SENATE JOURNAL

STATE OF ILLINOIS

ONE HUNDRED THIRD GENERAL ASSEMBLY

96TH LEGISLATIVE DAY

WEDNESDAY, APRIL 10, 2024

11:38 O'CLOCK A.M.

NO. 96
[April 10, 2024]

SENATE
Daily Journal Index
96th Legislative Day

The Senate met pursuant to adjournment.
Senator Omar Aquino, Chicago, Illinois, presiding.
Prayer by Pastor Curt Fleck, Civil Servant Ministries, Springfield, Illinois.
Senator Johnson led the Senate in the Pledge of Allegiance.

Senator Hunter moved that reading and approval of the Journal of Tuesday, April 9, 2024, be postponed, pending arrival of the printed Journal.
The motion prevailed.

LEGISLATIVE MEASURES FILED

The following Floor amendments to the Senate Bills listed below have been filed with the Secretary and referred to the Committee on Assignments:

Amendment No. 2 to Senate Bill 692
Amendment No. 1 to Senate Bill 3359
Amendment No. 3 to Senate Bill 3630

The following Committee amendments to the Senate Bills listed below have been filed with the Secretary and referred to the Committee on Assignments:

Amendment No. 1 to Senate Bill 3731
Amendment No. 1 to Senate Bill 3907

COMMUNICATION FROM THE MINORITY LEADER

SPRINGFIELD OFFICE:
108 STATE HOUSE
SPRINGFIELD, ILLINOIS 62706
PHONE: 217/782-9407

DISTRICT OFFICE:
1011 STATE ST.
SUITE 205
LEMONT, ILLINOIS 62706
PHONE: 630.914.5733
SENATORCURRAN@GMAIL.COM

ILLINOIS STATE SENATE
JOHN CURRAN
SENATE REPUBLICAN LEADER
41ST SENATE DISTRICT

April 10, 2024

Mr. Tim Anderson
Secretary of the Senate
058 State House
Springfield, IL 62706

Dear Mr. Secretary:

Pursuant to Rule 3-5 (c), I hereby temporarily appoint **Senator DeWitte** to replace **Senator Anderson** as a member of the **Senate Appropriations - Public Safety and Infrastructure Committee**. This appointment is effective April 10, 2024, and will automatically expire upon adjournment of the **Senate Appropriations - Public Safety and Infrastructure Committee** on Wednesday, April 10, 2024.

Sincerely,
s/John F. Curran
John F. Curran

Illinois Senate Republican Leader
41st District

Cc: Senate President Don Harmon
Assistant Secretary of the Senate Scott Kaiser

COMMUNICATION

Ann Gillespie
SENATOR • 27th SENATE DISTRICT

April 9, 2024

Illinois State Senate
Office of the Secretary of the Senate
Secretary Tim Anderson
058 State Capitol
Springfield, IL 62706

RE: Resignation of
Ann Gillespie
State Senator, 27th Legislative District

Dear Secretary Anderson:

This document shall serve as my letter of resignation as an Illinois State Senator.

I, Ann Gillespie, do hereby resign the Office of State Senator, 27th Legislative District, effective April 14, 2024 at 11:59pm.

It has been an honor to serve the people of the 27th District and the State of Illinois in the Illinois State Senate. I thank my colleagues and staff for all their friendship and assistance. I look forward to my next chapter of my public services with the Department of Insurance.

Sincerely,
s/Ann Gillespie
Ann Gillespie
State Senator • 27th District

CC: Don Harmon, President of the Illinois Senate
John Curran, Senate Minority Leader
Secretary of State, Index Department
State Board of Elections
Office of the Comptroller

PRESENTATION OF CELEBRATION OF LIFE RESOLUTION

SENATE RESOLUTION NO. 908

Offered by Senator Murphy and all Senators:
Mourns the death of Robert James Ryan.

By unanimous consent, the foregoing resolution was referred to the Resolutions Consent Calendar.

REPORTS FROM STANDING COMMITTEES

Senator Johnson, Chair of the Committee on Education, to which was referred the following Senate floor amendments, reported that the Committee recommends do adopt:

Senate Amendment No. 1 to Senate Bill 458
Senate Amendment No. 1 to Senate Bill 463
Senate Amendment No. 1 to Senate Bill 464
Senate Amendment No. 1 to Senate Bill 3156
Senate Amendment No. 1 to Senate Bill 3166

Under the rules, the foregoing floor amendments are eligible for consideration on second reading.

Senator Martwick, Chair of the Committee on Judiciary, to which was referred **Senate Bills Numbered 2788 and 3288**, reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.

Under the rules, the bills were ordered to a second reading.

Senator Martwick, Chair of the Committee on Judiciary, to which was referred the following Senate floor amendments, reported that the Committee recommends do adopt:

Senate Amendment No. 1 to Senate Bill 691
Senate Amendment No. 1 to Senate Bill 771
Senate Amendment No. 1 to Senate Bill 2764
Senate Amendment No. 2 to Senate Bill 2799
Senate Amendment No. 2 to Senate Bill 2919
Senate Amendment No. 2 to Senate Bill 2933
Senate Amendment No. 2 to Senate Bill 2978
Senate Amendment No. 2 to Senate Bill 3310
Senate Amendment No. 1 to Senate Bill 3343
Senate Amendment No. 1 to Senate Bill 3367
Senate Amendment No. 2 to Senate Bill 3678
Senate Amendment No. 3 to Senate Bill 3696

Under the rules, the foregoing floor amendments are eligible for consideration on second reading.

Senator Villa, Chair of the Committee on Public Health, to which was referred the following Senate floor amendments, reported that the Committee recommends do adopt:

Senate Amendment No. 2 to Senate Bill 2617
Senate Amendment No. 3 to Senate Bill 3350
Senate Amendment No. 1 to Senate Bill 3547

Under the rules, the foregoing floor amendments are eligible for consideration on second reading.

Senator Villa, Chair of the Committee on Public Health, to which was referred **Senate Resolutions Numbered 802 and 820**, reported the same back with the recommendation that the resolutions be adopted.

Under the rules, **Senate Resolutions Numbered 802 and 820** were placed on the Secretary's Desk.

Senator Morrison, Chair of the Committee on Health and Human Services, to which was referred the following Senate floor amendments, reported that the Committee recommends do adopt:

Senate Amendment No. 1 to Senate Bill 857
Senate Amendment No. 3 to Senate Bill 3115
Senate Amendment No. 1 to Senate Bill 3691
Senate Amendment No. 2 to Senate Bill 3753

Under the rules, the foregoing floor amendments are eligible for consideration on second reading.

Senator Villivalam, Chair of the Committee on Transportation, to which was referred the following Senate floor amendments, reported that the Committee recommends do adopt:

Senate Amendment No. 2 to Senate Bill 2654
Senate Amendment No. 1 to Senate Bill 3175
Senate Amendment No. 1 to Senate Bill 3775

Under the rules, the foregoing floor amendments are eligible for consideration on second reading.

Senator Halpin, Chair of the Committee on Higher Education, to which was referred the following Senate floor amendments, reported that the Committee recommends do adopt:

Senate Amendment No. 1 to Senate Bill 331
Senate Amendment No. 1 to Senate Bill 461
Senate Amendment No. 1 to Senate Bill 2862
Senate Amendment No. 2 to Senate Bill 3081

Under the rules, the foregoing floor amendments are eligible for consideration on second reading.

Senator Ellman, Vice-Chair of the Committee on Financial Institutions, to which was referred the following Senate floor amendments, reported that the Committee recommends do adopt:

Senate Amendment No. 2 to Senate Bill 3157
Senate Amendment No. 1 to Senate Bill 3687

Under the rules, the foregoing floor amendments are eligible for consideration on second reading.

Senator N. Harris, Chair of the Committee on Insurance, to which was referred the following Senate floor amendments, reported that the Committee recommends do adopt:

Senate Amendment No. 1 to Senate Bill 773
Senate Amendment No. 1 to Senate Bill 2639
Senate Amendment No. 1 to Senate Bill 2641
Senate Amendment No. 2 to Senate Bill 2697
Senate Amendment No. 2 to Senate Bill 3130
Senate Amendment No. 3 to Senate Bill 3414
Senate Amendment No. 1 to Senate Bill 3599

Under the rules, the foregoing floor amendments are eligible for consideration on second reading.

Senator Fine, Chair of the Committee on Behavioral and Mental Health, to which was referred the following Senate floor amendments, reported that the Committee recommends do adopt:

Senate Amendment No. 2 to Senate Bill 647
Senate Amendment No. 3 to Senate Bill 3137

Under the rules, the foregoing floor amendments are eligible for consideration on second reading.

Senator Fine, Chair of the Committee on Behavioral and Mental Health, to which was referred **Senate Resolutions Numbered 796 and 811**, reported the same back with the recommendation that the resolutions be adopted.

Under the rules, **Senate Resolutions Numbered 796 and 811** were placed on the Secretary's Desk.

Senator Peters, Chair of the Committee on Labor, to which was referred the following Senate floor amendments, reported that the Committee recommends do adopt:

Senate Amendment No. 1 to Senate Bill 2737
Senate Amendment No. 1 to Senate Bill 3208
Senate Amendment No. 2 to Senate Bill 3646

Under the rules, the foregoing floor amendments are eligible for consideration on second reading.

INTRODUCTION OF BILLS

SENATE BILL NO. 3923. Introduced by Senator Villivalam, a bill for AN ACT concerning appropriations.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Assignments.

SENATE BILL NO. 3924. Introduced by Senator Sims, a bill for AN ACT concerning appropriations.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Assignments.

SENATE BILL NO. 3925. Introduced by Senator Sims, a bill for AN ACT concerning appropriations.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Assignments.

APPOINTMENT MESSAGES

Appointment Message No. 1030460

To the Honorable Members of the Senate, One Hundred Third General Assembly:

I, JB Pritzker, Governor, am nominating and, having sought the advice of the Senate and by and with the consent of the Senate, appointing the following named individual to the office enumerated below. The consent of this Honorable Body is respectfully requested.

Title of Office: Director

Agency or Other Body: Illinois Department of Insurance

Start Date: April 15, 2024

End Date: January 20, 2025

Name: Ann R. Gillespie

Residence: 320 W. Washington St., Springfield, IL 62701

Annual Compensation: $189,000 per annum

Per diem: Not Applicable

Nominee's Senator: Senator Don Harmon

Most Recent Holder of Office: Dana Allison Popish Severinghaus

Superseded Appointment Message: Not Applicable

Appointment Message No. 1030461

To the Honorable Members of the Senate, One Hundred Third General Assembly:

I, JB Pritzker, Governor, am nominating and, having sought the advice of the Senate and by and with the consent of the Senate, appointing the following named individual to the office enumerated below. The consent of this Honorable Body is respectfully requested.

Title of Office: Member

Agency or Other Body: Energy Workforce Advisory Council

Start Date: April 8, 2024

End Date: Not Applicable

Name: John E. Pady

Residence: 14124 S. Cedar Rd., Homer Glen, IL 60491

Annual Compensation: Expenses

Per diem: Not Applicable

Nominee's Senator: Senator Michael E. Hastings

Most Recent Holder of Office: New Position

Superseded Appointment Message: Not Applicable

Appointment Message No. 1030462

To the Honorable Members of the Senate, One Hundred Third General Assembly:

I, JB Pritzker, Governor, am nominating and, having sought the advice of the Senate and by and with the consent of the Senate, appointing the following named individual to the office enumerated below. The consent of this Honorable Body is respectfully requested.

Title of Office: Member

Agency or Other Body: State Employees Retirement System Board of Trustees

Start Date: April 8, 2024

End Date: June 29, 2024

Name: Danny Silverthorn

Residence: 302 Highland Pl., Washington, IL 61571

Annual Compensation: Expenses

Per diem: Not Applicable

Nominee's Senator: Senator Tom Bennett

Most Recent Holder of Office: Danny Silverthorn

Superseded Appointment Message: Not Applicable

Appointment Message No. 1030463

To the Honorable Members of the Senate, One Hundred Third General Assembly:

I, JB Pritzker, Governor, am nominating and, having sought the advice of the Senate and by and with the consent of the Senate, appointing the following named individual to the office enumerated below. The consent of this Honorable Body is respectfully requested.

Title of Office: Member

Agency or Other Body: State Employees Retirement System Board of Trustees

Start Date: June 30, 2024

End Date: June 29, 2029

Name: Danny Silverthorn

Residence: 302 Highland Pl., Washington, IL 61571

Annual Compensation: Expenses

Per diem: Not Applicable

Nominee's Senator: Senator Tom Bennett

Most Recent Holder of Office: Danny Silverthorn

Superseded Appointment Message: Not Applicable

Under the rules, the foregoing Appointment Messages were referred to the Committee on Executive Appointments.

READING BILLS OF THE SENATE A SECOND TIME

On motion of Senator Plummer, **Senate Bill No. 2617** having been printed, was taken up, read by title a second time.

