines shall be deposited into the Pharmaceutical Disposal Fund established pursuant to Section 46-110.

(4) Failure to Pay Fine. If said fine is not paid within 30 days from the date appearing on the notice of the fine or of the notice of determination of the Director or his or her designee after the hearing, the Director may use any lawful means for collecting the fine, including instituting an action in any court of proper jurisdiction.

(d) The Director may bring a civil action to enjoin violations of or compel compliance with any requirement of this Division or any rule or regulation adopted pursuant to this Division, as well as for payment of civil penalties and any other appropriate remedy.

(e) Any Person who knowingly and willfully violates the requirements of this Division or any rule or regulation adopted pursuant to this Division is punishable by a fine of not less than fifty dollars (\$50) and not more than five hundred (\$500) for each day per violation.

(f) In determining the appropriate penalties, the court or the Director shall consider the extent of harm caused by the violation, the nature and persistence of the violation, the frequency of past violations, any action taken to mitigate the violation, and the financial burden to the violator.

(g) No civil or administrative action under this Sec. 46-113 may be brought more than four years after the date of the alleged violation.

Sec. 46-114 –Collection Plan – Rules and Performance Standards

(a) The Director, may adopt rules and regulations as necessary to implement, administer, and enforce this Division.

(b) The Director may work with the Producers and/or the Pharmaceutical Disposal Advisory Committee as established in Section 46-115 to define goals for collection amounts, education, and promotion of the Collection Plan.

Sec. 46-115– Pharmaceutical Disposal Advisory Committee

(a) There shall be created a Pharmaceutical Disposal Advisory Committee made up of the President of the Cook County Board of Commissioners or his or her designee and five other members appointed by the President. Members of the Advisory Committee shall include:

- (1) The President, or his or her designee; and
- (2) One member of the Cook County Board of Commissioners; and
- (3) The Sheriff, or his or her designee; and
- (4) The Director of the Cook County Department of Environmental Control, or his or her designee; and
- (5) The Chief Operating Officer of the Cook County Department of Public Health, or his or her designee; and
- (6) A member of the Board of Commissioners of the Metropolitan Water Reclamation District of Greater Chicago, to be appointed by the President of the Board of Commissioners of the Metropolitan Water Reclamation District of Great Chicago.

(b) The Sheriff, or his or her designee, shall serve as the Chairman of the Advisory Committee. The Director shall serve as an ex officio member. The members of the Committee shall serve without pay.

(c) The purpose of the Advisory Committee is to oversee, advise and assist with the promotion and implementation of this Division. The Advisory Committee may formulate recommendations to bring about improvement in this regard.

(d) The members of the Advisory Committee shall meet quarterly or as designated by the Chairman.

(e) The Advisory Committee with the assistance of the Director shall prepare an annual report describing the work undertaken by the program pursuant to Section 46-111. The report shall include minutes of meetings of the Advisory Committee over the past year, a description of the types of programs that have been implemented or outsourced and the total cost of the Stewardship Program.

Sec. 46-116 - Undertaking For the General Welfare.

In adopting and implementing this Division, the County is assuming an undertaking only to promote the general welfare. It is not assuming, nor is it imposing on its officers and employees, an obligation for breach of which it is liable in money damages to any Person who claims that such breach proximately caused injury.

Sec. 46-117– No Conflict with Federal or State Law.

This Division shall be construed so as not to conflict with applicable federal or State laws, rules or regulations. Nothing in this Division shall authorize any County agency or department to impose any duties

or obligations in conflict with limitations on authority established by State or federal law at the time such agency or department action is taken. The County shall suspend enforcement of this Division to the extent that said enforcement would conflict with any preemptive State or federal legislation subsequently adopted. Nothing in this Division is intended or shall be construed to protect anticompetitive or collusive conduct, or to modify, impair, or supersede the operation of any of the antitrust or unfair competition laws of the State of Illinois or the United States.

Sec. 46-118 – Severability.

If any of the provisions of this Division or the application thereof to any Person or circumstance is held invalid, the remainder of those provisions, including the application of such part or provisions to persons or circumstances other than those to which it is held invalid, shall not be affected thereby and shall continue in full force and effect. To this end, the provisions of this Division are severable.

Sec. 46-119 – Applicability.

Without limitation, this section applies to areas of unincorporated Cook County, to areas owned or operated by Special Districts within unincorporated Cook County, and to areas within municipalities within the County which have not adopted ordinances governing the operation of pharmaceutical stewardship plans within the said municipalities. To the extent a municipality has adopted an ordinance addressing pharmaceutical stewardship plans, or to the extent a municipality adopts an ordinance electing not to be bound by this pharmaceutical stewardship plans, the ordinance of the municipality shall apply, and this section shall not apply, to any areas within the jurisdiction of the municipality.

Effective date: Sections 46-101 through 46-112 and 46-114 through 46-119 shall be in effect January 1, 2017. Section 46-113 shall be in effect January 1, 2018.

NOW, THEREFORE, BE IT FURTHER ORDAINED, by the Cook County Board of Commissioners that Chapter 32 – Fees, Section 32-1 is hereby amended as follows:

Sec. 32-1. - Fee schedule.

The fees or charges provided for or required by the below-listed sections shall be as shown below:

...

Code Section	Description	Fees, Rates, Charges (in dollars)
CHAPTER 46, Law Enforcement		
46-3(2)	Jail cost reimbursement for each conviction or orders of supervision for a criminal violation other than a petty or business offense	10.00

46-31(a)	Merit system application and examination fee	25.00
46-36(b)	Fee for participation in the Youthful Offender Alcohol and Other Drug Education Program	5.00
46-109	Pharmaceutical Collection Registration Fee	250.00

...

Effective date: This ordinance shall be in effect January 1, 2018.

A motion was made by Chairman Suffredin, seconded by Commissioner Silvestri, to accept as substituted 16-1983. The motion carried by the following vote:

Ayes: Chairman Suffredin, Vice Chair Fritchey, Commissioners Arroyo, Boykin, Daley, Gainer, García, Goslin, Moody, Moore, Morrison, Schneider, Silvestri, Sims, Steele and Tobolski (16)

Absent: Commissioner Butler

**PROPOSED SECOND SUBSTITUTE ORDINANCE TO ITEM # 16-1983 (10-25-2016)
For the 10-25-2016 Meeting of the Legislation and Intergovernmental Relations Committee**

Sponsored by: LARRY SUFFREDIN, LUIS ARROYO JR, RICHARD R. BOYKIN, JOHN P. DALEY JERRY BUTLER, BRIDGET GAINER, PETER N. SILVESTRI, JOHN A. FRITCHEY, JESÚS G. GARCÍA, GREGG GOSLIN, EDWARD M. MOODY, STANLEY MOORE, SEAN M. MORRISON, TIMOTHY O. SCHNEIDER, , DEBORAH SIMS, ROBERT STEELE, and JEFFREY R. TOBOLSKI

AN ORDINANCE GOVERNING THE SAFE DISPOSAL OF PHARMACEUTICALS

NOW, THEREFORE, BE IT ORDAINED, by the Cook County Board of Commissioners that Chapter 46 Law Enforcement, Article II, Sheriff, Division 4, Pharmaceutical Disposal Program, Sections 46-101 – 46-119 is hereby enacted as follows:

Sec. 46-101 –Short Title.

This Division shall be known and may be cited as the Cook County Safe Disposal of Pharmaceuticals Ordinance.

Sec. 46-102 - Definitions.

For the purposes of this Division, the following definitions apply:

Board means the Board of Commissioners of Cook County, Illinois.

Collection Plan means a plan for the collection, transportation and disposal of Unwanted Covered Drugs required under Sec. 46-104 of this Division that is created by the Director.

County means Cook County, Illinois.

County residents mean human beings residing in the County.

Collector means a Person approved by the Director to gather Unwanted Covered Drugs from County residents for the purpose of collection, transportation, and disposal.

Covered Drug means a Drug sold, offered for sale or distribution in Cook County in pill, capsule, solid dosage, tablet, suppository, bolus, lozenge, implant, strip, powder and/or pellet form used by County residents, including prescription, nonprescription, brand name and generic drugs. Notwithstanding the previous sentence, “Covered Drug” does not include:

- (1) vitamins or supplements;
- (2) herbal-based remedies and homeopathic drugs, products, or remedies;
- (3) cosmetics, shampoos, sunscreens, toothpaste, lip balm, antiperspirants, or other personal care products that are regulated as both cosmetics and nonprescription drugs under the federal Food, Drug, and Cosmetic Act (Title 21 U.S.C. Chapter 9);
- (4) Drugs for which Producers provide a pharmaceutical product collection or take-back program as part of a federal Food and Drug Administration-managed risk evaluation and mitigation strategy (21 U.S.C. § 355-1);
- (5) Drugs that are biological products as defined by 21 C.F.R. § 600.3(h) as it exists on the effective date of this Division if the Producer already provides a pharmaceutical product collection or take-back program;
- (6) medical devices or their component parts or accessories; and
- (7) Drugs that are in a cream, elixir, spirit, tincture, syrup, solution, lotion, emulsion, topical, transdermal, aerosol, propellant, valve, actuator, injectable, infusion, irrigation, ointment, suspension, liquid and/or paste form.

The definition of *Covered Drug* shall be inclusive and determined by guidelines issued by the Director with the advice of the Pharmaceutical Disposal Advisory Committee established in Section 46-115.

Director means the Director of the Prescription Drug Take Back Program of the Cook County Sheriff’s Office, or a duly authorized representative.

District means the districts of Cook County as defined in Article II, Section 22-34 of the Code of Ordinances of Cook County, Illinois.

Drug means:

- (1) any article recognized in the official United States pharmacopoeia, the official national formulary, the official homeopathic pharmacopoeia of the United States or any supplement of the formulary or those pharmacopoeias as published by the U.S. Pharmacopoeial Convention and the Homeopathic Pharmacopoeia Convention of the United States;
- (2) any substance intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in humans or other animals;
- (3) any substance, other than food, intended to affect the structure or any function of the body of humans or other animals; or
- (4) any substance intended for use as a component of any substance specified in (1), (2), or (3) of this definition.

Drug Wholesaler means a Person that sells or distributes Drugs and Covered Drugs for resale to an Entity other than a consumer.

Generic Drug means a Drug that is chemically identical or bioequivalent to a brand name drug in dosage form, safety, strength, route of administration, quality, performance, characteristics, and intended use though inactive ingredients may vary.

Mail-back services means a collection method for the return of Unwanted Covered Drugs from County residents utilizing pre-paid and pre-addressed mailing envelopes.

Manufacture means the production, preparation, propagation, compounding, or processing of a Drug but does not include the activities of a Repackager or Drug Wholesaler, or practitioner who, distributes or dispenses such substance or device in the course of his or her professional practice or, prepares, compounds, packages, or labels such substance or device.

Manufacturer means a Person engaged in the Manufacture of Drugs.

Nonprescription Drug means a Drug that may be lawfully sold without a prescription.

Person means any individual, corporation, limited liability corporation, organization, government, governmental subdivision or agency, business trust, estate, trust, partnership, association and any other legal entity.

Pharmacy means a place licensed by the state of Illinois Department of Financial and Professional Regulation engaged in the practice of "Pharmacy," as defined by the Illinois Pharmacy Practice Act, 225 ILCS 85/1 *et. seq.* is conducted. Notwithstanding the previous sentence, *Pharmacy* does not include a Pharmacy dispensing pharmaceuticals exclusively pursuant to an "Inpatient Drug Order" as defined by the Illinois Pharmacy Practice Act, 225 ILCS 85/3 (k).

Prescription Drug means any Drug, including any controlled substance that is required by federal or state law or regulation to be dispensed by prescription only or is restricted to use by practitioners only.

Producer means a Manufacturer engaged in the Manufacture of a Covered Drug sold in the County, including a brand-name or Generic Drug. Notwithstanding the previous sentence, *Producer* does not include:

- (1) a retailer whose store label appears on a Covered Drug or the drug's packaging if the Manufacturer from whom the retailer obtains the drug is identified under Sec. 46-104(c) of this Division;
- (2) a Repackager if the Manufacturer from whom the Repackager obtains the Drug is identified under Sec. 46-104(c) of this Division;
- (3) a pharmacist who compounds or repackages a prescribed individual drug product for a consumer; or
- (4) a wholesaler who is not also the Manufacturer.

Registration is the informing of the Director of the distribution of Covered Drugs by a Producer in a manner set forth by the Director.

Registration Fee is a sum paid by a Producer.

Repackager means a person who owns or operates an establishment that repacks and relabels a product or package for further sale, or for distribution without a further transaction.

Sheriff means the Office of the Cook County Sheriff.

Unwanted Covered Drug means any Covered Drug that the owner has discarded or intends to discard.

Sec. 46-103 - Implementation of this Division.

(a) The Director shall:

- (1) Develop a Collection Plan that is in compliance with this Division, including determining whether a Drug is a Covered Drug as established in accordance with Section Sec. 46-102; and
- (2) Determine the method of collection of Unwanted Covered Drugs as specified under this Division; and
- (3) Determine the total cost of the collection of Unwanted Covered Drugs as specified under this Division.

(b) Producers shall:

- (2) Within 90 days of the passage of this Division register with the Director, in a form mandated by the Director; and
- (2) Pay all registration fees mandated by Section 32-1 of the Cook County Code.

Sec. 46-104 - Collection Plan – Participation.

(a) Each Producer shall participate in the Collection Plan and pay a Registration Fee.

(b) By three months after the effective date of this Division, or by three months after a Producer starts sale of a Covered Drug in the County, a Producer must register with the Director in writing. Within 60 days of a Producer's Registration, the Director shall meet with the Producer. The written registration form for Producers shall be limited to the following:

- a) The name of the Producer; and
- b) An address of the Producer; and
- c) The name of the Registered Agent or other designee of the Producer for purposes of communicating with the Director; and
- d) Contact information, including telephone number and email address, for the Registered Agent or other designee of the Producer; and

(c) By three months after the effective date of this Division, or by three months after a retailer whose label appears on a Covered Drug or the Covered Drug's packaging starts selling the Covered Drug in the County, or by three months after a Covered Drug repackaged by Repackager is first sold in the County, and, thereafter, upon request from the Director, a retailer or Repackager whose label appears on a Covered Drug or the Covered Drug's packaging must provide the contact information of the Manufacturer from whom the retailer or Repackager obtains the Covered Drug, including the telephone number, mailing address and email address of the retailer's or Repackager's point of contact at the Manufacturer.

(d) The Director may, on a case-by-case basis, approve in writing requests for extensions of time for the submission dates and deadlines in this Sec. 46-104.

Sec. 46-105 - Collection Plan – Components.

The Director shall take all appropriate actions to design, oversee, manage and implement the Collection Plan. The Collection Plan shall include:

- (a) Contact information as specified in the Registration form outlined in Section 46-104;
- (b) A description of the proposed collection system to provide convenient ongoing collection service for all Unwanted Covered Drugs from County residents in compliance with the provisions and requirements in Sec. 46-106, including a list of all collection methods and participating Collectors, a list of drop-off sites, a description of how any periodic collection events will be scheduled and located, a description of how any mail-back services will be provided and an example of the prepaid, preaddressed mailers the plan will use. The description of the collection service shall include a list of Retail Pharmacies and law enforcement agencies contacted by the plan under Sec. 46-106 (b) of this Division, and a list of all Collectors who offered to participate;
- (c) A description of the handling and disposal system, including identification of and contact information for Collectors, transporters and waste disposal facilities to be used by the Collection Plan in accordance with Sec. 46-106 and Sec. 46-108 of this Division;
- (d) A description of the policies and procedures to be followed by Persons handling Unwanted Covered Drugs collected under the Collection Plan, including a description of how all Collectors, transporters and waste disposal facilities used will ensure that the collected Unwanted Covered Drugs are safely and securely tracked from collection through final disposal, and how all entities participating in the Collection Plan will operate under and comply with all applicable federal and state laws, rules and guidelines, including but not limited to those of the United States Drug

Enforcement Administration, and how any Pharmacy collection site will operate under applicable rules and guidelines of the Safe Pharmaceutical Disposal Act of Illinois, 210 ILCS 150/1, *et. seq.*

- (e) A description of a plan for the removal of any patient information on Drug packaging;
- (f) A description of the public education effort and promotion strategy required in Sec. 46-107 of this Division, including a copy of standardized instructions for County residents, signage developed for Collectors, and required promotional materials;
- (g) Proposed short-term and long-term goals of the Collection Plan for collection amounts, education and promotion; and
- (h) A description of how the Collection Plan will consider:
 - (1) use of existing providers of waste pharmaceutical services;
 - (2) separating Covered Drugs from packaging to the extent possible to reduce transportation and disposal costs; and
 - (3) recycling of Drug packaging to the extent feasible.

Sec. 46-106 - Collection Plan – Collection of Covered Drugs.

(a) This Section does not require any Person to serve as a Collector in the Collection Plan. A Person may offer to serve as a Collector voluntarily, or may agree to serve as a Collector in exchange for incentives or payment offered by the Director. Collectors may include law enforcement agencies, Pharmacies, mail-back services or other entities, operating in accordance with state and federal laws and regulations for the handling of Covered Drugs, including but not limited to those of the United States Drug Enforcement Administration, and in compliance with this Division. A Pharmacy collection site shall operate under applicable rules and guidelines of the Safe Pharmaceutical Disposal Act of Illinois, 210 ILCS 150/1, *et. seq.*

(b) The collection system under the Collection Plan shall:

- (1) Provide reasonably convenient and equitable access for County residents in all Districts through drop-off sites. The system of drop-off sites shall provide at least one drop-off site for every 150,000 County residents in each District, distributed to provide reasonably convenient and equitable access, but at no time shall there be less than five drop-off sites per District. If the service convenience goal in this subsection (b)(1) cannot be achieved due to a lack of drop-off sites at pharmacies, law enforcement agencies, or other qualified Collectors in each District, then those areas shall be served through periodic collection events and/or or mail-back services.
- (2) Be safe and secure, including providing for the prompt destruction of patient information on Drug packaging.
- (3) Give preference to having Retail Pharmacies and law enforcement agencies serve as drop-off sites.

- (4) Include, as Collectors, any Pharmacy or any law enforcement agency willing to serve voluntarily as a drop-off site for Unwanted Covered Drugs and able to meet the requirements of this Division within three months of their offer to participate, unless the Collector requests a longer time frame. A Collection Plan may also accept other Collectors willing to serve as a drop-off site for Unwanted Covered Drugs and able to meet the requirements of this Division; and
- (5) At the Director's discretion, make mail-back services available, free of charge, to disabled and homebound County residents upon request through the Collection Plan's toll-free telephone number and web site, and through distribution of prepaid, preaddressed mailers to Persons providing services to such County residents. If implemented by the Director, the toll-free telephone number and web site required by this subsection (b)(5) shall be in English, Spanish, Polish, Chinese, Korean, Arabic and Russian.

(c) Drop-off sites shall accept all Covered Drugs from County residents during all hours that the Pharmacy, law enforcement agency, or other Collector is normally open for business with the public. Drop-off sites not operated by a law enforcement agency shall utilize secure collection bins in compliance with all applicable requirements, including but not limited to those of the United States Drug Enforcement Administration and the Safe Pharmaceutical Disposal Act of Illinois, 210 ILCS 150/1, *et. seq.* In the event that the Collection Plan operates a drop-off site at a particular location, each drop-off site must accept all Covered Drugs.

Sec. 46-107 - Collection Plan – Promotion.

- (a) The Director may coordinate with each Producer and develop a single system of promotion. The Director may coordinate with each Producer, or its representative, to secure its participation in the single system of promotion. The system of promotion shall:
 - (1) Promote the Collection Plan so that collection options for Covered Drugs are widely understood by County residents, pharmacists, retailers of Covered Drugs and health care practitioners including doctors and other prescribers, veterinarians and veterinary hospitals, and promote the safe storage of Covered Drugs by County residents.
 - (2) Coordinate with Producers to include promotion of the Collection Plan on the Producers' marketing and packaging materials and devices.
 - (3) Work with Collectors participating in the Collection Plan to develop clear, standardized instructions for County residents on the use of collection bins and a readily-recognizable, consistent design of collection bins.
 - (4) Establish a single toll-free telephone number and single web site where collection options and current locations of drop-off sites will be publicized, and prepare educational and outreach materials promoting safe storage of medicines and describing where and how to return Unwanted Covered Drugs to the Collection Plan. These materials must be provided to Pharmacies, health care facilities, veterinary facilities, and other interested parties for dissemination to County residents. Plain language and explanatory images should be used to make use of medicine collection services readily understandable by all County residents, including individuals with limited English proficiency.