The following amendment was offered in the Committee on Public Health, adopted and ordered printed:

AMENDMENT NO. 1 TO SENATE BILL 2617

AMENDMENT NO. 1 . Amend Senate Bill 2617 by replacing everything after the enacting clause with the following:

"Section 5. The Food Handling Regulation Enforcement Act is amended by changing Section 4 as follows:

(410 ILCS 625/4)

Sec. 4. Cottage food operation.

(a) For the purpose of this Section:

A food is "acidified" if: (i) acid or acid ingredients are added to it to produce a final equilibrium pH of 4.6 or below and a water activity greater than 0.85; or (ii) it is fermented to produce a final equilibrium pH of 4.6 or below.

"Canned food" means food that has been heat processed sufficiently under United States Department of Agriculture guidelines to enable storing the food at normal home temperatures.

"Cottage food operation" means an operation conducted by a person who produces or packages food or drink, other than foods and drinks listed as prohibited in paragraph (1.5) of subsection (b) of this Section, in a kitchen located in that person's primary domestic residence or another appropriately designed and equipped kitchen on a farm for direct sale by the owner, a family member, or employee.

"Cut leafy greens" means fresh leafy greens whose leaves have been cut, shredded, sliced, chopped, or torn. "Cut leafy greens" does not mean cut-to-harvest leafy greens.

"Department" means the Department of Public Health.

"Employee" means a person who is employed by and receives monetary compensation from a cottage food operator.

"Equilibrium pH" means the final potential of hydrogen measured in an acidified food after all the components of the food have achieved the same acidity.

"Farmers' market" means a common facility or area where farmers gather to sell a variety of fresh fruits and vegetables and other locally produced farm and food products directly to consumers.

"Leafy greens" includes iceberg lettuce; romaine lettuce; leaf lettuce; butter lettuce; baby leaf lettuce, such as immature lettuce or leafy greens; escarole; endive; spring mix; spinach; cabbage; kale; arugula; and chard. "Leafy greens" does not include microgreens or herbs such as cilantro or parsley.

"Local health department" means a State-certified health department of a unit of local government in which a cottage food operation is located or, if the cottage food operation is located in a county that does not have a local health department, is registered.

"Local public health department association" means an association solely representing 2 or more State-certified local health departments.

"Low-acid canned food" means any canned food with a finished equilibrium pH greater than 4.6 and a water activity ~~(aw)~~ greater than 0.85.

"Microgreen" means an edible plant seedling grown in soil or substrate and harvested above the soil or substrate line.

"Mobile farmers markets" means a farmers market that is operated from a movable motor drive or propelled vehicle or trailer that can change location, including a farmers market that is owned and operated by a farmer or a third party selling products on behalf of farmers or cottage food operations with the intent of a direct sale to an end consumer.

~~"Potentially hazardous food" means a food that is potentially hazardous according to the Department's administrative rules. Potentially hazardous food (PHF) in general means a food that requires time and temperature control for safety (TCS) to limit pathogenic microorganism growth or toxin formation.~~

"Sprout" means any seedling intended for human consumption that was produced in a manner that does not meet the definition of microgreen.

"Time-and-temperature controlled for safety food" means food that is maintained for a specified time at a holding temperature at or below 41 degrees Fahrenheit or at or above 135 degrees Fahrenheit in order to ensure its safety and to limit microorganism growth or toxin formation.

(b) A cottage food operation may produce homemade food and drink provided that all of the following conditions are met:

(1) (Blank).

(1.3) A cottage food operation must register with the local health department for the unit of local government in which it is located, but may sell products outside of the unit of local government where the cottage food operation is located. If a county does not have a local health department, the county shall enter into an agreement or contract with a local health department in an adjacent county to register cottage food operations in the jurisdiction of the county that does not have a health department. The adjacent local health department where the cottage food operation registers has the powers described in subsection (d). A copy of the certificate of registration must be available upon request by any local health department.

(1.5) A cottage food operation shall not sell or offer to sell the following food items or processed foods containing the following food items, except as indicated:

(A) meat, poultry, fish, seafood, or shellfish;

(B) dairy, except as an ingredient in a non-potentially hazardous baked good or candy, such as caramel, subject to paragraph (4), or as an ingredient in a baked good frosting, such as buttercream;

(C) eggs, except as an ingredient in a food that is not a time-and-temperature controlled for safety food ~~non potentially hazardous food~~, including dry noodles, or as an ingredient in a baked good frosting, such as buttercream, if the eggs are not raw;

(D) pumpkin pies, sweet potato pies, cheesecakes, custard pies, creme pies, and pastries with potentially hazardous fillings or toppings;

(E) garlic in oil or oil infused with garlic, except if the garlic oil is acidified;

(F) low-acid canned foods;

(G) sprouts;

(H) cut leafy greens, except for cut leafy greens that are dehydrated, acidified, or blanched and frozen;

(I) cut or pureed fresh tomato or melon;

(J) dehydrated tomato or melon;

(K) frozen cut melon;

(L) wild-harvested, non-cultivated mushrooms;

(M) alcoholic beverages; or

(N) kombucha.

(1.6) In order to sell canned tomatoes or a canned product containing tomatoes, a cottage food operator shall either:

(A) follow exactly a recipe that has been tested by the United States Department of Agriculture or by a state cooperative extension located in this State or any other state in the United States; or

(B) submit the recipe, at the cottage food operator's expense, to a commercial laboratory according to the commercial laboratory's directions to test that the product has been adequately acidified; use only the varietal or proportionate varietals of tomato included in the tested recipe for all subsequent batches of such recipe; and provide documentation of the annual test results of the recipe submitted under this subparagraph upon registration and to an inspector upon request during any inspection authorized by subsection (d).

(2) In order to sell a fermented or acidified food, a cottage food operation shall either:

(A) submit a recipe that has been tested by the United States Department of Agriculture or a cooperative extension system located in this State or any other state in the United States; or

(B) submit a written food safety plan for each category of products for which the cottage food operator uses the same procedures, such as pickles, kimchi, or hot sauce, and a pH test for a single product that is representative of that category; the written food safety plan shall be submitted annually upon registration and each pH test shall be submitted every 3 years; the food safety plan shall adhere to guidelines developed by the Department.

(3) A fermented or acidified food shall be packaged according to one of the following standards:

(A) A fermented or acidified food that is canned must be processed in a boiling water bath in a Mason-style jar or glass container with a tight-fitting lid.

(B) A fermented or acidified food that is not canned shall be sold in any container that is new, clean, and seals properly and must be stored, transported, and sold at or below 41 degrees.

(4) In order to sell a baked good with cheese, a local health department may require a cottage food operation to submit a recipe, at the cottage food operator's expense, to a commercial laboratory to verify that it is non-potentially hazardous before allowing the cottage food operation to sell the baked good as a cottage food.

(5) For a cottage food operation that does not utilize a municipal water supply, such as an operation using a private well, a local health department may require a water sample test to verify that the water source being used meets public safety standards related to E. coli coliform. If a test is requested, it must be conducted at the cottage food operator's expense.

(6) A person preparing or packaging a product as part of a cottage food operation must be a Department-approved certified food protection manager.

(7) Food packaging must conform with the labeling requirements of the Illinois Food, Drug and Cosmetic Act. A cottage food product shall be prepackaged and the food packaging shall be affixed with a prominent label that includes the following:

(A) the name of the cottage food operation and unit of local government in which the cottage food operation is located;

(B) the identifying registration number provided by the local health department on the certificate of registration and the name of the municipality or county in which the registration was filed;

(C) the common or usual name of the food product;

(D) all ingredients of the food product, including any color, artificial flavor, and preservative, listed in descending order by predominance of weight shown with the common or usual names;

(E) the following phrase in prominent lettering: "This product was produced in a home kitchen not inspected by a health department that may also process common food allergens. If you have safety concerns, contact your local health department.";

(F) the date the product was processed; and

(G) allergen labeling as specified under federal labeling requirements.

(8) Food packaging may include the designation "Illinois-grown", "Illinois-sourced", or "Illinois farm product" if the packaged product is a local farm or food product as that term is defined in Section 5 of the Local Food, Farms, and Jobs Act.

(9) In the case of a product that is difficult to properly label or package, or for other reasons, the local health department of the location where the product is sold may grant permission to sell products that are not prepackaged, in which case other prominent written notice shall be provided to the purchaser.

(10) At the point of sale, notice must be provided in a prominent location that states the following: "This product was produced in a home kitchen not inspected by a health department that may also process common food allergens." At a physical display, notice shall be a placard. Online, notice shall be a message on the cottage food operation's online sales interface at the point of sale.

(11) Food and drink produced by a cottage food operation shall be sold directly to consumers for their own consumption and not for resale. Sales directly to consumers include, but are not limited to, sales at or through:

(A) farmers' markets;

(B) fairs, festivals, public events, or online;

(C) pickup from the private home or farm of the cottage food operator, if the pickup is not prohibited by any law of the unit of local government that applies equally to all cottage food operations; in a municipality with a population of 1,000,000 or more, a cottage food operator shall comply with any law of the municipality that applies equally to all home-based businesses;

(D) delivery to the customer; ~~and~~

(E) pickup from a third-party private property with the consent of the third-party property holder; and

(F) mobile farmers markets.

(12) Only food that is non-potentially hazardous may be shipped. A cottage food product shall not be shipped out of State. Each cottage food product that is shipped must be sealed in a manner that reveals tampering, including, but not limited to, a sticker or pop top.

(13) Alcohol may be used to make extracts, such as vanilla extract, or may be used as an ingredient in baked goods as long as the created product is not intended for use as a beverage.

(14) If a product assessment shows that a food has a pH of 4.6 or less or a water activity that is less than or equal to 0.92, the food shall not require temperature control.

(c) A local health department shall register any eligible cottage food operation that meets the requirements of this Section and shall issue a certificate of registration with an identifying registration number to each registered cottage food operation. A local health department may establish a self-certification program for cottage food operators to affirm compliance with applicable laws, rules, and regulations. Registration shall be completed annually and the local health department may impose a fee not to exceed $50.

(d) In the event of a consumer complaint or foodborne illness outbreak, upon notice from a different local health department, or if the Department or a local health department has reason to believe that an imminent health hazard exists or that a cottage food operation's product has been found to be misbranded, adulterated, or not in compliance with the conditions for cottage food operations set forth in this Section, the Department or the local health department may:

(1) inspect the premises of the cottage food operation in question;

(2) set a reasonable fee for the inspection; and

(3) invoke penalties and the cessation of the sale of cottage food products until it deems that the situation has been addressed to the satisfaction of the Department or local health department; if the situation is not amenable to being addressed, the local health department may revoke the cottage food operation's registration following a process outlined by the local health department.

(e) A local health department that receives a consumer complaint or a report of foodborne illness related to a cottage food operator in another jurisdiction shall refer the complaint or report to the local health department where the cottage food operator is registered.

(f) By January 1, 2022, the Department, in collaboration with local public health department associations and other stakeholder groups, shall write and issue administrative guidance to local health departments on the following:

(1) development of a standard registration form, including, if applicable, a written food safety plan;

(2) development of a Home-Certification Self Checklist Form;

(3) development of a standard inspection form and inspection procedures; and

(4) procedures for cottage food operation workspaces that include, but are not limited to, cleaning products, general sanitation, and requirements for functional equipment.

(g) A person who produces or packages a non-potentially hazardous baked good for sale by a religious, charitable, or nonprofit organization for fundraising purposes is exempt from the requirements of this Section.

(h) A home rule unit may not regulate cottage food operations in a manner inconsistent with the regulation by the State of cottage food operations under this Section. This Section is a limitation under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units of powers and functions exercised by the State.

(i) The Department may adopt rules as may be necessary to implement the provisions of this Section.
(Source: P.A. 101-81, eff. 7-12-19; 102-633, eff. 1-1-22.)".

Senator Plummer offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 2617

AMENDMENT NO. 2 . Amend Senate Bill 2617, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Food Handling Regulation Enforcement Act is amended by changing Section 4 as follows:

(410 ILCS 625/4)

Sec. 4. Cottage food operation.

(a) For the purpose of this Section:

A food is "acidified" if: (i) acid or acid ingredients are added to it to produce a final equilibrium pH of 4.6 or below and a water activity greater than 0.85; or (ii) it is fermented to produce a final equilibrium pH of 4.6 or below.

"Canned food" means food that has been heat processed sufficiently under United States Department of Agriculture guidelines to enable storing the food at normal home temperatures.

"Cottage food operation" means an operation conducted by a person who produces or packages food or drink, other than foods and drinks listed as prohibited in paragraph (1.5) of subsection (b) of this Section, in a kitchen located in that person's primary domestic residence or another appropriately designed and equipped kitchen on a farm for direct sale by the owner, a family member, or employee.

"Cut leafy greens" means fresh leafy greens whose leaves have been cut, shredded, sliced, chopped, or torn. "Cut leafy greens" does not mean cut-to-harvest leafy greens.

"Department" means the Department of Public Health.

"Employee" means a person who is employed by and receives monetary compensation from a cottage food operator.

"Equilibrium pH" means the final potential of hydrogen measured in an acidified food after all the components of the food have achieved the same acidity.

"Farmers' market" means a common facility or area where farmers gather to sell a variety of fresh fruits and vegetables and other locally produced farm and food products directly to consumers.

"Leafy greens" includes iceberg lettuce; romaine lettuce; leaf lettuce; butter lettuce; baby leaf lettuce, such as immature lettuce or leafy greens; escarole; endive; spring mix; spinach; cabbage; kale; arugula; and chard. "Leafy greens" does not include microgreens or herbs such as cilantro or parsley.

"Local health department" means a State-certified health department of a unit of local government in which a cottage food operation is located or, if the cottage food operation is located in a county that does not have a local health department, is registered.

"Local public health department association" means an association solely representing 2 or more State-certified local health departments.

"Low-acid canned food" means any canned food with a finished equilibrium pH greater than 4.6 and a water activity ~~(aw)~~ greater than 0.85.

"Microgreen" means an edible plant seedling grown in soil or substrate and harvested above the soil or substrate line.

"Mobile farmers markets" means a farmers market that is operated from a movable motor drive or propelled vehicle or trailer that can change location, including a farmers market that is owned and operated by a farmer or a third party selling products on behalf of farmers or cottage food operations with the intent of a direct sale to an end consumer.

~~"Potentially hazardous food" means a food that is potentially hazardous according to the Department's administrative rules. Potentially hazardous food (PHF) in general means a food that requires time and temperature control for safety (TCS) to limit pathogenic microorganism growth or toxin formation.~~

"Sprout" means any seedling intended for human consumption that was produced in a manner that does not meet the definition of microgreen.

"Time/temperature control for safety food" means a food that is stored under time or temperature control for food safety according to the Department's administrative rules.

(b) A cottage food operation may produce homemade food and drink provided that all of the following conditions are met:

(1) (Blank).

(1.3) A cottage food operation must register with the local health department for the unit of local government in which it is located, but may sell products outside of the unit of local government where the cottage food operation is located. If a county does not have a local health department, the county shall enter into an agreement or contract with a local health department in an adjacent county to register cottage food operations in the jurisdiction of the county that does not have a health department. The adjacent local health department where the cottage food operation registers has the powers described in subsection (d). A copy of the certificate of registration must be available upon request by any local health department.

(1.5) A cottage food operation shall not sell or offer to sell the following food items or processed foods containing the following food items, except as indicated:

(A) meat, poultry, fish, seafood, or shellfish;

(B) dairy, except as an ingredient in a ~~non-potentially hazardous~~ baked good or candy that is not a time/temperature control for safety food, such as caramel, subject to paragraph (4), or as an ingredient in a baked good frosting, such as buttercream;

(C) eggs, except as an ingredient in a food that is not a time/temperature control for safety food ~~non-potentially hazardous food~~, including dry noodles, or as an ingredient in a baked good frosting, such as buttercream, if the eggs are not raw;

(D) pumpkin pies, sweet potato pies, cheesecakes, custard pies, creme pies, and pastries with time/temperature control for safety foods that are ~~potentially hazardous~~ fillings or toppings;

(E) garlic in oil or oil infused with garlic, except if the garlic oil is acidified;

(F) low-acid canned foods;

(G) sprouts;

(H) cut leafy greens, except for cut leafy greens that are dehydrated, acidified, or blanched and frozen;

(I) cut or pureed fresh tomato or melon;

(J) dehydrated tomato or melon;

(K) frozen cut melon;

(L) wild-harvested, non-cultivated mushrooms;

(M) alcoholic beverages; or

(N) kombucha.

(1.6) In order to sell canned tomatoes or a canned product containing tomatoes, a cottage food operator shall either:

(A) follow exactly a recipe that has been tested by the United States Department of Agriculture or by a state cooperative extension located in this State or any other state in the United States; or

(B) submit the recipe, at the cottage food operator's expense, to a commercial laboratory according to the commercial laboratory's directions to test that the product has been adequately acidified; use only the varietal or proportionate varietals of tomato included in the tested recipe for all subsequent batches of such recipe; and provide documentation of the annual test results of the recipe submitted under this subparagraph upon registration and to an inspector upon request during any inspection authorized by subsection (d).

(2) In order to sell a fermented or acidified food, a cottage food operation shall either:

(A) submit a recipe that has been tested by the United States Department of Agriculture or a cooperative extension system located in this State or any other state in the United States; or

(B) submit a written food safety plan for each category of products for which the cottage food operator uses the same procedures, such as pickles, kimchi, or hot sauce, and a pH test for a single product that is representative of that category; the written food safety plan shall be submitted annually upon registration and each pH test shall be submitted every 3 years; the food safety plan shall adhere to guidelines developed by the Department.

(3) A fermented or acidified food shall be packaged according to one of the following standards:

(A) A fermented or acidified food that is canned must be processed in a boiling water bath in a Mason-style jar or glass container with a tight-fitting lid.

(B) A fermented or acidified food that is not canned shall be sold in any container that is new, clean, and seals properly and must be stored, transported, and sold at or below 41 degrees.

(4) In order to sell a baked good with cheese, a local health department may require a cottage food operation to submit a recipe, at the cottage food operator's expense, to a commercial laboratory to verify that it is not a time-or-temperature control for safety food ~~non-potentially hazardous~~ before allowing the cottage food operation to sell the baked good as a cottage food.

(5) For a cottage food operation that does not utilize a municipal water supply, such as an operation using a private well, a local health department may require a water sample test to verify that the water source being used meets public safety standards related to E. coli coliform. If a test is requested, it must be conducted at the cottage food operator's expense.

(6) A person preparing or packaging a product as part of a cottage food operation must be a Department-approved certified food protection manager.

(7) Food packaging must conform with the labeling requirements of the Illinois Food, Drug and Cosmetic Act. A cottage food product shall be prepackaged and the food packaging shall be affixed with a prominent label that includes the following:

(A) the name of the cottage food operation and unit of local government in which the cottage food operation is located;

(B) the identifying registration number provided by the local health department on the certificate of registration and the name of the municipality or county in which the registration was filed;

(C) the common or usual name of the food product;

(D) all ingredients of the food product, including any color, artificial flavor, and preservative, listed in descending order by predominance of weight shown with the common or usual names;

(E) the following phrase in prominent lettering: "This product was produced in a home kitchen not inspected by a health department that may also process common food allergens. If you have safety concerns, contact your local health department.";

(F) the date the product was processed; and

(G) allergen labeling as specified under federal labeling requirements.

(8) Food packaging may include the designation "Illinois-grown", "Illinois-sourced", or "Illinois farm product" if the packaged product is a local farm or food product as that term is defined in Section 5 of the Local Food, Farms, and Jobs Act.

(9) In the case of a product that is difficult to properly label or package, or for other reasons, the local health department of the location where the product is sold may grant permission to sell products that are not prepackaged, in which case other prominent written notice shall be provided to the purchaser.

(10) At the point of sale, notice must be provided in a prominent location that states the following: "This product was produced in a home kitchen not inspected by a health department that may also process common food allergens." At a physical display, notice shall be a placard. Online, notice shall be a message on the cottage food operation's online sales interface at the point of sale.

(11) Food and drink produced by a cottage food operation shall be sold directly to consumers for their own consumption and not for resale. Sales directly to consumers include, but are not limited to, sales at or through:

(A) farmers' markets;

(B) fairs, festivals, public events, or online;

(C) pickup from the private home or farm of the cottage food operator, if the pickup is not prohibited by any law of the unit of local government that applies equally to all cottage food operations; in a municipality with a population of 1,000,000 or more, a cottage food operator shall comply with any law of the municipality that applies equally to all home-based businesses;

(D) delivery to the customer; ~~and~~

(E) pickup from a third-party private property with the consent of the third-party property holder; and

(F) mobile farmers markets.

(12) Only food that is not a time-or-temperature control for safety food ~~non-potentially hazardous~~ may be shipped. A cottage food product shall not be shipped out of State. Each cottage food product that is shipped must be sealed in a manner that reveals tampering, including, but not limited to, a sticker or pop top.

(13) Alcohol may be used to make extracts, such as vanilla extract, or may be used as an ingredient in baked goods as long as the created product is not intended for use as a beverage.

(14) Time/temperature control for safety foods shall be maintained and transported at holding temperatures as set in the Department's administrative rules to ensure the food's safety and limit microorganism growth or toxin formation.

(15) A product assessment of pH and water activity may be used to show that a product is non-time or temperature controlled for food safety and does not require temperature control.

(c) A local health department shall register any eligible cottage food operation that meets the requirements of this Section and shall issue a certificate of registration with an identifying registration number to each registered cottage food operation. A local health department may establish a self-certification program for cottage food operators to affirm compliance with applicable laws, rules, and

regulations. Registration shall be completed annually and the local health department may impose a fee not to exceed $50.

(d) In the event of a consumer complaint or foodborne illness outbreak, upon notice from a different local health department, or if the Department or a local health department has reason to believe that an imminent health hazard exists or that a cottage food operation's product has been found to be misbranded, adulterated, or not in compliance with the conditions for cottage food operations set forth in this Section, the Department or the local health department may:

(1) inspect the premises of the cottage food operation in question;

(2) set a reasonable fee for the inspection; and

(3) invoke penalties and the cessation of the sale of cottage food products until it deems that the situation has been addressed to the satisfaction of the Department or local health department; if the situation is not amenable to being addressed, the local health department may revoke the cottage food operation's registration following a process outlined by the local health department.

(e) A local health department that receives a consumer complaint or a report of foodborne illness related to a cottage food operator in another jurisdiction shall refer the complaint or report to the local health department where the cottage food operator is registered.

(f) By January 1, 2022, the Department, in collaboration with local public health department associations and other stakeholder groups, shall write and issue administrative guidance to local health departments on the following:

(1) development of a standard registration form, including, if applicable, a written food safety plan;

(2) development of a Home-Certification Self Checklist Form;

(3) development of a standard inspection form and inspection procedures; and

(4) procedures for cottage food operation workspaces that include, but are not limited to, cleaning products, general sanitation, and requirements for functional equipment.

(g) A person who produces or packages a ~~non-potentially-hazardous~~ baked good that is not a time/temperature control for safety food for sale by a religious, charitable, or nonprofit organization for fundraising purposes is exempt from the requirements of this Section.

(h) A home rule unit may not regulate cottage food operations in a manner inconsistent with the regulation by the State of cottage food operations under this Section. This Section is a limitation under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units of powers and functions exercised by the State.

(i) The Department may adopt rules as may be necessary to implement the provisions of this Section. (Source: P.A. 101-81, eff. 7-12-19; 102-633, eff. 1-1-22.)".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendments Numbered 1 and 2 were ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Holmes, **Senate Bill No. 2641** having been printed, was taken up, read by title a second time.

Senator Holmes offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 2641

AMENDMENT NO. 1 . Amend Senate Bill 2641 by replacing everything after the enacting clause with the following:

"Section 5. The Network Adequacy and Transparency Act is amended by changing Section 10 as follows:

(215 ILCS 124/10)

Sec. 10. Network adequacy.

(a) An insurer providing a network plan shall file a description of all of the following with the Director:

(1) The written policies and procedures for adding providers to meet patient needs based on increases in the number of beneficiaries, changes in the patient-to-provider ratio, changes in medical and health care capabilities, and increased demand for services.

(2) The written policies and procedures for making referrals within and outside the network.

(3) The written policies and procedures on how the network plan will provide 24-hour, 7-day per week access to network-affiliated primary care, emergency services, and women's principal health care providers.

(4) The process for monitoring health plan beneficiaries' timely in-network access to physician specialist services.

An insurer shall not prohibit a preferred provider from discussing any specific or all treatment options with beneficiaries irrespective of the insurer's position on those treatment options or from advocating on behalf of beneficiaries within the utilization review, grievance, or appeals processes established by the insurer in accordance with any rights or remedies available under applicable State or federal law.

(a-5) An insurer providing a network plan shall file an insurer's monitoring report for each network hospital and facility, which shall include, but is not limited to, the number and percentage of physician providers under contract in each of the specialties of emergency medicine, anesthesiology, radiology, and pathology practicing in the in-network hospital or facility when such providers are not employees of the hospital or facility. The insurer's monitoring report must be included in an effort to ensure that plan beneficiaries have reasonable and timely in-network access to physician specialist providers at in-network hospitals and facilities.

(b) Insurers must file for review a description of the services to be offered through a network plan. The description shall include all of the following:

(1) A geographic map of the area proposed to be served by the plan by county service area and zip code, including marked locations for preferred providers.

(2) As deemed necessary by the Department, the names, addresses, phone numbers, and specialties of the providers who have entered into preferred provider agreements under the network plan.