- (5) Conduct a biennial survey of County residents and a survey of pharmacists, veterinarians, and health professionals in the County who interact with patients on use of medicines after the first full year of operation of the plans. Survey questions shall measure percent awareness of the Stewardship Plans, assess to what extent drop-off sites and other collection methods are convenient and easy to use, and assess knowledge and attitudes about risks of abuse, poisonings and overdoses from prescription and nonprescription medicines used in the home. Draft survey questions shall be submitted to the Director for review and comment at least 30 days prior to initiation of the survey. Results of the survey shall be reported to the Director and made available to the public on the website required in Sec. 46-107 within 90 days of the end of the survey period. The privacy of all survey respondents shall be maintained.
- (6) Work with the Illinois Poison Center to advertise drop-off sites and other collection opportunities under the Collection Plan.

(b) All surveys, outreach, education, promotion, websites, and toll-free phone numbers required by this Section 16-107 shall be in English, Spanish, Polish, Chinese, Korean, Arabic and Russian.

(c) The Director shall provide guidance on the development of a single system of promotion.

Sec. 46-108 - Collection Plan— Disposal of Covered Drugs.

(a) Covered Drugs collected under the Collection Plan must be disposed of at a permitted hazardous waste disposal facility as defined by the United States Environmental Protection Agency under 40 C.F.R. parts 264 and 265 and/or pursuant to a method permitted by the United States Drug Enforcement Administration under 21 C.F.R. part 1317.95.

(b) The Director may grant approval under the Collection Plan to dispose of some or all collected Covered Drugs at a permitted large municipal waste combustor, as defined by the United States Environmental Protection Agency under 40 C.F.R. parts 60 and 62, if the Director deems the use of a hazardous waste disposal facility described under subsection (a) of this Sec. 46-108 to be infeasible for the Plan based on cost, logistics or other considerations.

(c) The Director may use final disposal technologies that provide superior environmental and human health protection than provided by the disposal technologies in subsections (a) and (b) of this Section or equivalent protection at lesser cost. The proposed technology must provide equivalent or superior protection in each of the following areas:

- (1) monitoring of any emissions or waste;
- (2) worker health and safety;
- (3) reduction or elimination of air, water or land emissions contributing to persistent, bioaccumulative, and toxic pollution; and
- (4) overall impact on the environment and human health.

Sec. 46-109 –Collection Plan – Administrative and Operational Costs and Fees.

A Producer participating in the Collection Plan may pay to the Cook County Department of Revenue an annual registration fee as established under Section 32-1 of the Cook County Code. The Fee shall be set to recover, but not exceed, actual costs to the County of the registration and implementation of the Collection Plan at a rate duly approved by the Board. The Board must provide sixty (60) day notice to all Producers before setting the annual registration fee. When setting the annual registration fee, the Board may consider the following:

- (1) Collection and transportation supplies for drop-off sites;
- (2) Acquisition of all secure collection bins for drop-off sites;
- (3) Ongoing maintenance or replacement of secure collection bins, as requested by Collectors;
- (4) Prepaid, preaddressed mailers provided to disabled and/or home-bound County residents;
- (5) Operation of periodic collection events, including costs of law enforcement staff time if necessary;
- (6) Transportation of all collected Covered Drugs to final disposal, including costs of law enforcement escort if necessary;
- (7) Environmentally sound disposal of all collected Covered Drugs under Sec. 46-108 of this Division;
- (8) Creation, promotion and advertisement of the Collection Program;
- (9) Creation, maintenance and operation of the single toll-free telephone number and single web site as established in Section 46-107.
- (10) A Producer may receive a reduction in the amount of the annual registration fee assessed to the Producer for any amounts spent by the Producer in support of the creation, promotion and/or advertisement of the Collection Program as set forth in Section 46-109 (8).

No Person or Producer may charge a point-of-sale fee to consumers or increase the cost of a Covered Drug to recoup the costs of the Collection Plan, nor may they charge a specific point-of-collection fee at the time the Covered Drugs or increase the cost of a Covered Drug are collected.

The Department of Revenue shall establish reasonable procedures for the collection of the annual registration fee, including procedures for appealing the amount of the fee and enforcement actions for nonpayment. All appeals and enforcement actions shall be conducted in accordance with Article IX – Administrative Hearings of the Cook County Code.

All Registration Fees shall be deposited into the Pharmaceutical Disposal Program Special Fund, pursuant to Section 46-110 of the Cook County Code.

Sec. 46-110 – Pharmaceutical Disposal Fund.

The Comptroller shall create a special fund to be known as the "Pharmaceutical Disposal Fund" which shall be subject to budget and appropriation for purposes related to the funding of the Collection Plan. The Department of Revenue shall collect, account for and transfer any remittals pursuant to Section 46-109 of the Cook County Code into such Fund. The Comptroller shall distribute monies from the Fund after appropriation by the Cook County Board of Commissioners for the purpose of funding the Collection Plan.

Sec. 46-111 - Collection Plan – Reporting Requirements.

(a) Within six months after the end of the first 12-month period of operation and annually thereafter, the Director and the Pharmaceutical Disposal Advisory Committee established in Section 46-115 shall submit a report to the Board on behalf of participating Producers describing their plan's activities during the previous reporting period. The report must include:

- (1) A list of Producers registered under Section 46-104;
- (2) The amount, by weight, of Covered Drugs collected, including the amount by weight from each collection method used;
- (3) the total cost of the provision of services of the Collection Plan;
- (4) the total amount of fees collected from participating Producers;
- (5) a list of the number, site and type of collection sites established and to be established;
- (6) The number of mailers provided for disabled and/or home-bound County residents;
- (7) The locations where mailers were provided, if applicable;
- (8) The dates and locations of collection events held, if applicable;
- (9) The transporters used and the disposal facility or facilities used for all Covered drugs;
- (10) Whether any safety or security problems occurred during collection, transportation or disposal of Unwanted Covered Drugs during the reporting period and, if so, what changes have or will be made to policies, procedures or tracking mechanisms to alleviate the problem and to improve safety and security in the future;
- (11) A description of the public education, outreach and evaluation activities implemented during the reporting period;
- (12) A description of how collected packaging was recycled to the extent feasible, including the recycling facility or facilities used;
- (13) A summary of the Collection Plan's goals, the degree of success in meeting those goals in the past year, and, if any goals have not been met, what effort will be made to achieve the goals in the next year; and

- (14) The total expenditures of the Collection Plan during the reporting period.
 - (15) The report may also include a summary of available data on indicators and trends of abuse, poisonings and overdoses from prescription and nonprescription drugs and a review of comprehensive prevention strategies to reduce risks of drug abuse, overdoses, and preventable poisonings.
- (b) The Director shall make reports submitted under this Section available to the public.
- (c) For the purposes of this Sec. 46-111, “reporting period” means the period from January 1 through December 31 of the same calendar year, unless otherwise specified to the plan operator by the Director.

Sec. 46-112- Change of Collection Plan

The Director may change the Collection Plan or substantively alter plan operations, including, but not limited to, changes to participating Manufacturers, collection methods, policies and procedures for handling Unwanted Covered Drugs, or education and promotion methods or disposal facilities. The Director must provide sixty (60) day notice to all Producers before changing the Collection Plan.

Sec. 46-113 - Collection Plan – Enforcement and Penalties.

- (a) The Director shall administer the penalty provisions of this Division.
- (b) If the Director makes findings and determines that any Person has violated this Division or a regulation adopted pursuant to this Division, the Director shall send a written warning, as well as a copy of this Division and any regulations adopted pursuant to this Division, to the Person or Persons who violated it. The Person or Persons shall have 30 days after receipt of the warning to come into compliance and correct all violations.
- (c) If the Person or Persons fail to come into compliance or correct all violations, the Director may impose administrative fines for violations of this Division or of any regulation adopted pursuant to this Division.
 - (1) Upon findings made under subsection (b), the Person or Persons shall be subject to an administrative fine as follows:
 - a. A fine not exceeding one hundred dollars (\$100.00) for a first violation;
 - b. A fine not exceeding two hundred dollars (\$200.00) for a second violation;
 - c. A fine not exceeding five hundred dollars (\$500.00) for the third violation and each subsequent violation.
 - (2) Each day a violation continues constitutes a separate violation.
 - (3) Fine Procedures. Notice of the fine shall be served on the Person or Persons. The notice shall contain an advisement of the right to request a hearing in the Cook County Department of Administrative Hearings. Hearings on violations shall be conducted in accordance with Article IX. – Administrative Hearings of the Cook County Code of Ordinances. Payments for fines shall be deposited into the Pharmaceutical Disposal Fund established pursuant to Section 46-110.

(4) Failure to Pay Fine. If said fine is not paid within 30 days from the date appearing on the notice of the fine or of the notice of determination of the Director or his or her designee after the hearing, the Director may use any lawful means for collecting the fine, including instituting an action in any court of proper jurisdiction.

(d) The Director may bring a civil action to enjoin violations of or compel compliance with any requirement of this Division or any rule or regulation adopted pursuant to this Division, as well as for payment of civil penalties and any other appropriate remedy.

(e) Any Person who knowingly and willfully violates the requirements of this Division or any rule or regulation adopted pursuant to this Division is punishable by a fine of not less than fifty dollars (\$50) and not more than five hundred (\$500) for each day per violation.

(f) In determining the appropriate penalties, the court or the Director shall consider the extent of harm caused by the violation, the nature and persistence of the violation, the frequency of past violations, any action taken to mitigate the violation, and the financial burden to the violator.

(g) No civil or administrative action under this Sec. 46-113 may be brought more than four years after the date of the alleged violation.

Sec. 46-114 –Collection Plan – Rules and Performance Standards

(a) The Director, may adopt rules and regulations as necessary to implement, administer, and enforce this Division.

(b) The Director may work with the Producers and/or the Pharmaceutical Disposal Advisory Committee as established in Section 46-115 to define goals for collection amounts, education, and promotion of the Collection Plan.

Sec. 46-115– Pharmaceutical Disposal Advisory Committee

(a) There shall be created a Pharmaceutical Disposal Advisory Committee made up of the President of the Cook County Board of Commissioners or his or her designee and five other members appointed by the President. Members of the Advisory Committee shall include:

- (1) The President, or his or her designee; and
- (2) One member of the Cook County Board of Commissioners; and
- (3) The Sheriff, or his or her designee; and
- (4) The Director of the Cook County Department of Environmental Control, or his or her designee; and
- (5) The Chief Operating Officer of the Cook County Department of Public Health, or his or her designee; and

- (6) A member of the Board of Commissioners of the Metropolitan Water Reclamation District of Greater Chicago, to be appointed by the President of the Board of Commissioners of the Metropolitan Water Reclamation District of Great Chicago; and
- (7) A member or a representative on behalf of the Producer community who is participating in the Collection Plan.; and
- (8) A member of the general public on behalf of an environmental or public health organization with members and programs in Cook County.