(3) The number of beneficiaries anticipated to be covered by the network plan.

(4) An Internet website and toll-free telephone number for beneficiaries and prospective beneficiaries to access current and accurate lists of preferred providers, additional information about the plan, as well as any other information required by Department rule.

(5) A description of how health care services to be rendered under the network plan are reasonably accessible and available to beneficiaries. The description shall address all of the following:

(A) the type of health care services to be provided by the network plan;

(B) the ratio of physicians and other providers to beneficiaries, by specialty and including primary care physicians and facility-based physicians when applicable under the contract, necessary to meet the health care needs and service demands of the currently enrolled population;

(C) the travel and distance standards for plan beneficiaries in county service areas; and

(D) a description of how the use of telemedicine, telehealth, or mobile care services may be used to partially meet the network adequacy standards, if applicable.

(6) A provision ensuring that whenever a beneficiary has made a good faith effort, as evidenced by accessing the provider directory, calling the network plan, and calling the provider, to utilize preferred providers for a covered service and it is determined the insurer does not have the appropriate preferred providers due to insufficient number, type, unreasonable travel distance or delay, or preferred providers refusing to provide a covered service because it is contrary to the conscience of the preferred providers, as protected by the Health Care Right of Conscience Act, the insurer shall ensure, directly or indirectly, by terms contained in the payer contract, that the beneficiary will be provided the covered service at no greater cost to the beneficiary than if the service had been provided by a preferred provider. This paragraph (6) does not apply to: (A) a beneficiary who willfully chooses to access a non-preferred provider for health care services available through the panel of preferred providers, or (B) a beneficiary enrolled in a health maintenance organization. In these circumstances, the contractual requirements for non-preferred provider reimbursements shall apply unless Section 356z.3a of the Illinois Insurance Code requires otherwise. In no event shall a beneficiary who receives care at a participating health care facility be required to search for participating providers under the

circumstances described in subsection (b) or (b-5) of Section 356z.3a of the Illinois Insurance Code except under the circumstances described in paragraph (2) of subsection (b-5).

(7) A provision that the beneficiary shall receive emergency care coverage such that payment for this coverage is not dependent upon whether the emergency services are performed by a preferred or non-preferred provider and the coverage shall be at the same benefit level as if the service or treatment had been rendered by a preferred provider. For purposes of this paragraph (7), "the same benefit level" means that the beneficiary is provided the covered service at no greater cost to the beneficiary than if the service had been provided by a preferred provider. This provision shall be consistent with Section 356z.3a of the Illinois Insurance Code.

(8) A limitation that, if the plan provides that the beneficiary will incur a penalty for failing to pre-certify inpatient hospital treatment, the penalty may not exceed $1,000 per occurrence in addition to the plan cost sharing provisions.

(c) The network plan shall demonstrate to the Director a minimum ratio of providers to plan beneficiaries as required by the Department.

(1) The ratio of physicians or other providers to plan beneficiaries shall be established annually by the Department in consultation with the Department of Public Health based upon the guidance from the federal Centers for Medicare and Medicaid Services. The Department shall not establish ratios for vision or dental providers who provide services under dental-specific or vision-specific benefits. The Department shall consider establishing ratios for the following physicians or other providers:

(A) Primary Care;
(B) Pediatrics;
(C) Cardiology;
(D) Gastroenterology;
(E) General Surgery;
(F) Neurology;
(G) OB/GYN;
(H) Oncology/Radiation;
(I) Ophthalmology;
(J) Urology;
(K) Behavioral Health;
(L) Allergy/Immunology;
(M) Chiropractic;
(N) Dermatology;
(O) Endocrinology;
(P) Ears, Nose, and Throat (ENT)/Otolaryngology;
(Q) Infectious Disease;
(R) Nephrology;
(S) Neurosurgery;
(T) Orthopedic Surgery;
(U) Physiatry/Rehabilitative;
(V) Plastic Surgery;
(W) Pulmonary;
(X) Rheumatology;
(Y) Anesthesiology;
(Z) Pain Medicine;
(AA) Pediatric Specialty Services;
(BB) Outpatient Dialysis; and
(CC) HIV.

(2) The Director shall establish a process for the review of the adequacy of these standards, along with an assessment of additional specialties to be included in the list under this subsection (c).

(d) The network plan shall demonstrate to the Director maximum travel and distance standards for plan beneficiaries, which shall be established annually by the Department in consultation with the Department of Public Health based upon the guidance from the federal Centers for Medicare and Medicaid Services. These standards shall consist of the maximum minutes or miles to be traveled by a plan

beneficiary for each county type, such as large counties, metro counties, or rural counties as defined by Department rule.

The maximum travel time and distance standards must include standards for each physician and other provider category listed for which ratios have been established.

The Director shall establish a process for the review of the adequacy of these standards along with an assessment of additional specialties to be included in the list under this subsection (d).

(d-5)(1) Every insurer shall ensure that beneficiaries have timely and proximate access to treatment for mental, emotional, nervous, or substance use disorders or conditions in accordance with the provisions of paragraph (4) of subsection (a) of Section 370c of the Illinois Insurance Code. Insurers shall use a comparable process, strategy, evidentiary standard, and other factors in the development and application of the network adequacy standards for timely and proximate access to treatment for mental, emotional, nervous, or substance use disorders or conditions and those for the access to treatment for medical and surgical conditions. As such, the network adequacy standards for timely and proximate access shall equally be applied to treatment facilities and providers for mental, emotional, nervous, or substance use disorders or conditions and specialists providing medical or surgical benefits pursuant to the parity requirements of Section 370c.1 of the Illinois Insurance Code and the federal Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008. Notwithstanding the foregoing, the network adequacy standards for timely and proximate access to treatment for mental, emotional, nervous, or substance use disorders or conditions shall, at a minimum, satisfy the following requirements:

(A) For beneficiaries residing in the metropolitan counties of Cook, DuPage, Kane, Lake, McHenry, and Will, network adequacy standards for timely and proximate access to treatment for mental, emotional, nervous, or substance use disorders or conditions means a beneficiary shall not have to travel longer than 30 minutes or 30 miles from the beneficiary's residence to receive outpatient treatment for mental, emotional, nervous, or substance use disorders or conditions. Beneficiaries shall not be required to wait longer than 10 business days between requesting an initial appointment and being seen by the facility or provider of mental, emotional, nervous, or substance use disorders or conditions for outpatient treatment or to wait longer than 20 business days between requesting a repeat or follow-up appointment and being seen by the facility or provider of mental, emotional, nervous, or substance use disorders or conditions for outpatient treatment; however, subject to the protections of paragraph (3) of this subsection, a network plan shall not be held responsible if the beneficiary or provider voluntarily chooses to schedule an appointment outside of these required time frames.

(B) For beneficiaries residing in Illinois counties other than those counties listed in subparagraph (A) of this paragraph, network adequacy standards for timely and proximate access to treatment for mental, emotional, nervous, or substance use disorders or conditions means a beneficiary shall not have to travel longer than 60 minutes or 60 miles from the beneficiary's residence to receive outpatient treatment for mental, emotional, nervous, or substance use disorders or conditions. Beneficiaries shall not be required to wait longer than 10 business days between requesting an initial appointment and being seen by the facility or provider of mental, emotional, nervous, or substance use disorders or conditions for outpatient treatment or to wait longer than 20 business days between requesting a repeat or follow-up appointment and being seen by the facility or provider of mental, emotional, nervous, or substance use disorders or conditions for outpatient treatment; however, subject to the protections of paragraph (3) of this subsection, a network plan shall not be held responsible if the beneficiary or provider voluntarily chooses to schedule an appointment outside of these required time frames.

(1.5) Every insurer shall demonstrate to the Director that each in-network hospital and facility has a sufficient number of hospital-based medical specialists to ensure that covered persons have reasonable and timely access to such in-network physicians and the services they direct or supervise. As used in this subsection, "hospital-based medical specialists" means physicians working in specialties that are usually located at in-network hospitals and facilities, including, but not limited to, radiologists, pathologists, anesthesiologists, and emergency room physicians.

(2) For beneficiaries residing in all Illinois counties, network adequacy standards for timely and proximate access to treatment for mental, emotional, nervous, or substance use disorders or conditions means a beneficiary shall not have to travel longer than 60 minutes or 60 miles from the beneficiary's residence to receive inpatient or residential treatment for mental, emotional, nervous, or substance use disorders or conditions.

(3) If there is no in-network facility or provider available for a beneficiary to receive timely and proximate access to treatment for mental, emotional, nervous, or substance use disorders or conditions in accordance with the network adequacy standards outlined in this subsection, the insurer shall provide necessary exceptions to its network to ensure admission and treatment with a provider or at a treatment facility in accordance with the network adequacy standards in this subsection.

(e) Except for network plans solely offered as a group health plan, these ratio and time and distance standards apply to the lowest cost-sharing tier of any tiered network.

(f) The network plan may consider use of other health care service delivery options, such as telemedicine or telehealth, mobile clinics, and centers of excellence, or other ways of delivering care to partially meet the requirements set under this Section.

(g) Except for the requirements set forth in subsection (d-5), insurers who are not able to comply with the provider ratios and time and distance standards established by the Department may request an exception to these requirements from the Department. The Department may grant an exception in the following circumstances:

(1) if no providers or facilities meet the specific time and distance standard in a specific service area and the insurer (i) discloses information on the distance and travel time points that beneficiaries would have to travel beyond the required criterion to reach the next closest contracted provider outside of the service area and (ii) provides contact information, including names, addresses, and phone numbers for the next closest contracted provider or facility;

(2) if patterns of care in the service area do not support the need for the requested number of provider or facility type and the insurer provides data on local patterns of care, such as claims data, referral patterns, or local provider interviews, indicating where the beneficiaries currently seek this type of care or where the physicians currently refer beneficiaries, or both; or

(3) other circumstances deemed appropriate by the Department consistent with the requirements of this Act.

(h) Insurers are required to report to the Director any material change to an approved network plan within 15 days after the change occurs and any change that would result in failure to meet the requirements of this Act. Upon notice from the insurer, the Director shall reevaluate the network plan's compliance with the network adequacy and transparency standards of this Act.

(Source: P.A. 102-144, eff. 1-1-22; 102-901, eff. 7-1-22; 102-1117, eff. 1-13-23.)".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Ellman, **Senate Bill No. 2682** having been printed, was taken up, read by title a second time.

Floor Amendment Nos. 1 and 2 were held in the Committee on Assignments.

There being no further amendments, the bill was ordered to a third reading.

On motion of Senator Faraci, **Senate Bill No. 2737** having been printed, was taken up, read by title a second time.

Senator Faraci offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 2737

AMENDMENT NO. 1 . Amend Senate Bill 2737 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Freedom to Work Act is amended by changing Section 10 as follows:

(820 ILCS 90/10)

Sec. 10. Prohibiting covenants not to compete and covenants not to solicit.

(a) No employer shall enter into a covenant not to compete with any employee unless the employee's actual or expected annualized rate of earnings exceeds $75,000 per year. This amount shall increase to $80,000 per year beginning on January 1, 2027, $85,000 per year beginning on January 1, 2032, and

$90,000 per year beginning on January 1, 2037. A covenant not to compete entered into in violation of this subsection is void and unenforceable.

(b) No employer shall enter into a covenant not to solicit with any employee unless the employee's actual or expected annualized rate of earnings exceeds $45,000 per year. This amount shall increase to $47,500 per year beginning on January 1, 2027, $50,000 per year beginning on January 1, 2032, and $52,500 per year beginning on January 1, 2037. A covenant not to solicit entered into in violation of this subsection is void and unenforceable.

(c) No employer shall enter into a covenant not to compete or a covenant not to solicit with any employee who an employer terminates or furloughs or lays off as the result of business circumstances or governmental orders related to the COVID-19 pandemic or under circumstances that are similar to the COVID-19 pandemic, unless enforcement of the covenant not to compete includes compensation equivalent to the employee's base salary at the time of termination for the period of enforcement minus compensation earned through subsequent employment during the period of enforcement. A covenant not to compete or a covenant not to solicit entered into in violation of this subsection is void and unenforceable.

(d) A covenant not to compete is void and illegal with respect to individuals covered by a collective bargaining agreement under the Illinois Public Labor Relations Act or the Illinois Educational Labor Relations Act and individuals employed in construction. This subsection (d) does not apply to construction employees who primarily perform management, engineering or architectural, design, or sales functions for the employer or who are shareholders, partners, or owners in any capacity of the employer.

(e) Any covenant not to compete or covenant not to solicit entered into after the effective date of this amendatory Act of the 103rd General Assembly shall not be enforceable with respect to the provision of mental health services to veterans and first responders by any licensed mental health professional in this State if the enforcement of the covenant not to compete or covenant not to solicit would result in an undue burden on veterans or first responders seeking mental health services.

For the purpose of this subsection:

"First responders" means emergency medical services personnel, as defined in the Emergency Medical Services (EMS) Systems Act, firefighters, and law enforcement officers.