(b) The Sheriff, or his or her designee, shall serve as the Chairman of the Advisory Committee. The Director shall serve as an ex officio member. The members of the Committee shall serve without pay.

(c) The purpose of the Advisory Committee is to oversee, advise and assist with the promotion and implementation of this Division. The Advisory Committee may formulate recommendations to bring about improvement in this regard.

(d) The members of the Advisory Committee shall meet quarterly or as designated by the Chairman.

(e) The Advisory Committee with the assistance of the Director shall prepare an annual report describing the work undertaken by the program pursuant to Section 46-111. The report shall include minutes of meetings of the Advisory Committee over the past year, a description of the types of programs that have been implemented or outsourced and the total cost of the Stewardship Program.

Sec. 46-116 - Undertaking For the General Welfare.

In adopting and implementing this Division, the County is assuming an undertaking only to promote the general welfare. It is not assuming, nor is it imposing on its officers and employees, an obligation for breach of which it is liable in money damages to any Person who claims that such breach proximately caused injury.

Sec. 46-117– No Conflict with Federal or State Law.

This Division shall be construed so as not to conflict with applicable federal or State laws, rules or regulations. Nothing in this Division shall authorize any County agency or department to impose any duties or obligations in conflict with limitations on authority established by State or federal law at the time such agency or department action is taken. The County shall suspend enforcement of this Division to the extent that said enforcement would conflict with any preemptive State or federal legislation subsequently adopted. Nothing in this Division is intended or shall be construed to protect anticompetitive or collusive conduct, or to modify, impair, or supersede the operation of any of the antitrust or unfair competition laws of the State of Illinois or the United States.

Sec. 46-118 – Severability.

If any of the provisions of this Division or the application thereof to any Person or circumstance is held invalid, the remainder of those provisions, including the application of such part or provisions to persons or circumstances other than those to which it is held invalid, shall not be affected thereby and shall continue in full force and effect. To this end, the provisions of this Division are severable.

Sec. 46-119 – Applicability.

Without limitation, this section applies to areas of unincorporated Cook County, to areas owned or operated by Special Districts within unincorporated Cook County, and to areas within municipalities within the County which have not adopted ordinances governing the operation of pharmaceutical stewardship plans within the said municipalities. To the extent a municipality has adopted an ordinance addressing pharmaceutical stewardship plans, or to the extent a municipality adopts an ordinance electing not to be bound by this pharmaceutical stewardship plans, the ordinance of the municipality shall apply, and this section shall not apply, to any areas within the jurisdiction of the municipality.

Effective date: Sections 46-101 through 46-112 and 46-114 through 46-119 shall be in effect January 1, 2017. Section 46-113 shall be in effect July 1, 2018.

NOW, THEREFORE, BE IT FURTHER ORDAINED, by the Cook County Board of Commissioners that Chapter 32 – Fees, Section 32-1 is hereby amended as follows:

Sec. 32-1. - Fee schedule.

The fees or charges provided for or required by the below-listed sections shall be as shown below:

...

Code Section	Description	Fees, Rates, Charges (in dollars)
CHAPTER 46, Law Enforcement		
46-3(2)	Jail cost reimbursement for each conviction or orders of supervision for a criminal violation other than a petty or business offense	10.00
46-31(a)	Merit system application and examination fee	25.00
46-36(b)	Fee for participation in the Youthful Offender Alcohol and Other Drug Education Program	5.00
46-109	Pharmaceutical Collection Registration Fee	0.00

...

Effective date: This ordinance shall be in effect July 1, 2018.

A motion was made by Chairman Suffredin, seconded by Commissioner Silvestri, to recommend for approval as substituted 16-1983. The motion carried by the following vote:

Ayes: Chairman Suffredin, Vice Chair Fritchey, Commissioners Arroyo, Boykin, Daley, Gainer, García, Goslin, Moody, Moore, Morrison, Schneider, Silvestri, Sims, Steele and Tobolski (16)

Absent: Commissioner Butler

16-5768

Sponsored by: LARRY SUFFREDIN, JOHN P. DALEY Cook County Commissioners

PROPOSED ORDINANCE AMENDMENT

AN ORDINANCE CREATING A LIVING WAGE IN COOK COUNTY

NOW, THEREFORE, BE IT ORDAINED, by the Cook County Board of Commissioners that Chapter 42 - Human Relations, Article I. - In General, Division 2, Cook County Living Wage Ordinance, Sections 42-7 - 42-15 are hereby enacted as follows:

Sec. 42-7 - Short Title.

This Division shall be known and may be cited as the Cook County Living Wage Ordinance.

Sec. 42-8 - Definitions.

For purposes of this Division, the following definitions apply:

Covered Employee means any Employee who is not subject to any of the exclusions set out in Section 42-12 below, and who, in any particular two-week period, performs at least two hours of work for an Employer while physically present within the geographic boundaries of Cook County. For purposes of this definition, time spent traveling in Cook County that is compensated time, including, but not limited to, deliveries, sales calls, and travel related to other business activity taking place within Cook County, shall constitute work while physically present within the geographic boundaries of Cook County; however, time spent traveling in Cook County that is uncompensated commuting time shall not constitute work while physically present within the geographic boundaries of Cook County.

CPI means the Consumer Price Index for All Urban Consumers most recently published by the Bureau of Labor Statistics of the United States Department of Labor.

Director means the Executive Director of the Cook County Commission on Human Rights.

Domestic worker means a person whose primary duties include housekeeping; house cleaning; home management; nanny services, including childcare and child monitoring; caregiving, personal care or home health services for elderly persons or persons with illnesses, injuries, or disabilities who require assistance in caring for themselves; laundering; cooking; companion services; chauffeuring; and other household services to members of households or their guests in or about a private home or residence, or any other location where the domestic work is performed.

Employee, Gratuities, and Occupation have the meanings ascribed to those terms in the Minimum Wage Law, with the exception that all Domestic Workers, including Domestic Workers employed by Employers with fewer than 4 employees, shall fall under the definition of the term “Employee”.

Employer means any individual, partnership, association, corporation, limited liability company, business trust, or any person or group of persons that gainfully employs at least one Covered Employee. To qualify as an Employer, such individual, group, or entity must (1) maintain a business facility within the geographic boundaries of Cook County and/or (2) be subject to one or more of the license requirements in Title 4 of this Code.

Fair Labor Standards Act means the United States Fair Labor Standards Act of 1938, 29 USC § 201 et seq., in force on the effective date of this chapter and as thereafter amended.

Minimum Wage Law means the Illinois Minimum Wage Law, 820 ILCS 105/1 et seq., in force on the effective date of this chapter and as thereafter amended.

Subsidized Temporary Youth Employment Program means any publicly subsidized summer or other temporary youth employment program through which persons aged 24 or younger are employed by, or engaged in employment coordinated by, a nonprofit organization or governmental entity.

Subsidized Transitional Employment Program means any publicly subsidized temporary employment program through which persons with unsuccessful employment histories and/or members of statistically hard-to-employ populations (such as formerly homeless persons, the long-term unemployed, and formerly incarcerated persons) are provided temporary paid employment and case-managed services under a program administered by a nonprofit organization or governmental entity, with the goal of transitioning program participants into unsubsidized employment.

Tipped Employee has the meaning ascribed that term in the Fair Labor Standards Act.

Wage means compensation due an Employee by reason of his employment.

Sec. 42-9 - Minimum Hourly Wage.

Except as provided in Sections 42-10 of this Code, every Employer shall pay no less than the following Wages to each Covered Employee for each hour of work performed for that Employer while physically present within the geographic boundaries of Cook County:

(a) Beginning on the effective date of this ordinance, the greater of: (1) the minimum hourly Wage set by the Minimum Wage Law; (2) the minimum hourly Wage set by the Fair Labor Standards Act; or (3) \$10.50 per hour.

(b) Beginning on July 1, 2017, the greater of: (1) the minimum hourly Wage set by the Minimum Wage Law; (2) the minimum hourly Wage set by the Fair Labor Standards Act; or (3) \$11.00 per hour.

(c) Beginning on July 1, 2018, the greater of: (1) the minimum hourly Wage set by the Minimum Wage Law; (2) the minimum hourly Wage set by the Fair Labor Standards Act; or (3) \$12.00 per hour.

(d) Beginning on July 1, 2019, the greater of: (1) the minimum hourly Wage set by the Minimum Wage Law; (2) the minimum hourly Wage set by the Fair Labor Standards Act; or (3) \$13.00 per hour.

(e) Beginning on July 1, 2020, and on every July 1 thereafter, the greater of: (1) the minimum hourly Wage set by the Cook County Minimum Wage Law; (2) the minimum hourly Wage set by the Fair Labor Standards Act; or (3) Cook County's minimum hourly Wage from the previous year, increased in proportion to the increase, if any, in the CPI, provided, however, that if the CPI increases by more than 2.5 percent in any year, the Cook County minimum Wage increase shall be capped at 2.5 percent, and that there shall be no Cook County minimum Wage increase in any year when the unemployment rate in Cook County for the preceding year, as calculated by the Illinois Department of Employment Security, was equal to or greater than 8.5 percent. Any increase pursuant to subsection 42-9(e) shall be rounded up to the nearest multiple of \$0.05. Any increase pursuant to subsection 42-9(e) shall remain in effect until any subsequent adjustment is made. On or before June 1, 2020, and on or before every June 1 thereafter, the Director shall make available to Employers a bulletin announcing the adjusted minimum hourly Wage for the upcoming year.

Sec. 42-10 - Minimum hourly wage in occupations receiving gratuities.

(a) Every Employer of a Covered Employee engaged in an Occupation in which Gratuities have customarily and usually constituted part of the remuneration shall pay no less than the following Wages to each Covered Employee for each hour of work performed for that Employer while physically present within the geographic boundaries of the County:

- (1) Beginning on July 1, 2015, the greater of: (A) the minimum hourly Wage set by the Fair Labor Standards Act for Tipped Employees, plus an additional \$0.50 per hour; or (B) the minimum hourly Wage set by the Minimum Wage Law for workers who receive Gratuities, plus an additional \$0.50 per hour.
- (2) Beginning on July 1, 2016, the greater of: (A) the minimum hourly Wage set by the Fair Labor Standards Act for Tipped Employees, plus an additional \$1.00 per hour; or (B) the minimum hourly Wage set by the Minimum Wage Law for workers who receive Gratuities, plus an additional \$1.00 per hour.
- (3) Beginning on July 1, 2017, and on every July 1 thereafter, the greater of (A) the minimum hourly Wage set by the Fair Labor Standards Act for tipped workers; (B) the minimum hourly Wage set by the Minimum Wage Law for workers who receive Gratuities; or (C) Cook County's minimum hourly Wage from the previous year for workers who receive Gratuities, increased in proportion to the increase, if any, in the CPI, provided, however, that if the CPI increases by more than 2.5 percent in any year, the Cook County minimum Wage increase for workers who receive Gratuities shall be capped at 2.5 percent, and that there shall be no Cook County minimum Wage increase for workers who receive Gratuities in any year when the unemployment rate in Cook County for the preceding year, as calculated by the Illinois Department of Employment Security, was equal to or greater than 8.5 percent. Any increase pursuant to subsection 42-10 (a)(3)(C) shall be rounded up to the nearest multiple of \$0.05. Any increase pursuant to subsection 42-10 (a)(3) shall remain in effect until any subsequent adjustment is made. On or before June 1, 2017, and on or before every June 1 thereafter, the Director shall make available to Employers a bulletin announcing Cook County's minimum hourly Wage for the upcoming year for workers who receive Gratuities.