"Licensed mental health professional" means a person who is licensed or registered to provide mental health services by the Department of Financial and Professional Regulation or a board of registration duly authorized to register or grant licenses to persons engaged in the practice of providing mental health services in Illinois.

(Source: P.A. 102-358, eff. 1-1-22.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator D. Turner, **Senate Bill No. 2764** having been printed, was taken up, read by title a second time.

Senator D. Turner offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 2764

AMENDMENT NO. 1 . Amend Senate Bill 2764 on page 2, line 16, by replacing "gift or a trial" with "trial or a promotional"; and

on page 2, line 19, by replacing "consumer no less than 2 weeks" with "consumer during the free trial or the promotional period no less than 3 days".

The motion prevailed.

And the amendment was adopted and ordered printed.

Floor Amendment No. 2 was held in the Committee on Assignments.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Halpin, **Senate Bill No. 2879** having been printed, was taken up, read by title a second time.

Floor Amendment No. 1 was held in the Committee on Local Government.

There being no further amendments, the bill was ordered to a third reading.

On motion of Senator Villanueva, **Senate Bill No. 3081** having been printed, was taken up, read by title a second time.

The following amendment was offered in the Committee on Higher Education, adopted and ordered printed:

AMENDMENT NO. 1 TO SENATE BILL 3081

AMENDMENT NO. 1 . Amend Senate Bill 3081 by replacing everything after the enacting clause with the following:

"Section 5. The University of Illinois Act is amended by changing Section 8 as follows:

(110 ILCS 305/8) (from Ch. 144, par. 29)

Sec. 8. Admissions.

(a) (Blank).

(b) No new student shall be admitted to instruction in any of the departments or colleges of the University unless such student also has satisfactorily completed:

(1) at least 15 units of high school coursework from the following 5 categories:

(A) 4 years of English (emphasizing written and oral communications and literature), of which up to 2 years may be collegiate level instruction;

(B) 3 years of social studies (emphasizing history and government);

(C) 3 years of mathematics (introductory through advanced algebra, geometry, trigonometry, or fundamentals of computer programming);

(D) 3 years of science (laboratory sciences or agricultural sciences); and

(E) 2 years of electives in foreign language (which may be deemed to include American Sign Language), music, career and technical education, agricultural education, or art;

(2) except that institutions may admit individual applicants if the institution determines through assessment or through evaluation based on learning outcomes of the coursework taken, including career and technical education courses and courses taken in a charter school established under Article 27A of the School Code, that the applicant demonstrates knowledge and skills substantially equivalent to the knowledge and skills expected to be acquired in the high school courses required for admission. The Board of Trustees of the University of Illinois shall not discriminate in the University's admissions process against an applicant for admission because of the applicant's enrollment in a charter school established under Article 27A of the School Code. Institutions may also admit 1) applicants who did not have an opportunity to complete the minimum college preparatory curriculum in high school, and 2) educationally disadvantaged applicants who are admitted to the formal organized special assistance programs that are tailored to the needs of such students, providing that in either case, the institution incorporates in the applicant's baccalaureate curriculum courses or other academic activities that compensate for course deficiencies; and

(3) except that up to 3 of the 15 units of coursework required by paragraph (1) of this subsection may be distributed by deducting no more than one unit each from the categories of social studies, mathematics, sciences and electives and completing those 3 units in any of the 5 categories of coursework described in paragraph (1).

(c) When allocating funds, local boards of education shall recognize their obligation to their students to offer the coursework required by subsection (b).

(d) A student who has graduated from high school and has scored within the University's accepted range on the ACT or SAT shall not be required to take a high school equivalency test as a prerequisite to admission.

(e) The Board of Trustees shall establish an admissions process in which honorably discharged veterans are permitted to submit an application for admission to the University as a freshman student

enrolling in the spring semester if the veteran was on active duty during the fall semester. The University may request that the Department of Veterans' Affairs confirm the status of an applicant as an honorably discharged veteran who was on active duty during the fall semester.

(f) Beginning with the 2024-2025 academic year, the Board of Trustees shall provide all Illinois students transferring from a public community college in this State with the University's undergraduate transfer admissions application fee waiver policy and, if such a policy exists, any application or forms necessary to apply for a fee waiver as part of the University's transfer admissions process. The Board of Trustees is encouraged to develop a policy to automatically waive the undergraduate transfer admissions application fee for low-income Illinois students transferring from a public community college in this State. The Board of Trustees shall post this policy in an easily accessible place on the University's Internet website.

(Source: P.A. 102-403, eff. 1-1-22; 102-404, eff. 1-1-22.)

Section 10. The Southern Illinois University Management Act is amended by changing Section 8e as follows:

(110 ILCS 520/8e) (from Ch. 144, par. 658e)

Sec. 8e. Admissions.

(a) No new student shall be admitted to instruction in any of the departments or colleges of the University unless such student also has satisfactorily completed:

(1) at least 15 units of high school coursework from the following 5 categories:

(A) 4 years of English (emphasizing written and oral communications and literature), of which up to 2 years may be collegiate level instruction;

(B) 3 years of social studies (emphasizing history and government);

(C) 3 years of mathematics (introductory through advanced algebra, geometry, trigonometry, or fundamentals of computer programming);

(D) 3 years of science (laboratory sciences or agricultural sciences); and

(E) 2 years of electives in foreign language (which may be deemed to include American Sign Language), music, career and technical education, agricultural education, or art;

(2) except that institutions may admit individual applicants if the institution determines through assessment or through evaluation based on learning outcomes of the coursework taken, including career and technical education courses and courses taken in a charter school established under Article 27A of the School Code, that the applicant demonstrates knowledge and skills substantially equivalent to the knowledge and skills expected to be acquired in the high school courses required for admission. The Board of Trustees of Southern Illinois University shall not discriminate in the University's admissions process against an applicant for admission because of the applicant's enrollment in a charter school established under Article 27A of the School Code. Institutions may also admit 1) applicants who did not have an opportunity to complete the minimum college preparatory curriculum in high school, and 2) educationally disadvantaged applicants who are admitted to the formal organized special assistance programs that are tailored to the needs of such students, providing that in either case, the institution incorporates in the applicant's baccalaureate curriculum courses or other academic activities that compensate for course deficiencies; and

(3) except that up to 3 of 15 units of coursework required by paragraph (1) of this subsection may be distributed by deducting no more than one unit each from the categories of social studies, mathematics, sciences and electives and completing those 3 units in any of the 5 categories of coursework described in paragraph (1).

(b) When allocating funds, local boards of education shall recognize their obligation to their students to offer the coursework required by subsection (a).

(c) A student who has graduated from high school and has scored within the University's accepted range on the ACT or SAT shall not be required to take a high school equivalency test as a prerequisite to admission.

(d) The Board shall establish an admissions process in which honorably discharged veterans are permitted to submit an application for admission to the University as a freshman student enrolling in the spring semester if the veteran was on active duty during the fall semester. The University may request that the Department of Veterans' Affairs confirm the status of an applicant as an honorably discharged veteran who was on active duty during the fall semester.

(e) Beginning with the 2024-2025 academic year, the Board shall provide all Illinois students transferring from a public community college in this State with the University's undergraduate transfer admissions application fee waiver policy and, if such a policy exists, any application or forms necessary to apply for a fee waiver as part of the University's transfer admissions process. The Board is encouraged to develop a policy to automatically waive the undergraduate transfer admissions application fee for low-income Illinois students transferring from a public community college in this State. The Board shall post this policy in an easily accessible place on the University's Internet website.

(Source: P.A. 102-403, eff. 1-1-22; 102-404, eff. 1-1-22.)

Section 15. The Chicago State University Law is amended by changing Section 5-85 as follows:

(110 ILCS 660/5-85)

Sec. 5-85. Admissions.

(a) No new student shall be admitted to instruction in any of the departments or colleges of the Chicago State University unless such student also has satisfactorily completed:

(1) at least 15 units of high school coursework from the following 5 categories:

(A) 4 years of English (emphasizing written and oral communications and literature), of which up to 2 years may be collegiate level instruction;

(B) 3 years of social studies (emphasizing history and government);

(C) 3 years of mathematics (introductory through advanced algebra, geometry, trigonometry, or fundamentals of computer programming);

(D) 3 years of science (laboratory sciences or agricultural sciences); and

(E) 2 years of electives in foreign language (which may be deemed to include American Sign Language), music, career and technical education, agricultural education, or art;

(2) except that Chicago State University may admit individual applicants if it determines through assessment or through evaluation based on learning outcomes of the coursework taken, including career and technical education courses and courses taken in a charter school established under Article 27A of the School Code, that the applicant demonstrates knowledge and skills substantially equivalent to the knowledge and skills expected to be acquired in the high school courses required for admission. The Board of Trustees of Chicago State University shall not discriminate in the University's admissions process against an applicant for admission because of the applicant's enrollment in a charter school established under Article 27A of the School Code. Chicago State University may also admit (i) applicants who did not have an opportunity to complete the minimum college preparatory curriculum in high school, and (ii) educationally disadvantaged applicants who are admitted to the formal organized special assistance programs that are tailored to the needs of such students, providing that in either case, the institution incorporates in the applicant's baccalaureate curriculum courses or other academic activities that compensate for course deficiencies; and

(3) except that up to 3 of 15 units of coursework required by paragraph (1) of this subsection may be distributed by deducting no more than one unit each from the categories of social studies, mathematics, sciences and electives and completing those 3 units in any of the 5 categories of coursework described in paragraph (1).

(b) When allocating funds, local boards of education shall recognize their obligation to their students to offer the coursework required by subsection (a).

(c) A student who has graduated from high school and has scored within the University's accepted range on the ACT or SAT shall not be required to take a high school equivalency test as a prerequisite to admission.

(d) The Board shall establish an admissions process in which honorably discharged veterans are permitted to submit an application for admission to the University as a freshman student enrolling in the spring semester if the veteran was on active duty during the fall semester. The University may request that the Department of Veterans' Affairs confirm the status of an applicant as an honorably discharged veteran who was on active duty during the fall semester.

(e) Beginning with the 2024-2025 academic year, the Board shall provide all Illinois students transferring from a public community college in this State with the University's undergraduate transfer admissions application fee waiver policy and, if such a policy exists, any application or forms necessary to apply for a fee waiver as part of the University's transfer admissions process. The Board is encouraged to develop a policy to automatically waive the undergraduate transfer admissions application fee for

low-income Illinois students transferring from a public community college in this State. The Board shall post this policy in an easily accessible place on the University's Internet website.
(Source: P.A. 102-403, eff. 1-1-22; 102-404, eff. 1-1-22.)

Section 20. The Eastern Illinois University Law is amended by changing Section 10-85 as follows:
(110 ILCS 665/10-85)

Sec. 10-85. Admissions.

(a) No new student shall be admitted to instruction in any of the departments or colleges of the Eastern Illinois University unless such student also has satisfactorily completed:

(1) at least 15 units of high school coursework from the following 5 categories:

(A) 4 years of English (emphasizing written and oral communications and literature), of which up to 2 years may be collegiate level instruction;

(B) 3 years of social studies (emphasizing history and government);

(C) 3 years of mathematics (introductory through advanced algebra, geometry, trigonometry, or fundamentals of computer programming);

(D) 3 years of science (laboratory sciences or agricultural sciences); and

(E) 2 years of electives in foreign language (which may be deemed to include American Sign Language), music, career and technical education, agricultural education, or art;

(2) except that Eastern Illinois University may admit individual applicants if it determines through assessment or through evaluation based on learning outcomes of the coursework taken, including career and technical education courses and courses taken in a charter school established under Article 27A of the School Code, that the applicant demonstrates knowledge and skills substantially equivalent to the knowledge and skills expected to be acquired in the high school courses required for admission. The Board of Trustees of Eastern Illinois University shall not discriminate in the University's admissions process against an applicant for admission because of the applicant's enrollment in a charter school established under Article 27A of the School Code. Eastern Illinois University may also admit (i) applicants who did not have an opportunity to complete the minimum college preparatory curriculum in high school, and (ii) educationally disadvantaged applicants who are admitted to the formal organized special assistance programs that are tailored to the needs of such students, providing that in either case, the institution incorporates in the applicant's baccalaureate curriculum courses or other academic activities that compensate for course deficiencies; and

(3) except that up to 3 of 15 units of coursework required by paragraph (1) of this subsection may be distributed by deducting no more than one unit each from the categories of social studies, mathematics, sciences and electives and completing those 3 units in any of the 5 categories of coursework described in paragraph (1).

(b) When allocating funds, local boards of education shall recognize their obligation to their students to offer the coursework required by subsection (a).

(c) A student who has graduated from high school and has scored within the University's accepted range on the ACT or SAT shall not be required to take a high school equivalency test as a prerequisite to admission.