(b) Each Employer that pays a Covered Employee the Wage described in subsection 42-10 (a) shall transmit to the Director, in a manner provided by regulation, substantial evidence establishing: (1) the amount the Covered Employee received as Gratuities during the relevant pay period; and (2) that no part of that amount was returned to the Employer. If an Employer is required by the Minimum Wage Law to

provide substantially similar data to the Illinois Department of Labor, the Director may allow the Employer to comply with this subsection 42-10 (b) by filing a copy of the state documentation.

Sec. 42-11 - Overtime compensation.

The Wages set out in Sections 42-9 and 42-10 are subject to the overtime compensation provisions in the Cook County Minimum Wage Law, with the exception that the definitions of “Employer” and “Employee” in this chapter shall apply.

Sec. 42-12 - Exclusions.

This chapter shall not apply to hours worked:

(a) By any person subject to subsection 4(a)(2) of the Minimum Wage Law, with the exception that the categories of Employees described in subsections 4(a)(2)(A) and 4(a)(2)(B) of the Minimum Wage Law shall be entitled to the Wages described in Sections 42-9 and 42-10 , whichever applies, as well as the overtime compensation described in Section 42-11;

(b) By any person subject to subsection 4(a)(3), subsection 4(d), subsection 4(e), Section 5, or Section 6 of the Minimum Wage Law;

(c) For any governmental entity other than the Cook County, a category that, for purposes of this chapter, includes, but is not limited to, any unit of local government, the Illinois state government, and the government of the United States, as well as any other federal, state, or local governmental agency or department;

(d) For any Subsidized Temporary Youth Employment Program; or

(e) For any Subsidized Transitional Employment Program.

Sec. 42-13 - Applications to Collective Bargaining Agreements.

Nothing in this chapter shall be deemed to interfere with, impede, or in any way diminish the right of employees to bargain collectively with their employers through representatives of their own choosing in order to establish wages or other conditions of work in excess of the applicable minimum standards of the provisions of this chapter. The requirements of this chapter may be waived in a bona fide collective bargaining agreement, but only if the waiver is set forth explicitly in such agreement in clear and unambiguous terms.

Sec. 42-14 - Notice and Posting.

(a) Every Employer shall post in a conspicuous place at each facility where any Covered Employee works that is located within the geographic boundaries of Cook County a notice advising the Covered Employee of the current minimum Wages under this chapter, and of his rights under this chapter. The Director shall prepare and make available a form notice that satisfies the requirements of this subsection 42-14 (a). Employers that do not maintain a business facility within the geographic boundaries of Cook County and households that serve as the worksites for Domestic Workers are exempt from this subsection 42-14(a).

(b) Every Employer shall provide with the first paycheck subject to this chapter issued to a Covered Employee a notice advising the Covered Employee of the current minimum Wages under this chapter, and of the Employee's rights under this chapter. The Director shall prepare and make available a form notice that satisfies the requirements of this subsection 42-14(b).

Sec. 42-15 - Retaliation Prohibited.

It shall be unlawful for any Employer to discriminate in any manner or take any adverse action against any Covered Employee in retaliation for exercising any right under this chapter, including, but not limited to, disclosing, reporting, or testifying about any violation of this chapter or regulations promulgated thereunder. For purposes of this Section, prohibited adverse actions include, but are not limited to, unjustified termination, unjustified denial of promotion, unjustified negative evaluations, punitive schedule changes, punitive decreases in the desirability of work assignments, and other acts of harassment shown to be linked to such exercise of rights.

Sec. 42-16 - Enforcement - Regulations.

The Cook County Commission on Human Rights shall enforce this chapter, and the Director is authorized to adopt regulations for the proper administration and enforcement of its provisions.

Sec. 42-17 - Violation - Penalty.

Any Employer who violates this chapter or any regulation promulgated thereunder shall be subject to a fine of not less than \$500.00 nor more than \$1,000.00 for each offense. Each day that a violation continues shall constitute a separate and distinct offense to which a separate fine shall apply.

Sec. 42-18 - Private Cause of Action.

If any Covered Employee is paid by his Employer less than the Wage to which he is entitled under this chapter, the Covered Employee may recover in a civil action three times the amount of any such underpayment, together with costs and such reasonable attorney's fees as the court allows. An agreement by the Covered Employee to work for less than the Wage required under this chapter is no defense to such action.

THEREFORE, BE IT FURTHER ORDAINED, by the Cook County Board of Commissioners, that Chapter 34, Finance, Article IV, Procurement, Division 4, Disqualifications and Penalties, Section 34-179 shall be amended as follows:

Sec. 34-179. - Disqualification due to violation of laws related to the payment of wages and Employer Paid Sick Leave Ordinance.

(a) A Person including a Substantial Owner (as defined in Part I, Chapter 34, Article V, Section 34-367 of the Cook County Code) who has admitted guilt or liability or has been adjudicated guilty or liable in any judicial or administrative proceeding of committing a repeated or willful violation of the Illinois Wage Payment and Collection Act, 820 ILCS 115/1 et seq., Illinois Minimum Wage Act, 820 ILCS 105/1 et seq., the Illinois Worker Adjustment and Retraining Notification Act, 820 ILCS 65/1 et seq., the Employee Classification Act, 820 ILCS 185/1 et seq., the Fair Labor Standards Act of 1938, 29 U.S.C. 201, et seq., or any comparable state statute or regulation of any state, which governs the payment of wages shall be ineligible to enter into a Contract with the County for a period of five years from the date of conviction, entry of a plea, administrative finding or admission of guilt.

(b) A person including a Substantial Owner who has admitted guilt or liability or has been adjudicated guilty or liable in any judicial or administrative proceeding of violating the Cook County Living Wage Ordinance (Section 42-7 - 42-15 of the Cook County Code) shall be ineligible to enter into a Contract with the County for a period of five years from the date of conviction, entry of a plea, administrative finding or admission of guilt.

~~(b)~~ (c) The CPO shall obtain an affidavit or certification from every Person or Substantial Owner (as defined in Part I, Chapter 34, Article V, Section 34-367 of the Cook County Code) from whom the County seeks to make a Contract with certifying that the Person seeking to do business with the County including its Substantial Owners (as defined in Part I, Chapter 34, Article V, Section 34-367 of the Cook County Code) has not violated the statutory provisions identified in Subsection (a) and or (b) of this Section.

~~(c)~~ (d) For Contracts entered into following the effective date of this Ordinance, if the County becomes aware that a Person including Substantial Owner (as defined in Part I, Chapter 34, Article V, Section 34-367 of the Cook County Code) under contract with the County is in violation of Subsection (a) or (b) of this Section, then, after notice from the County, any such violation(s) shall constitute a default under the Contract.

~~(d)~~ (e) If a Person including a Substantial Owner (as defined in Part I, Chapter 34, Article V, Section 34-367 of the Cook County Code) is ineligible to contract with the County due to the provisions of Subsection (a) or (b) of this Section, the Person seeking the Contract may submit a request for a reduction or waiver of the ineligibility period to the CPO. The request shall be in writing in a manner and form prescribed by the CPO and shall include one or more of the following actions have been taken:

- (1) There has been a bona fide change in ownership or Control of the ineligible Person or Substantial Owner;
- (2) Disciplinary action has been taken against the individual(s) responsible for the acts giving rise to the violation;
- (3) Remedial action has been taken to prevent a recurrence of the acts giving rise to the disqualification or default; or
- (4) Other factors that the Person or Substantial Owner believe are relevant.

The CPO shall review the documentation submitted, make any inquiries deemed necessary, request additional documentation where warranted and determine whether a reduction or waiver is appropriate. Should the CPO determine that a reduction or waiver of the ineligibility period is appropriate; the CPO shall submit its decision and findings to the County Board.

~~(e)~~ (f) A Using Agency may request an exception to such period of ineligibility by submitting a written request to the CPO, supported by facts that establish that it is in the best interests of the County that the Contract be made from such ineligible Person. The CPO shall review the documentation, make any inquiries deemed necessary, and determine whether the request should be approved. If an exception is granted, such exception shall apply to that Contract only and the period of ineligibility shall continue for its full term as to any other Contract. Said exceptions granted by the CPO shall be communicated to the County Board.

THEREFORE, BE IT FURTHER ORDAINED, by the Cook County Board of Commissioners, that Chapter 74, Taxation, Article 2, Real Property Taxation, Division 2, Classification System for Assessment, Section 74-74 are hereby amended as follows:

Sec. 74-74- Laws Regulating the Payment of Wages and Employer Paid Sick Leave

(a) Except where a Person has requested an exception from the Assessor and the County Board expressly finds that granting the exception is in the best interest of the County, such Person including any Substantial Owner (as defined in Part I, Chapter 34, Article V, Section 34-367 of the Cook County Code) shall be ineligible to receive any property tax incentive noted in Division 2 of this Article if, during the five year period prior to the date of the application, such Person or Substantial Owner (as defined in Part I, Chapter 34, Article V, Section 34-367 of the Cook County Code) admitted guilt or liability or has been adjudicated guilty or liable in any judicial or administrative proceeding of committing a repeated or willful violation of the Illinois Wage Payment and Collection Act, 820 ILCS 115/1 et seq., the Illinois Minimum Wage Act, 820 ILCS 105/1 et seq., the Illinois Worker Adjustment and Retraining Notification Act, 820 ILCS 65/1 et seq., the Worker Adjustment and Retraining Notification Act, 29 U.S.C. 2101 et seq., the Employee Classification Act, 820 ILCS 185/1 et. seq., the Fair Labor Standards Act of 1938, 29 U.S.C. 201, et seq., or any comparable state statute or regulation of any state, which governs the payment of wages.

(b) The Assessor shall obtain an affidavit or certification from every Person and Substantial Owner (as defined in Part I, Chapter 34, Article V, Section 34-367 of the Cook County Code) who seeks a property tax incentive from the County as noted in Division 2 of this Article certifying that the Person or Substantial Owner (as defined in Part I, Chapter 34, Article V, Section 34-367 of the Cook County Code) has not violated the statutory provisions identified in Subsection (a) of this Section.

(c) If the County or Assessor becomes aware that a Person or Substantial Owner (as defined in Part I, Chapter 34, Article V, Section 34-367 of the Cook County Code) has admitted guilt or liability or has been adjudicated guilty or liable in any judicial or administrative proceeding of committing a repeated or willful violation of the Illinois Wage Payment and Collection Act, 820 ILCS 115/1 et seq., the Illinois Minimum Wage Act, 820 ILCS 105/1 et seq., the Illinois Worker Adjustment and Retraining Notification Act, 820 ILCS 65/1 et seq., the Worker Adjustment and Retraining Notification Act, 29 U.S.C. 2101 et seq., the Employee Classification Act, 820 ILCS 185/1 et. seq., the Fair Labor Standards Act of 1938, 29 U.S.C. 201, et seq., or any comparable state statute or regulation of any state, which governs the payment of wages during the five year period prior to the date of the application, but after the County has reclassified the Person's or Substantial Owner's (as defined in Part I, Chapter 34, Article V, Section 34-367 of the Cook County Code) subject property under a property tax incentive classification, then, after notice from the Assessor of such violation, the Person or Substantial Owner shall have 45 days to cure its violation and request an exception or waiver from the Assessor. Failure to cure or obtain an exception or waiver of ineligibility from the Assessor shall serve as grounds for revocation of the classification as provided by the Assessor or by the County Board by Resolution or Ordinance. In case of revocation or cancellation, the Incentive Classification shall be deemed null and void for the tax year in which the incentive was revoked or cancelled as to the subject property. In such an instance, the taxpayer shall be liable for and shall reimburse to the County Collector an amount equal to the difference in the amount of taxes that would have been collected had the subject property not received the property tax incentive.

(d) The Assessor shall obtain an affidavit or certification from every Person and Substantial Owner who seeks a property tax incentive from the County that the applicant pays a Minimum Wage to its employees in accordance with Sections 42-7 through 42-15 of the Cook County Code.

THEREFORE BE IT FURTHER ORDAINED, by the Cook County Board of Commissioners, that Chapter 54, Licenses, Permits and Miscellaneous Business Regulations, Article X, General Business Licenses, Section 54-384 and Section 54-390 are hereby amended as follows:

Sec. 54-384. - License application.

All applications for a General Business License shall be made in writing and under oath to the Director of Revenue on a form provided for that purpose.

(a) Every application for a County General Business License shall be submitted and signed by the Person doing business or authorized representative of the Person doing business and shall contain the following:

- (1) Name of the applicant.
- (2) Business address.
- (3) Social security numbers, Tax ID number, and residence addresses of its sole proprietor or the three individuals who own the highest percentage interests in such Person and any other individual who owns five percent or more interest therein.
- (4) Pin number of the property or properties where the business is being operated.
- (5) A brief description of the business operations plan.
- (6) Sales tax allocation code. The sales tax allocation code identifies a specific sales tax geographic area and is used by the State of Illinois for sales tax allocation purposes.
- (7) Certification that applicant is in compliance with all applicable County Ordinances.
- (8) For Business Licenses applied for or renewed following the effective date of this provision, certification that the applicant has not, during the five-year period prior to the date of the application for a Business License, admitted guilt or liability or has been adjudicated guilty or liable in any judicial or administrative proceeding of committing a repeated or willful violation of the Illinois Wage Payment and Collection Act, 820 ILCS 115/1 et seq., the Illinois Minimum Wage Act, 820 ILCS 105/1 et seq., the Illinois Worker Adjustment and Retraining Notification Act, 820 ILCS 65/1 et seq., the Worker Adjustment and Retraining Notification Act, 29 U.S.C. 2101 et seq., the Employee Classification Act, 820 ILCS 185/1 et. seq., the Fair Labor Standards Act of 1938, 29 U.S.C. 201, et seq., or any comparable state statute or regulation of any state, which governs the payment of wages.
- (9) Certification that the applicant pays a Minimum Wage to its employees that conforms with Sections 42-7 - 42-15 of the Cook County Code

(b) The Director of Revenue shall be the custodian of all applications for licenses which [sic] under provisions of this Code. All information received by the Department from applications filed pursuant to this article or from any investigations conducted pursuant to this article, except for official County purposes, or as required by the Freedom of Information Act, shall be confidential.

(c) The General Business License applicant may be subject to an inspection by the following county departments including, but not limited to, Health, Building and Zoning and the Environment, prior to licensing.

(d) It shall be grounds for denial and/or revocation of any license issued under the provisions of this article whenever the license applicant knowingly includes false or incomplete information in the license application or is in violation of a County Ordinance.

Sec. 54-390. - Failure to comply-Code of Ordinances.

(a) Failure to comply with applicable Cook County Code of Ordinances may result in general business license suspension or revocation.

(b) Persons doing business in unincorporated Cook County must comply with this article and, including but not limited to, the following Cook County Code of Ordinances:

- (1) Chapter 30, Environment; or
- (2) Chapter 38, Article III, Public Health and Private Nuisances; or
- (3) Chapter 58: Article III, Offenses involving Public Safety, and Article IV, Offenses Involving Public Morals; or
- (4) The Cook County Building Ordinance, adopted originally on March 11, 1949, as amended, and/or the Cook County Building Code; or
- (5) Chapter 74 Taxation; or
- (6) The Cook County Zoning Ordinance, as amended; or
- (7) Chapter 42 Human Relations.

Effective Date: This Ordinance shall take effect immediately upon passage.

A motion was made by Chairman Suffredin, seconded by Commissioner Steele, to accept as substituted 16-5768. The motion carried by the following vote:

Ayes: Chairman Suffredin, Vice Chair Fritchey, Commissioners Arroyo, Boykin, Daley, Gainer, García, Goslin, Moody, Moore, Morrison, Schneider, Silvestri, Sims, Steele and Tobolski (16)

Absent: Commissioner Butler

**PROPOSED SUBSTITUTION ORDINANCE TO ITEM 16-5768 (10-25-2016)
For the 10-25-2016 Meeting of the Legislation and Intergovernmental Relations Committee**

Sponsored by: TONI PRECKWINKLE (President), LARRY SUFFREDIN, JOHN P. DALEY, LUIS ARROYO, RICHARD BOYKIN, JERRY BUTLER, JOHN FRITCHEY, BRIDGET GAINER, JESUS GARCIA, EDWARD M. NOODY, STANLEY MOORE, DEBORAH SIMS, ROBERT STEELE, and JEFFREY TOBOLSKI, Cook County Commissioners

AN ORDINANCE CREATING A MINIMUM WAGE IN COOK COUNTY

WHEREAS, Cook County, Illinois is a home-rule unit of government under Article VII, Section 6(a) of the 1970 Constitution of the State of Illinois and, as such, may regulate for the protection of the public welfare; and

WHEREAS, Promoting the welfare of those who work within the County's borders is an endeavor that plainly meets this criterion; and

WHEREAS, Enacting a minimum wage for workers in Cook County that exceeds the state minimum wage is entirely consistent with the Illinois General Assembly's finding that it "is against public policy for an employer to pay to his employees an amount less than that fixed by" the Illinois Minimum Wage Law, 820 ILCS 105/2; and

NOW, THEREFORE, BE IT ORDAINED, by the Cook County Board of Commissioners that Chapter 42 – Human Relations, Article I. – In General, Division 2, Cook County Minimum Wage Ordinance, Sections 42-7 – 42-19 are hereby enacted as follows:

Sec. 42-7 – Short Title.

This Division shall be known and may be cited as the Cook County Minimum Wage Ordinance.

Sec. 42-8 - Definitions.

For purposes of this Division, the following definitions apply:

“Covered Employee” means any Employee who is not subject to any of the exclusions set out in Section 42-12 below, and who, in any particular two-week period, performs at least two hours of work for an Employer while physically present within the geographic boundaries of Cook County. For purposes of this definition, time spent traveling in Cook County that is compensated time, including, but not limited to, deliveries, sales calls, and travel related to other business activity taking place within Cook County, shall constitute work while physically present within the geographic boundaries of Cook County; however, time spent traveling in Cook County that is uncompensated commuting time shall not constitute work while physically present within the geographic boundaries of Cook County.

“CPI” means the Consumer Price Index for All Urban Consumers most recently published by the Bureau of Labor Statistics of the United States Department of Labor.

“Director” means the Executive Director of the Cook County Commission on Human Rights.

“Domestic worker” means a person whose primary duties include housekeeping; house cleaning; home management; nanny services, including childcare and child monitoring; caregiving, personal care or home health services for elderly persons or persons with illnesses, injuries, or disabilities who require assistance in caring for themselves; laundering; cooking; companion services; chauffeuring; and other household services to members of households or their guests in or about a private home or residence, or any other location where the domestic work is performed.

“Employee”, “Gratuities”, and “Occupation” have the meanings ascribed to those terms in the Minimum Wage Law, with the exception that all Domestic Workers, including Domestic Workers employed by Employers with fewer than 4 employees, shall fall under the definition of the term “Employee”.

“Employer” means any individual, partnership, association, corporation, limited liability company, business trust, or any person or group of persons that gainfully employs at least one Covered Employee. To qualify as an Employer, such individual, group, or entity must (1) maintain a business facility within the geographic boundaries of Cook County and/or (2) be subject to one or more of the license requirements in Chapter 54 of this Code.

“Fair Labor Standards Act” means the United States Fair Labor Standards Act of 1938, 29 USC § 201 et seq., in force on the effective date of this chapter and as thereafter amended.

“Minimum Wage Law” means the Illinois Minimum Wage Law, 820 ILCS 105/1 et seq., in force on the effective date of this chapter and as thereafter amended.

“Subsidized Temporary Youth Employment Program” means any publicly subsidized summer or other temporary youth employment program through which persons aged 24 or younger are employed by, or engaged in employment coordinated by, a nonprofit organization or governmental entity.

“Subsidized Transitional Employment Program” means any publicly subsidized temporary employment program through which persons with unsuccessful employment histories and/or members of statistically hard-to-employ populations (such as formerly homeless persons, the long-term unemployed, and formerly incarcerated persons) are provided temporary paid employment and case-managed services under a program administered by a nonprofit organization or governmental entity, with the goal of transitioning program participants into unsubsidized employment.