(d) The Board shall establish an admissions process in which honorably discharged veterans are permitted to submit an application for admission to the University as a freshman student enrolling in the spring semester if the veteran was on active duty during the fall semester. The University may request that the Department of Veterans' Affairs confirm the status of an applicant as an honorably discharged veteran who was on active duty during the fall semester.

(e) Beginning with the 2024-2025 academic year, the Board shall provide all Illinois students transferring from a public community college in this State with the University's undergraduate transfer admissions application fee waiver policy and, if such a policy exists, any application or forms necessary to apply for a fee waiver as part of the University's transfer admissions process. The Board is encouraged to develop a policy to automatically waive the undergraduate transfer admissions application fee for low-income Illinois students transferring from a public community college in this State. The Board shall post this policy in an easily accessible place on the University's Internet website.
(Source: P.A. 102-403, eff. 1-1-22; 102-404, eff. 1-1-22.)

Section 25. The Governors State University Law is amended by changing Section 15-85 as follows:
(110 ILCS 670/15-85)

Sec. 15-85. Admissions.

(a) No new student shall be admitted to instruction in any of the departments or colleges of the Governors State University unless such student also has satisfactorily completed:

(1) at least 15 units of high school coursework from the following 5 categories:

(A) 4 years of English (emphasizing written and oral communications and literature), of which up to 2 years may be collegiate level instruction;

(B) 3 years of social studies (emphasizing history and government);

(C) 3 years of mathematics (introductory through advanced algebra, geometry, trigonometry, or fundamentals of computer programming);

(D) 3 years of science (laboratory sciences or agricultural sciences); and

(E) 2 years of electives in foreign language (which may be deemed to include American Sign Language), music, career and technical education, agricultural education, or art;

(2) except that Governors State University may admit individual applicants if it determines through assessment or through evaluation based on learning outcomes of the coursework taken, including career and technical education courses and courses taken in a charter school established under Article 27A of the School Code, that the applicant demonstrates knowledge and skills substantially equivalent to the knowledge and skills expected to be acquired in the high school courses required for admission. The Board of Trustees of Governors State University shall not discriminate in the University's admissions process against an applicant for admission because of the applicant's enrollment in a charter school established under Article 27A of the School Code. Governors State University may also admit (i) applicants who did not have an opportunity to complete the minimum college preparatory curriculum in high school, and (ii) educationally disadvantaged applicants who are admitted to the formal organized special assistance programs that are tailored to the needs of such students, providing that in either case, the institution incorporates in the applicant's baccalaureate curriculum courses or other academic activities that compensate for course deficiencies; and

(3) except that up to 3 of 15 units of coursework required by paragraph (1) of this subsection may be distributed by deducting no more than one unit each from the categories of social studies, mathematics, sciences and electives and completing those 3 units in any of the 5 categories of coursework described in paragraph (1).

(b) When allocating funds, local boards of education shall recognize their obligation to their students to offer the coursework required by subsection (a).

(c) A student who has graduated from high school and has scored within the University's accepted range on the ACT or SAT shall not be required to take a high school equivalency test as a prerequisite to admission.

(d) The Board shall establish an admissions process in which honorably discharged veterans are permitted to submit an application for admission to the University as a freshman student enrolling in the spring semester if the veteran was on active duty during the fall semester. The University may request that the Department of Veterans' Affairs confirm the status of an applicant as an honorably discharged veteran who was on active duty during the fall semester.

(e) Beginning with the 2024-2025 academic year, the Board shall provide all Illinois students transferring from a public community college in this State with the University's undergraduate transfer admissions application fee waiver policy and, if such a policy exists, any application or forms necessary to apply for a fee waiver as part of the University's transfer admissions process. The Board is encouraged to develop a policy to automatically waive the undergraduate transfer admissions application fee for low-income Illinois students transferring from a public community college in this State. The Board shall post this policy in an easily accessible place on the University's Internet website.

(Source: P.A. 102-403, eff. 1-1-22; 102-404, eff. 1-1-22.)

Section 30. The Illinois State University Law is amended by changing Section 20-85 as follows:

(110 ILCS 675/20-85)

Sec. 20-85. Admissions.

(a) No new student shall be admitted to instruction in any of the departments or colleges of the Illinois State University unless such student also has satisfactorily completed:

(1) at least 15 units of high school coursework from the following 5 categories:

(A) 4 years of English (emphasizing written and oral communications and literature), of which up to 2 years may be collegiate level instruction;

(B) 3 years of social studies (emphasizing history and government);

(C) 3 years of mathematics (introductory through advanced algebra, geometry, trigonometry, or fundamentals of computer programming);

(D) 3 years of science (laboratory sciences or agricultural sciences); and

(E) 2 years of electives in foreign language (which may be deemed to include American Sign Language), music, career and technical education, agricultural education, or art;

(2) except that Illinois State University may admit individual applicants if it determines through assessment or through evaluation based on learning outcomes of the coursework taken, including career and technical education courses and courses taken in a charter school established under Article 27A of the School Code, that the applicant demonstrates knowledge and skills substantially equivalent to the knowledge and skills expected to be acquired in the high school courses required for admission. The Board of Trustees of Illinois State University shall not discriminate in the University's admissions process against an applicant for admission because of the applicant's enrollment in a charter school established under Article 27A of the School Code. Illinois State University may also admit (i) applicants who did not have an opportunity to complete the minimum college preparatory curriculum in high school, and (ii) educationally disadvantaged applicants who are admitted to the formal organized special assistance programs that are tailored to the needs of such students, providing that in either case, the institution incorporates in the applicant's baccalaureate curriculum courses or other academic activities that compensate for course deficiencies; and

(3) except that up to 3 of 15 units of coursework required by paragraph (1) of this subsection may be distributed by deducting no more than one unit each from the categories of social studies, mathematics, sciences and electives and completing those 3 units in any of the 5 categories of coursework described in paragraph (1).

(b) When allocating funds, local boards of education shall recognize their obligation to their students to offer the coursework required by subsection (a).

(c) A student who has graduated from high school and has scored within the University's accepted range on the ACT or SAT shall not be required to take a high school equivalency test as a prerequisite to admission.

(d) The Board shall establish an admissions process in which honorably discharged veterans are permitted to submit an application for admission to the University as a freshman student enrolling in the spring semester if the veteran was on active duty during the fall semester. The University may request that the Department of Veterans' Affairs confirm the status of an applicant as an honorably discharged veteran who was on active duty during the fall semester.

(e) Beginning with the 2024-2025 academic year, the Board shall provide all Illinois students transferring from a public community college in this State with the University's undergraduate transfer admissions application fee waiver policy and, if such a policy exists, any application or forms necessary to apply for a fee waiver as part of the University's transfer admissions process. The Board is encouraged to develop a policy to automatically waive the undergraduate transfer admissions application fee for low-income Illinois students transferring from a public community college in this State. The Board shall post this policy in an easily accessible place on the University's Internet website.

(Source: P.A. 102-403, eff. 1-1-22; 102-404, eff. 1-1-22.)

Section 35. The Northeastern Illinois University Law is amended by changing Section 25-85 as follows:

(110 ILCS 680/25-85)

Sec. 25-85. Admissions.

(a) No new student shall be admitted to instruction in any of the departments or colleges of the Northeastern Illinois University unless such student also has satisfactorily completed:

(1) at least 15 units of high school coursework from the following 5 categories:

(A) 4 years of English (emphasizing written and oral communications and literature), of which up to 2 years may be collegiate level instruction;

(B) 3 years of social studies (emphasizing history and government);

(C) 3 years of mathematics (introductory through advanced algebra, geometry, trigonometry, or fundamentals of computer programming);

(D) 3 years of science (laboratory sciences or agricultural sciences); and

(E) 2 years of electives in foreign language (which may be deemed to include American Sign Language), music, career and technical education, agricultural education, or art;

(2) except that Northeastern Illinois University may admit individual applicants if it determines through assessment or through evaluation based on learning outcomes of the coursework taken, including career and technical education courses and courses taken in a charter school established under Article 27A of the School Code, that the applicant demonstrates knowledge and skills substantially equivalent to the knowledge and skills expected to be acquired in the high school courses required for admission. The Board of Trustees of Northeastern Illinois University shall not discriminate in the University's admissions process against an applicant for admission because of the applicant's enrollment in a charter school established under Article 27A of the School Code. Northeastern Illinois University may also admit (i) applicants who did not have an opportunity to complete the minimum college preparatory curriculum in high school, and (ii) educationally disadvantaged applicants who are admitted to the formal organized special assistance programs that are tailored to the needs of such students, providing that in either case, the institution incorporates in the applicant's baccalaureate curriculum courses or other academic activities that compensate for course deficiencies; and

(3) except that up to 3 of 15 units of coursework required by paragraph (1) of this subsection may be distributed by deducting no more than one unit each from the categories of social studies, mathematics, sciences and electives and completing those 3 units in any of the 5 categories of coursework described in paragraph (1).

(b) When allocating funds, local boards of education shall recognize their obligation to their students to offer the coursework required by subsection (a).

(c) A student who has graduated from high school and has scored within the University's accepted range on the ACT or SAT shall not be required to take a high school equivalency test as a prerequisite to admission.

(d) The Board shall establish an admissions process in which honorably discharged veterans are permitted to submit an application for admission to the University as a freshman student enrolling in the spring semester if the veteran was on active duty during the fall semester. The University may request that the Department of Veterans' Affairs confirm the status of an applicant as an honorably discharged veteran who was on active duty during the fall semester.

(e) Beginning with the 2024-2025 academic year, the Board shall provide all Illinois students transferring from a public community college in this State with the University's undergraduate transfer admissions application fee waiver policy and, if such a policy exists, any application or forms necessary to apply for a fee waiver as part of the University's transfer admissions process. The Board is encouraged to develop a policy to automatically waive the undergraduate transfer admissions application fee for low-income Illinois students transferring from a public community college in this State. The Board shall post this policy in an easily accessible place on the University's Internet website.

(Source: P.A. 102-403, eff. 1-1-22; 102-404, eff. 1-1-22.)

Section 40. The Northern Illinois University Law is amended by changing Section 30-85 as follows:

(110 ILCS 685/30-85)

Sec. 30-85. Admissions.

(a) No new student shall be admitted to instruction in any of the departments or colleges of the Northern Illinois University unless such student also has satisfactorily completed:

(1) at least 15 units of high school coursework from the following 5 categories:

(A) 4 years of English (emphasizing written and oral communications and literature), of which up to 2 years may be collegiate level instruction;

(B) 3 years of social studies (emphasizing history and government);

(C) 3 years of mathematics (introductory through advanced algebra, geometry, trigonometry, or fundamentals of computer programming);

(D) 3 years of science (laboratory sciences or agricultural sciences); and

(E) 2 years of electives in foreign language (which may be deemed to include American Sign Language), music, career and technical education, agricultural education, or art;

(2) except that Northern Illinois University may admit individual applicants if it determines through assessment or through evaluation based on learning outcomes of the coursework taken, including career and technical education courses and courses taken in a charter school established

under Article 27A of the School Code, that the applicant demonstrates knowledge and skills substantially equivalent to the knowledge and skills expected to be acquired in the high school courses required for admission. The Board of Trustees of Northern Illinois University shall not discriminate in the University's admissions process against an applicant for admission because of the applicant's enrollment in a charter school established under Article 27A of the School Code. Northern Illinois University may also admit (i) applicants who did not have an opportunity to complete the minimum college preparatory curriculum in high school, and (ii) educationally disadvantaged applicants who are admitted to the formal organized special assistance programs that are tailored to the needs of such students, providing that in either case, the institution incorporates in the applicant's baccalaureate curriculum courses or other academic activities that compensate for course deficiencies; and

(3) except that up to 3 of 15 units of coursework required by paragraph (1) of this subsection may be distributed by deducting no more than one unit each from the categories of social studies, mathematics, sciences and electives and completing those 3 units in any of the 5 categories of coursework described in paragraph (1).

(b) When allocating funds, local boards of education shall recognize their obligation to their students to offer the coursework required by subsection (a).

(c) A student who has graduated from high school and has scored within the University's accepted range on the ACT or SAT shall not be required to take a high school equivalency test as a prerequisite to admission.

(d) The Board shall establish an admissions process in which honorably discharged veterans are permitted to submit an application for admission to the University as a freshman student enrolling in the spring semester if the veteran was on active duty during the fall semester. The University may request that the Department of Veterans' Affairs confirm the status of an applicant as an honorably discharged veteran who was on active duty during the fall semester.

(e) Beginning with the 2024-2025 academic year, the Board shall provide all Illinois students transferring from a public community college in this State with the University's undergraduate transfer admissions application fee waiver policy and, if such a policy exists, any application or forms necessary to apply for a fee waiver as part of the University's transfer admissions process. The Board is encouraged to develop a policy to automatically waive the undergraduate transfer admissions application fee for low-income Illinois students transferring from a public community college in this State. The Board shall post this policy in an easily accessible place on the University's Internet website.

(Source: P.A. 102-403, eff. 1-1-22; 102-404, eff. 1-1-22.)