“Tipped Employee” has the meaning ascribed that term in the Fair Labor Standards Act.

“Wage” means compensation due an Employee by reason of his employment.

Sec. 42-9 – Minimum Hourly Wage.

Except as provided in Sections 42-10 of this Code, every Employer shall pay no less than the following Wages to each Covered Employee for each hour of work performed for that Employer while physically present within the geographic boundaries of Cook County:

- (a) Beginning on July 1, 2017, the greater of: (1) the minimum hourly Wage set by the Minimum Wage Law; (2) the minimum hourly Wage set by the Fair Labor Standards Act; or (3) \$10.00 per hour.
- (b) Beginning on July 1, 2018, the greater of: (1) the minimum hourly Wage set by the Minimum Wage Law; (2) the minimum hourly Wage set by the Fair Labor Standards Act; or (3) \$11.00 per hour.

(c) Beginning on July 1, 2019, the greater of: (1) the minimum hourly Wage set by the Minimum Wage Law; (2) the minimum hourly Wage set by the Fair Labor Standards Act; or (3) \$12.00 per hour.

(d) Beginning on July 1, 2020, the greater of: (1) the minimum hourly Wage set by the Minimum Wage Law; (2) the minimum hourly Wage set by the Fair Labor Standards Act; or (3) \$13.00 per hour.

(e) Beginning on July 1, 2021, and on every July 1 thereafter, the greater of: (1) the minimum hourly Wage set by the Minimum Wage Law; (2) the minimum hourly Wage set by the Fair Labor Standards Act; or (3) Cook County's minimum hourly Wage from the previous year, increased in proportion to the increase, if any, in the CPI, provided, however, that if the CPI increases by more than 2.5 percent in any year, the Cook County minimum Wage increase shall be capped at 2.5 percent, and that there shall be no Cook County minimum Wage increase in any year when the unemployment rate in Cook County for the preceding year, as calculated by the Illinois Department of Employment Security, was equal to or greater than 8.5 percent. Any increase pursuant to subsection 42-9(e) shall be rounded up to the nearest multiple of \$0.05. Any increase pursuant to subsection 42-9(e) shall remain in effect until any subsequent adjustment is made. On or before June 1, 2021, and on or before every June 1 thereafter, the Director shall make available to Employers a bulletin announcing the adjusted minimum hourly Wage for the upcoming year.

Sec. 42-10 – Minimum hourly wage in occupations receiving gratuities.

(a) Every Employer of a Covered Employee engaged in an Occupation in which Gratuities have customarily and usually constituted part of the remuneration shall pay no less than the following Wage to each Covered Employee for each hour of work performed for that Employer while physically present within the geographic boundaries of the County:

(1) Beginning on July 1, 2017, the greater of: (A) the minimum hourly Wage set by the Fair Labor Standards Act for Tipped Employees; or (B) the minimum hourly Wage set by the Minimum Wage Law for workers who receive Gratuities.

(2) Beginning on July 1, 2018, and on every July 1 thereafter, the greater of (A) the minimum hourly Wage set by the Fair Labor Standards Act for tipped workers; (B) the minimum hourly Wage set by the Minimum Wage Law for workers who receive Gratuities; or (C) Cook County's minimum hourly Wage from the previous year for workers who receive Gratuities, increased in proportion to the increase, if any, in the CPI, provided, however, that if the CPI increases by more than 2.5 percent in any year, the Cook County minimum Wage increase for workers who receive Gratuities shall be capped at 2.5 percent, and that there shall be no Cook County minimum Wage increase for workers who receive Gratuities in any year when the unemployment rate in Cook County for the preceding year, as calculated by the Illinois Department of Employment Security, was equal to or greater than 8.5 percent. Any increase pursuant to subsection 42-10 (a)(3)(C) shall be rounded up to the nearest multiple of \$0.05. Any increase pursuant to subsection 42-10 (a)(3) shall remain in effect until any subsequent adjustment is made. On or before June 1, 2018, and on or before every June 1 thereafter, the Director shall make available to Employers a bulletin announcing Cook County's minimum hourly Wage for the upcoming year for workers who receive Gratuities.

(b) Each Employer that pays a Covered Employee the Wage described in subsection 42-10 (a) shall transmit to the Director, in a manner provided by regulation, substantial evidence establishing: (1) the amount the Covered Employee received as Gratuities during the relevant pay period; and (2) that no part of that amount was returned to the Employer. If an Employer is required by the Minimum Wage Law to provide substantially similar data to the Illinois Department of Labor, the Director may allow the Employer to comply with this subsection 42-10 (b) by filing a copy of the state documentation.

Sec. 42-11 – Overtime compensation.

The Wages set out in Sections 42-9 and 42-10 are subject to the overtime compensation provisions in the Minimum Wage Law, with the exception that the definitions of “Employer” and “Employee” in this chapter shall apply.

Sec. 42-12 - Exclusions.

This chapter shall not apply to hours worked:

(a) By any person subject to subsection 4(a)(2) of the Minimum Wage Law, with the exception that the categories of Employees described in subsections 4(a)(2)(A) and 4(a)(2)(B) of the Minimum Wage Law shall be entitled to the Wages described in Sections 42-9 and 42-10 , whichever applies, as well as the overtime compensation described in Section 42-11;

(b) By any person subject to subsection 4(a)(3), subsection 4(d), subsection 4(e), Section 5, or Section 6 of the Minimum Wage Law;

(c) For any governmental entity other than the Cook County, a category that, for purposes of this chapter, includes, but is not limited to, any unit of local government, the Illinois state government, and the government of the United States, as well as any other federal, state, or local governmental agency or department;

(d) For any Subsidized Temporary Youth Employment Program; or

(e) For any Subsidized Transitional Employment Program.

Sec. 42-13 – Applications to Collective Bargaining Agreements.

Nothing in this chapter shall be deemed to interfere with, impede, or in any way diminish the right of employees to bargain collectively with their employers through representatives of their own choosing in order to establish wages or other conditions of work in excess of the applicable minimum standards of the provisions of this chapter. The requirements of this chapter may be waived in a bona fide collective bargaining agreement, but only if the waiver is set forth explicitly in such agreement in clear and unambiguous terms.

Sec. 42-14 – Applications to the Cook County Living Wage Ordinance for Procurements.

Nothing in this chapter shall be deemed conflict with Article IV, Division 3 of the Cook County Code. All Contractors must comply with the Wage Requirements set forth in Article IV, Division 3, even if the wages required to be paid are higher than those set forth within this chapter.

Sec. 42-15 – Notice and Posting.

(a) Every Employer shall post in a conspicuous place at each facility where any Covered Employee works that is located within the geographic boundaries of Cook County a notice advising the Covered Employee of the current minimum Wages under this chapter, and of his rights under this chapter. The Director shall prepare and make available a form notice that satisfies the requirements of this subsection 42-14 (a). Employers that do not maintain a business facility within the geographic boundaries of Cook County and households that serve as the worksites for Domestic Workers are exempt from this subsection 42-14(a).

(b) Every Employer shall provide with the first paycheck subject to this chapter issued to a Covered Employee a notice advising the Covered Employee of the current minimum Wages under this chapter, and of the Employee’s rights under this chapter. The Director shall prepare and make available a form notice that satisfies the requirements of this subsection 42-14(b).

Sec. 42-16 – Retaliation Prohibited.

It shall be unlawful for any Employer to discriminate in any manner or take any adverse action against any Covered Employee in retaliation for exercising any right under this chapter, including, but not limited to, disclosing, reporting, or testifying about any violation of this chapter or regulations promulgated thereunder. For purposes of this Section, prohibited adverse actions include, but are not limited to, unjustified termination, unjustified denial of promotion, unjustified negative evaluations, punitive schedule changes, punitive decreases in the desirability of work assignments, and other acts of harassment shown to be linked to such exercise of rights.

Sec. 42-17 – Enforcement – Regulations.

The Cook County Commission on Human Rights shall enforce this chapter, and the Director is authorized to adopt regulations for the proper administration and enforcement of its provisions.

Sec. 42-18 – Violation – Penalty.

Any Employer who violates this chapter or any regulation promulgated thereunder shall be subject to a fine of not less than \$500.00 nor more than \$1,000.00 for each offense. Each day that a violation continues shall constitute a separate and distinct offense to which a separate fine shall apply.

Sec. 42-19 – Private Cause of Action.

If any Covered Employee is paid by his Employer less than the Wage to which he is entitled under this chapter, the Covered Employee may recover in a civil action three times the amount of any such underpayment, together with costs and such reasonable attorney’s fees as the court allows. An agreement by the Covered Employee to work for less than the Wage required under this chapter is no defense to such action.

THEREFORE, BE IT FURTHER ORDAINED, by the Cook County Board of Commissioners, that Chapter 34, Finance, Article IV, Procurement, Division 4, Disqualifications and Penalties, Section 34-179 shall be amended as follows:

Sec. 34-179. - Disqualification due to violation of laws related to the payment of wages and Employer Paid Sick Leave Ordinance.

(a) A Person including a Substantial Owner (as defined in Part I, Chapter 34, Article V, Section 34-367 of the Cook County Code) who has admitted guilt or liability or has been adjudicated guilty or liable in any judicial or administrative proceeding of committing a repeated or willful violation of the Illinois Wage Payment and Collection Act, 820 ILCS 115/1 et seq., Illinois Minimum Wage Act, 820 ILCS 105/1 et seq., the Illinois Worker Adjustment and Retraining Notification Act, 820 ILCS 65/1 et seq., the Employee

Classification Act, 820 ILCS 185/1 et seq., the Fair Labor Standards Act of 1938, 29 U.S.C. 201, et seq., or any comparable state statute or regulation of any state, which governs the payment of wages shall be ineligible to enter into a Contract with the County for a period of five years from the date of conviction, entry of a plea, administrative finding or admission of guilt.

(b) A person including a Substantial Owner who has admitted guilt or liability or has been adjudicated guilty or liable in any judicial or administrative proceeding of violating the Cook County Minimum Wage Ordinance (Section 42-7 – 42-15 of the Cook County Code) shall be ineligible to enter into a Contract with the County for a period of five years from the date of conviction, entry of a plea, administrative finding or admission of guilt.

(c) The CPO shall obtain an affidavit or certification from every Person or Substantial Owner (as defined in Part I, Chapter 34, Article V, Section 34-367 of the Cook County Code) from whom the County seeks to make a Contract with certifying that the Person seeking to do business with the County including its Substantial Owners (as defined in Part I, Chapter 34, Article V, Section 34-367 of the Cook County Code) has not violated the statutory provisions identified in Subsection (a) and or (b) of this Section.