Section 45. The Western Illinois University Law is amended by changing Section 35-85 as follows:

(110 ILCS 690/35-85)

Sec. 35-85. Admissions.

(a) No new student shall be admitted to instruction in any of the departments or colleges of the Western Illinois University unless such student also has satisfactorily completed:

(1) at least 15 units of high school coursework from the following 5 categories:

(A) 4 years of English (emphasizing written and oral communications and literature), of which up to 2 years may be collegiate level instruction;

(B) 3 years of social studies (emphasizing history and government);

(C) 3 years of mathematics (introductory through advanced algebra, geometry, trigonometry, or fundamentals of computer programming);

(D) 3 years of science (laboratory sciences or agricultural sciences); and

(E) 2 years of electives in foreign language (which may be deemed to include American Sign Language), music, career and technical education, agricultural education, or art;

(2) except that Western Illinois University may admit individual applicants if it determines through assessment or through evaluation based on learning outcomes of the coursework taken, including career and technical education courses and courses taken in a charter school established under Article 27A of the School Code, that the applicant demonstrates knowledge and skills substantially equivalent to the knowledge and skills expected to be acquired in the high school courses required for admission. The Board of Trustees of Western Illinois University shall not discriminate in the University's admissions process against an applicant for admission because of the applicant's enrollment in a charter school established under Article 27A of the School Code. Western Illinois University may also admit (i) applicants who did not have an opportunity to complete the minimum

college preparatory curriculum in high school, and (ii) educationally disadvantaged applicants who are admitted to the formal organized special assistance programs that are tailored to the needs of such students, providing that in either case, the institution incorporates in the applicant's baccalaureate curriculum courses or other academic activities that compensate for course deficiencies; and

(3) except that up to 3 of 15 units of coursework required by paragraph (1) of this subsection may be distributed by deducting no more than one unit each from the categories of social studies, mathematics, sciences and electives and completing those 3 units in any of the 5 categories of coursework described in paragraph (1).

(b) When allocating funds, local boards of education shall recognize their obligation to their students to offer the coursework required by subsection (a).

(c) A student who has graduated from high school and has scored within the University's accepted range on the ACT or SAT shall not be required to take a high school equivalency test as a prerequisite to admission.

(d) The Board shall establish an admissions process in which honorably discharged veterans are permitted to submit an application for admission to the University as a freshman student enrolling in the spring semester if the veteran was on active duty during the fall semester. The University may request that the Department of Veterans' Affairs confirm the status of an applicant as an honorably discharged veteran who was on active duty during the fall semester.

(e) Beginning with the 2024-2025 academic year, the Board shall provide all Illinois students transferring from a public community college in this State with the University's undergraduate transfer admissions application fee waiver policy and, if such a policy exists, any application or forms necessary to apply for a fee waiver as part of the University's transfer admissions process. The Board is encouraged to develop a policy to automatically waive the undergraduate transfer admissions application fee for low-income Illinois students transferring from a public community college in this State. The Board shall post this policy in an easily accessible place on the University's Internet website.

(Source: P.A. 102-403, eff. 1-1-22; 102-404, eff. 1-1-22.)

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

Senator Villanueva offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 3081

AMENDMENT NO. 2 . Amend Senate Bill 3081, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, as follows:

on page 4, line 6, by replacing "2024-2025" with "2025-2026"; and

on page 4, lines 6 and 7, by replacing "Board of Trustees" with "University"; and

on page 4, lines 12 and 13, by replacing "Board of Trustees" with "University"; and

on page 4, line 16 by replacing "Board of Trustees" with "University"; and

on page 7, line 12, by replacing "2024-2025" with "2025-2026"; and

on page 7, line 12, by replacing "Board" with "University"; and

on page 7, line 18, by replacing "Board" with "University"; and

on page 7, line 22, by replacing "Board" with "University"; and

on page 10, line 16, by replacing "2024-2025" with "2025-2026"; and

on page 10, line 16, by replacing "Board" with "University"; and

on page 10, line 22, by replacing "Board" with "University"; and

on page 10, line 26, by replacing "Board" with "University"; and

on page 13, line 21, by replacing "2024-2025" with " 2025-2026"; and

on page 13, line 21, by replacing "Board" with "University"; and

on page 14, line 1, by replacing "Board" with "University"; and

on page 14, line 5, by replacing "Board" with "University"; and

on page 16, line 26, by replacing "2024-2025" with "2025-2026"; and

on page 16, line 26, by replacing "Board" with "University"; and

on page 17, line 6, by replacing "Board" with "University"; and

on page 17, line 10, by replacing "Board" with "University"; and

on page 20, line 5, by replacing "2024-2025" with "2025-2026"; and

on page 20, line 5, by replacing "Board" with "University"; and

on page 20, line 11, by replacing "Board" with "University"; and

on page 20, line 15, by replacing "Board" with "University"; and

on page 23, line 11, by replacing "2024-2025" with "2025-2026"; and

on page 23, line 11, by replacing "Board" with "University"; and

on page 23, line 17, by replacing "Board" with "University"; and

on page 23, line 21, by replacing "Board" with "University"; and

on page 26, line 16, by replacing "2024-2025" with "2025-2026"; and

on page 26, line 16, by replacing "Board" with "University"; and

on page 26, line 22, by replacing "Board" with "University"; and

on page 26, line 26, by replacing "Board" with "University"; and

on page 29, line 21, by replacing "2024-2025" with "2025-2026"; and

on page 29, line 21, by replacing "Board" with "University"; and

on page 30, line 1, by replacing "Board" with "University"; and

on page 30, line 5 by replacing "Board" with "University".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendments Numbered 1 and 2 were ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Morrison, **Senate Bill No. 3115** having been printed, was taken up, read by title a second time.

Floor Amendment Nos. 1 and 2 were held in the Committee on Assignments.

Senator Morrison offered the following amendment and moved its adoption:

AMENDMENT NO. 3 TO SENATE BILL 3115

AMENDMENT NO. 3 . Amend Senate Bill 3115 by replacing everything after the enacting clause with the following:

"Section 5. The Nursing Home Care Act is amended by changing Sections 3-112, 3-113, and 3-114 as follows:

(210 ILCS 45/3-112) (from Ch. 111 1/2, par. 4153-112)

Sec. 3-112. (a) Whenever ownership of a facility is transferred from the person named in the license to any other person, the transferee must obtain a new probationary license. The transferee shall notify the Department of the transfer and apply for a new license at least 30 days prior to final transfer.

(b) The transferor shall notify the Department at least 30 days prior to final transfer. The transferor shall remain responsible for the operation of the facility until such time as a license is issued to the transferee.

(c) The transferee shall submit to the Department a transition plan, signed by both the transferee and the transferor, that includes, at a minimum, a detailed explanation of how resident care and appropriate staffing levels shall be maintained until the license has been obtained and the transfer of the facility operations occurs. The transition plan shall be submitted at the same time as notice to the Department of the transfer. The transferor and transferee shall coordinate as necessary to ensure that there are no gaps in care, staffing, and safety during the transition period.

The Department shall accept or reject the transition plan within 10 days after submission. If the transition plan is rejected, the Department shall work with the facility, the transferee, and the transferor to bring the transition plan into compliance. If the Department finds that an entity failed to follow an accepted transition plan and ensure residents are provided adequate care during the change of ownership process, and finds actual harm to a resident, the Department shall establish a high-risk designation pursuant to paragraph (9) of Section 3-305. The Department shall issue a violation to the entity that failed to carry out their responsibility under the transition plan that resulted in the violation. As described in this Section, the change of ownership process shall begin upon submission of the transition plan to 30 days after the transfer of the facility.

(Source: P.A. 98-756, eff. 7-16-14.)

(210 ILCS 45/3-113) (from Ch. 111 1/2, par. 4153-113)

Sec. 3-113. (a) The license granted to the transferee shall be subject to the plan of correction submitted by the previous owner and approved by the Department and any conditions contained in a conditional license issued to the previous owner. If there are outstanding violations and no approved plan of correction has been implemented, the Department may issue a conditional license and plan of correction as provided in Sections 3-311 through 3-317. The license granted to a transferee for a facility that is in receivership shall be subject to any contractual obligations assumed by a grantee under the Equity in Long-term Care Quality Act and to the plan submitted by the receiver for continuing and increasing adherence to best practices in providing high-quality nursing home care, unless the grant is repaid, under conditions to be determined by rule by the Department in its administration of the Equity in Long-term Care Quality Act.

(b) If the Department finds that an entity failed to follow an accepted transition plan and ensure residents are provided adequate care during the change of ownership process, and finds actual harm to a resident, the Department shall establish a high-risk designation pursuant to paragraph (9) of Section 3-305. The Department shall issue a violation to the entity that failed to carry out their responsibility under the transition plan that caused the violation. As described in this Section, the change of ownership process shall begin upon submission of the transition plan to 30 days after the transfer of the facility.

(Source: P.A. 96-1372, eff. 7-29-10.)

(210 ILCS 45/3-114) (from Ch. 111 1/2, par. 4153-114)

Sec. 3-114. The transferor shall remain liable for all penalties assessed against the facility which are imposed for violations occurring prior to transfer of ownership. If the Department finds that an entity failed

to follow an accepted transition plan and ensure residents are provided adequate care during the change of ownership process, and finds actual harm to a resident, the Department shall establish a high-risk designation pursuant to paragraph (9) of Section 3-305. The Department shall issue a violation to the entity that failed to carry out their responsibility under the transition plan that caused the violation. As described in this Section, the change of ownership process shall begin upon submission of the transition plan to 30 days after the transfer of the facility.
(Source: P.A. 81-223.)".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 3 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Fine, **Senate Bill No. 3137** having been printed, was taken up, read by title a second time.

The following amendment was offered in the Committee on Behavioral and Mental Health, adopted and ordered printed:

AMENDMENT NO. 1 TO SENATE BILL 3137

AMENDMENT NO. 1 . Amend Senate Bill 3137 by replacing everything after the enacting clause with the following:

"Section 1. This Act may be referred to as Jordan's Law.

Section 5. The Substance Use Disorder Act is amended by adding Section 55-45 as follows:
(20 ILCS 301/55-45 new)

Sec. 55-45. Notice of death of patient. Any program operating in this State shall provide notice of the death of a patient occurring in the program to the personal representative of the patient. The program shall provide verbal notice to the personal representative of the patient within 24 hours after the death of the patient and shall provide written notice to the personal representative of the patient within 5 days after the death of the patient. The program shall provide notice under this subsection in accordance with 42 CFR 2.15(b) and 45 CFR 164.502(g), as amended. For the purposes of this subsection, "personal representative" has the meaning set forth in 45 CFR 164.502(g).

Section 10. The Mental Health and Developmental Disabilities Code is amended by adding Section 5-100.1 as follows:
(405 ILCS 5/5-100.1 new)

Sec. 5-100.1. Notice of death of patient. Any mental health or developmental disabilities facility operating in this State shall provide notice of the death of a recipient of services occurring in the facility to the personal representative of the recipient of services. The facility shall provide verbal notice to the personal representative of the recipient of services within 24 hours after the death of the recipient of services and shall provide written notice to the personal representative of the recipient of services within 5 days after the death of the recipient of services. The facility shall provide notice under this subsection in accordance with Sections 4 and 5 of the Mental Health and Developmental Disabilities Confidentiality Act and 45 CFR 164.502(g), as amended. For the purposes of this subsection, "personal representative" has the meaning set forth in 45 CFR 164.502(g).

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

Committee Amendment No. 2 was held in the Committee on Assignments.

Senator Fine offered the following amendment and moved its adoption:

AMENDMENT NO. 3 TO SENATE BILL 3137

AMENDMENT NO. 3 . Amend Senate Bill 3137, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 1. This Act may be referred to as Jordan's Law.

Section 5. The Substance Use Disorder Act is amended by adding Section 55-45 as follows:
(20 ILCS 301/55-45 new)
Sec. 55-45. Notice of death of patient. Any licensed facility operating in this State shall provide notice of the death of a patient occurring in the facility to the personal representative of the patient. The facility shall provide verbal notice to the personal representative of the patient within 24 hours after the death of the patient and shall provide written notice to the personal representative, if known, of the patient within 5 days after the death of the patient. The facility shall provide notice under this subsection in accordance with 42 CFR 2.15(b) and 45 CFR 164.502(g), as amended. For the purposes of this subsection, "personal representative" has the meaning set forth in 45 CFR 164.502(g).

Section 10. The Mental Health and Developmental Disabilities Code is amended by adding Section 5-100.1 as follows:
(405 ILCS 5/5-100.1 new)
Sec. 5-100.1. Notice of death of patient. Any mental health or developmental disabilities facility operating in this State shall provide notice of the death of a recipient of services occurring in the facility to the personal representative of the recipient of services. The facility shall provide verbal notice to the personal representative, if known, of the recipient of services within 24 hours after the death of the recipient of services and shall provide written notice to the personal representative of the recipient of services within 5 days after the death of the recipient of services. The facility shall provide notice under this subsection in accordance with Sections 4 and 5 of the Mental Health and Developmental Disabilities Confidentiality Act and 45 CFR 164.502(g), as amended. For the purposes of this subsection, "personal representative" has the meaning set forth in 45 CFR 164.502(g).