(d) For Contracts entered into following the effective date of this Ordinance, if the County becomes aware that a Person including Substantial Owner (as defined in Part I, Chapter 34, Article V, Section 34-367 of the Cook County Code) under contract with the County is in violation of Subsection (a) or (b) of this Section, then, after notice from the County, any such violation(s) shall constitute a default under the Contract.

(e) If a Person including a Substantial Owner (as defined in Part I, Chapter 34, Article V, Section 34-367 of the Cook County Code) is ineligible to contract with the County due to the provisions of Subsection (a) or (b) of this Section, the Person seeking the Contract may submit a request for a reduction or waiver of the ineligibility period to the CPO. The request shall be in writing in a manner and form prescribed by the CPO and shall include one or more of the following actions have been taken:

- (1) There has been a bona fide change in ownership or Control of the ineligible Person or Substantial Owner;
- (2) Disciplinary action has been taken against the individual(s) responsible for the acts giving rise to the violation;
- (3) Remedial action has been taken to prevent a recurrence of the acts giving rise to the disqualification or default; or
- (4) Other factors that the Person or Substantial Owner believe are relevant.

The CPO shall review the documentation submitted, make any inquiries deemed necessary, request additional documentation where warranted and determine whether a reduction or waiver is appropriate. Should the CPO determine that a reduction or waiver of the ineligibility period is appropriate; the CPO shall submit its decision and findings to the County Board.

(f) A Using Agency may request an exception to such period of ineligibility by submitting a written request to the CPO, supported by facts that establish that it is in the best interests of the County that the Contract be made from such ineligible Person. The CPO shall review the documentation, make any inquiries deemed necessary, and determine whether the request should be approved. If an exception is granted, such exception shall apply to that Contract only and the period of ineligibility shall continue for its full term as to any other Contract. Said exceptions granted by the CPO shall be communicated to the County Board.

THEREFORE, BE IT FURTHER ORDAINED, by the Cook County Board of Commissioners, that Chapter 74, Taxation, Article 2, Real Property Taxation, Division 2, Classification System for Assessment, Section 74-74 are hereby amended as follows:

Sec. 74-74- Laws Regulating the Payment of Wages and Employer Paid Sick Leave

(a) Except where a Person has requested an exception from the Assessor and the County Board expressly finds that granting the exception is in the best interest of the County, such Person including any Substantial Owner (as defined in Part I, Chapter 34, Article V, Section 34-367 of the Cook County Code) shall be ineligible to receive any property tax incentive noted in Division 2 of this Article if, during the five year period prior to the date of the application, such Person or Substantial Owner (as defined in Part I, Chapter 34, Article V, Section 34-367 of the Cook County Code) admitted guilt or liability or has been adjudicated guilty or liable in any judicial or administrative proceeding of committing a repeated or willful violation of the Illinois Wage Payment and Collection Act, 820 ILCS 115/1 et seq., the Illinois Minimum Wage Act, 820 ILCS 105/1 et seq., the Illinois Worker Adjustment and Retraining Notification Act, 820 ILCS 65/1 et seq., the Worker Adjustment and Retraining Notification Act, 29 U.S.C. 2101 et seq., the Employee Classification Act, 820 ILCS 185/1 et. seq., the Fair Labor Standards Act of 1938, 29 U.S.C. 201, et seq., or any comparable state statute or regulation of any state, which governs the payment of wages.

(b) The Assessor shall obtain an affidavit or certification from every Person and Substantial Owner (as defined in Part I, Chapter 34, Article V, Section 34-367 of the Cook County Code) who seeks a property tax incentive from the County as noted in Division 2 of this Article certifying that the Person or Substantial Owner (as defined in Part I, Chapter 34, Article V, Section 34-367 of the Cook County Code) has not violated the statutory provisions identified in Subsection (a) of this Section.

(c) If the County or Assessor becomes aware that a Person or Substantial Owner (as defined in Part I, Chapter 34, Article V, Section 34-367 of the Cook County Code) has admitted guilt or liability or has been adjudicated guilty or liable in any judicial or administrative proceeding of committing a repeated or willful violation of the Illinois Wage Payment and Collection Act, 820 ILCS 115/1 et seq., the Illinois Minimum Wage Act, 820 ILCS 105/1 et seq., the Illinois Worker Adjustment and Retraining Notification Act, 820 ILCS 65/1 et seq., the Worker Adjustment and Retraining Notification Act, 29 U.S.C. 2101 et seq., the Employee Classification Act, 820 ILCS 185/1 et. seq., the Fair Labor Standards Act of 1938, 29 U.S.C. 201, et seq., or any comparable state statute or regulation of any state, which governs the payment of wages during the five year period prior to the date of the application, but after the County has reclassified the Person's or Substantial Owner's (as defined in Part I, Chapter 34, Article V, Section 34-367 of the Cook County Code) subject property under a property tax incentive classification, then, after notice from the Assessor of such violation, the Person or Substantial Owner shall have 45 days to cure its violation and request an exception or waiver from the Assessor. Failure to cure or obtain an exception or waiver of ineligibility from the Assessor shall serve as grounds for revocation of the classification as provided by the Assessor or by the County Board by Resolution or Ordinance. In case of revocation or cancellation, the Incentive Classification shall be deemed null and void for the tax year in which the incentive was revoked or cancelled as to the subject property. In such an instance, the taxpayer shall be liable for and shall reimburse to the County Collector an amount equal to the difference in the amount of taxes that would have been collected had the subject property not received the property tax incentive.

(d) The Assessor shall obtain an affidavit or certification from every Person and Substantial Owner who seeks a property tax incentive from the County that the applicant pays a Wage as defined in Section 42-8 to its employees in accordance with Sections 42-7 through 42-15 of the Cook County Code.

THEREFORE BE IT FURTHER ORDAINED, by the Cook County Board of Commissioners, that Chapter 54, Licenses, Permits and Miscellaneous Business Regulations, Article X, General Business Licenses, Section 54-384 and Section 54-390 are hereby amended as follows:

Sec. 54-384. - License application.

All applications for a General Business License shall be made in writing and under oath to the Director of Revenue on a form provided for that purpose.

(a) Every application for a County General Business License shall be submitted and signed by the Person doing business or authorized representative of the Person doing business and shall contain the following:

- (1) Name of the applicant.
- (2) Business address.
- (3) Social security numbers, Tax ID number, and residence addresses of its sole proprietor or the three individuals who own the highest percentage interests in such Person and any other individual who owns five percent or more interest therein.
- (4) Pin number of the property or properties where the business is being operated.
- (5) A brief description of the business operations plan.
- (6) Sales tax allocation code. The sales tax allocation code identifies a specific sales tax geographic area and is used by the State of Illinois for sales tax allocation purposes.
- (7) Certification that applicant is in compliance with all applicable County Ordinances.
- (8) For Business Licenses applied for or renewed following the effective date of this provision, certification that the applicant has not, during the five-year period prior to the date of the application for a Business License, admitted guilt or liability or has been adjudicated guilty or liable in any judicial or administrative proceeding of committing a repeated or willful violation of the Illinois Wage Payment and Collection Act, 820 ILCS 115/1 et seq., the Illinois Minimum Wage Act, 820 ILCS 105/1 et seq., the Illinois Worker Adjustment and Retraining Notification Act, 820 ILCS 65/1 et seq., the Worker Adjustment and Retraining Notification Act, 29 U.S.C. 2101 et seq., the Employee Classification Act, 820 ILCS 185/1 et. seq., the Fair Labor Standards Act of 1938, 29 U.S.C. 201, et seq., or any comparable state statute or regulation of any state, which governs the payment of wages.
- (9) Certification that the applicant pays a Wage as defined in Section 42-8 to its employees that conforms with Sections 42-7 – 42-15 of the Cook County Code

(b) The Director of Revenue shall be the custodian of all applications for licenses which [sic] under provisions of this Code. All information received by the Department from applications filed pursuant to this article or from any investigations conducted pursuant to this article, except for official County purposes, or as required by the Freedom of Information Act, shall be confidential.

(c) The General Business License applicant may be subject to an inspection by the following county departments including, but not limited to, Health, Building and Zoning and the Environment, prior to licensing.

(d) It shall be grounds for denial and/or revocation of any license issued under the provisions of this article whenever the license applicant knowingly includes false or incomplete information in the license application or is in violation of a County Ordinance.

Sec. 54-390. - Failure to comply-Code of Ordinances.

(a) Failure to comply with applicable Cook County Code of Ordinances may result in general business license suspension or revocation.

(b) Persons doing business in unincorporated Cook County must comply with this article and, including but not limited to, the following Cook County Code of Ordinances:

- (1) Chapter 30, Environment; or
- (2) Chapter 38, Article III, Public Health and Private Nuisances; or
- (3) Chapter 58: Article III, Offenses involving Public Safety, and Article IV, Offenses Involving Public Morals; or
- (4) The Cook County Building Ordinance, adopted originally on March 11, 1949, as amended, and/or the Cook County Building Code; or
- (5) Chapter 74 Taxation; or
- (6) The Cook County Zoning Ordinance, as amended; or
- (7) Chapter 42 Human Relations.

Effective Date: This Ordinance shall take effect immediately upon passage.

A motion was made by Chairman Suffredin, seconded by Commissioner Steele, to recommend for approval as substituted 16-5768. The motion carried by the following vote:

Ayes: Chairman Suffredin, Vice Chair Fritchey, Commissioners Arroyo, Boykin, Daley, Gainer, García, Moody, Moore, Sims, Steele and Tobolski (12)

Nayes: Commissioners Goslin, Morrison and Schneider (3)

Present: Commissioner Silvestri (1)

Absent: Commissioner Butler (1)

ADJOURNMENT

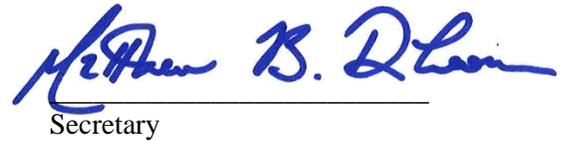
A motion was made by Commissioner Silvestri, seconded by Commissioner Steele, to adjourn the meeting. The motion carried by the following vote:

Ayes: Chairman Suffredin, Vice Chair Fritchey, Commissioners Arroyo, Boykin, Daley, Gainer, García, Goslin, Moody, Moore, Morrison, Schneider, Silvestri, Sims, Steele and Tobolski (16)

Absent: Commissioner Butler

Respectfully submitted,


Chairman


Secretary

*A video recording of this meeting is available at <https://cook-county.legistar.com>