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

The motion prevailed.
And the amendment was adopted and ordered printed.
There being no further amendments, the foregoing Amendments Numbered 1 and 3 were ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Hastings, **Senate Bill No. 3175** having been printed, was taken up, read by title a second time.
Senator Hastings offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 3175

AMENDMENT NO. 1 . Amend Senate Bill 3175 by replacing everything after the enacting clause with the following:

"Section 5. The Department of Transportation Law of the Civil Administrative Code of Illinois is amended by adding Section 2705-621 as follows:
(20 ILCS 2705/2705-621 new)
Sec. 2705-621. Type II Noise Suppression Program. On or before July 1, 2025, the Department may, subject to appropriation, create and implement a Type II Noise Suppression Program as defined by 23 CFR 772.5 to provide noise abatement on existing highways in the State. The Department may determine and prioritize projects within this program in accordance with 23 CFR 772.7(e).

Section 99. Effective date. This Act takes effect July 1, 2024.".

The motion prevailed.
And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Cervantes, **Senate Bill No. 3211** having been printed, was taken up, read by title a second time.

Floor Amendment No. 1 was held in the Committee on Licensed Activities.

There being no further amendments, the bill was ordered to a third reading.

On motion of Senator Belt, **Senate Bill No. 3235** having been printed, was taken up, read by title a second time.

The following amendment was offered in the Committee on Executive, adopted and ordered printed:

AMENDMENT NO. 1 TO SENATE BILL 3235

AMENDMENT NO. 1 . Amend Senate Bill 3235 on page 5, line 18, by replacing "as detailed in rule" with "through rules adopted in accordance with the Illinois Administrative Procedure Act".

Floor Amendment No. 2 was held in the Committee on Assignments.

Floor Amendment No. 3 was held in the Committee on Executive.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Murphy, **Senate Bill No. 3318** having been printed, was taken up, read by title a second time.

The following amendment was offered in the Committee on Insurance, adopted and ordered printed:

AMENDMENT NO. 1 TO SENATE BILL 3318

AMENDMENT NO. 1 . Amend Senate Bill 3318 by replacing everything after the enacting clause with the following:

"Section 5. The State Employees Group Insurance Act of 1971 is amended by adding Section 6.11D as follows:

(5 ILCS 375/6.11D new)

Sec. 6.11D. Coverage for treatments to slow the progression of Alzheimer's Disease and related dementias. Beginning on July 1, 2025, the State Employees Group Insurance Program shall provide coverage for all medically necessary FDA-approved treatments or medications prescribed to slow the progression of Alzheimer's Disease or another related dementia, as determined by a physician licensed to practice medicine in all its branches. Coverage for all FDA-approved treatments or medications prescribed to slow the progression of Alzheimer's Disease or another related dementia shall not be subject to step therapy. Any diagnostic testing necessary for a physician to determine appropriate use of these treatments or medications shall be covered by the State Employees Group Insurance Program.".

Floor Amendment No. 2 was held in the Committee on Insurance.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Halpin, **Senate Bill No. 3353** having been printed, was taken up, read by title a second time.

The following amendment was offered in the Special Committee on Criminal Law and Public Safety, adopted and ordered printed:

AMENDMENT NO. 1 TO SENATE BILL 3353

AMENDMENT NO. 1 . Amend Senate Bill 3353 on page 2, by replacing lines 6 through 13 with the following:

"(1) 4 members appointed by the Senate President, including 2 members of the Senate and 2 members of the public, with one member of the Senate, appointed by the Senate President, to serve as chair of the Task Force;

(2) 4 members appointed by the Senate Minority Leader, including 2 members of the Senate and 2 members of the public;

(3) 4 members appointed by the Speaker of the House, including 2 members of the Senate and 2 members of the public;

(4) 4 members appointed by the Minority Leader of the House of Representatives, including 2 members of the Senate and 2 members of the public;".

Floor Amendment Nos. 2 and 3 were held in the Special Committee on Criminal Law and Public Safety.

Floor Amendment No. 4 was held in the Committee on Assignments.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Collins, **Senate Bill No. 3367** having been printed, was taken up, read by title a second time.

Senator Collins offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 3367

AMENDMENT NO. 1 . Amend Senate Bill 3367 by replacing everything after the enacting clause with the following:

"Section 5. The Children and Family Services Act is amended by changing Sections 9.1 and 9.3 as follows:

(20 ILCS 505/9.1) (from Ch. 23, par. 5009.1)

Sec. 9.1. The Department shall adopt rules no later than January 1, 2026 regarding ~~The parents or guardians of the estates of children accepted for care and training under the Juvenile Court Act or the Juvenile Court Act of 1987, or through a voluntary placement agreement with the parents or guardians shall be liable for the payment to the Department, or to a licensed or approved child care facility designated by the Department of sums representing charges for the care and training of those children at a rate to be determined by the Department. The Department shall establish a standard by which shall be measured the ability of parents or guardians to pay for the care and training of their children, and shall implement the standard by rules governing its application. The standard and the rules shall take into account ability to pay as measured by annual income and family size. Medical or other treatment provided on behalf of the family may also be taken into account in determining ability to pay if the Department concludes that such treatment is appropriate. In addition, the Department may provide by rule for~~ referral of Title IV-E foster care maintenance cases to the Department of Healthcare and Family Services for child support enforcement services under Title IV-D of the Social Security Act. It is the policy of the State that in order to preserve the financial security of a child's parent seeking reunification, the Department will not refer cases for child support enforcement services or seek an assignment of rights of child support regarding any child prior to the permanency goal of return home being ruled out by the court in accordance with the Juvenile Court Act of 1987. The Department may refer cases for child support enforcement services, consistent with rules, after the permanency goal of return home has been ruled out by the court in accordance with the Juvenile Court Act of 1987. The Department shall adopt rules by January 1, 2026 establishing additional policies or criteria to consider to ensure compliance with this Section and federal law regarding referral for child support enforcement or assignment of rights of child support for children where a return home goal has been ruled out in accordance with the Juvenile Court Act of 1987. The Department shall consider "good cause" as defined in regulations promulgated under Title IV-A of the Social Security Act, among other criteria, when determining whether to refer a case and, upon referral, the parent or guardian of ~~the estate of~~ a child who is receiving Title IV-E foster care maintenance payments shall be deemed to have made an assignment to the Department of any and all rights, title and interest in any support obligation on behalf of a child. The rights to support assigned to the Department shall constitute an obligation owed the State by the person who is responsible for providing the support, and shall be collectible under all applicable processes.

The acceptance of children for services or care shall not be limited or conditioned in any manner on the financial status or ability of parents or guardians to make such payments.

(Source: P.A. 95-331, eff. 8-21-07.)

(20 ILCS 505/9.3) (from Ch. 23, par. 5009.3)

Sec. 9.3. Declarations by parents and guardians. Information requested of parents and guardians shall be submitted on forms or questionnaires prescribed by the Department or units of local government as the case may be and shall contain a written declaration to be signed by the parent or guardian in substantially the following form:

"I declare under penalties of perjury that I have examined this form or questionnaire and all accompanying statements or documents pertaining to my income, or any other matter having bearing upon my status and ability to provide payment for care and training of my child, and to the best of my knowledge and belief the information supplied is true, correct, and complete".

A person who makes and subscribes a form or questionnaire which contains, as herein above provided, a written declaration that it is made under the penalties of perjury, knowing it to be false, incorrect or incomplete, in respect to any material statement or representative bearing upon the parent's or guardian's status as a parent or guardian, or upon the parent's or guardian's income, resources, or other matter concerning the parent's or guardian's ability to provide parental payment, shall be subject to the penalties for perjury provided for in Section 32-2 of the Criminal Code of 2012.

Parents who refuse to provide such information after three written requests from the Department will be liable to the extent liability is consistent with the standards and rules described in Section 9.1 ~~for the full cost of care provided, from the commencement of such care until the required information is received~~.
(Source: P.A. 103-22, eff. 8-8-23.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Ellman, **Senate Bill No. 3412** having been printed, was taken up, read by title a second time.

Floor Amendment No. 1 was held in the Committee on Executive.

There being no further amendments, the bill was ordered to a third reading.

On motion of Senator Villivalam, **Senate Bill No. 3467** having been printed, was taken up, read by title a second time.

Floor Amendment No. 1 was held in the Committee on Licensed Activities.

There being no further amendments, the bill was ordered to a third reading.

On motion of Senator Ellman, **Senate Bill No. 3501** having been printed, was taken up, read by title a second time.

Committee Amendment No. 1 was held in the Committee on State Government.

Committee Amendment No. 2 was held in the Committee on Assignments.

The following amendment was offered in the Committee on State Government, adopted and ordered printed:

AMENDMENT NO. 3 TO SENATE BILL 3501

AMENDMENT NO. 3 . Amend Senate Bill 3501 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Responsible Outdoor Lighting Control Act.

Section 5. Findings. The General Assembly finds that:

(1) Article XI of the Illinois Constitution states the public policy of the State and the duty of each person is to provide and maintain a healthful environment for the benefit of this and future generations and that the General Assembly shall provide by law for the implementation and enforcement of this policy.

(2) The House of Representatives has resolved in House Resolution 884 of the 96th General Assembly to (i) express its support for improved night preservation practices in Illinois, (ii) encourage

State agencies to adopt suitable outdoor lighting practices based on the principles of applying artificial light only where it is needed, when it is needed, and to only the levels needed using the best safety and energy-efficient standards available, and (iii) encourage the Illinois Sustainable Technology Center of the University of Illinois to provide artificial outdoor illumination engineering assistance to State agencies, municipalities, and businesses that seek to implement responsible outdoor lighting to conserve and preserve the important natural phenomenon of night.

(3) The Senate has resolved in Senate Resolution 64 of the 103rd General Assembly that local governments in Illinois should abide by the International Dark-Sky Association (now known as Dark Sky International) guidelines and lighting principles to help mitigate the effects of light pollution produced by outdoor lighting.

(4) The State should promote responsible outdoor lighting.

(5) Government structures, facilities, places, and spaces should serve as models of best practices for private structures, facilities, places, and spaces. These government structures, facilities, places, and spaces should encourage residents, business owners, and others to join in transitioning to responsible lighting.

Section 10. Definitions. As used in this Act:

"ANSI/IES standards" means the American National Standards Institute and Illuminating Engineering Society's lighting guidelines, also known as the IES Lighting Library Standards Collection.

"Correlated color temperature" means the measure of the approximate spectrum of the color of light of an object as perceived by the eye, measured in degrees Kelvin.

"Fully shielded" means a luminaire that is constructed in such a manner that all light emitted, either directly from the lamp or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal plane aligned with the bottom of the luminaire aperture, where no part of the lamp protrudes outside of the luminaire or shield.

"Glare" means light emitted by a luminaire that causes visual discomfort, reduced visibility of objects, or produces momentary blindness.

"Illuminating Engineering Society Backlight, Uplight, and Glare rating" or "IES BUG rating" means the luminaire classification system developed by the Illuminating Engineering Society that ranks and defines how many lumens of light a luminaire emits backwards, upwards, and in glare.

"Lamp" means the component of a luminaire that produces light.

"Light pollution" means the scattering of artificial light into the nighttime environment caused by excessive or improperly positioned artificial outdoor lighting resulting in sky glow, light trespass, or glare.

"Light trespass" means light emitted by a luminaire that shines beyond the boundaries of the property the luminaire is intended to illuminate.

"Luminaire" means a complete installed or portable illuminating device, including a lamp, together with the parts designed to distribute the light, such as a reflector or refractor, parts to position and protect the lamps, and parts to connect the lamps to a power supply.

"Lumen" means a standard unit of measurement of luminous flux.

"Lux" means a standard unit of luminous flux expressed in lumens per square meter.

"Nadir" means the point on the ground that is directly below the center of a luminaire.

"Ornamental lighting" means a luminaire that has a historical or seasonal holiday purpose and that serves a historical or seasonal holiday purpose only.

"Outdoor luminaire" means installed or portable outdoor artificial illuminating devices used for flood lighting, roadway and area lighting, general illumination, or advertisement.

"Permanent outdoor luminaire" means exterior lighting or a system of lighting that is used in place for 7 or more days.

"Reflective roadway markings" means lines and markers with reflective properties intended to promote vehicular and pedestrian safety.

"Reflective signage" means roadway and informational signage that has reflective properties to aid with vehicular and pedestrian safety.

"Responsible lighting principles" means the use of modern lighting technologies, including shielding, an upper limit on color temperature (2,700 Kelvin), on-off controls, dimming controls, and motion sensors.

"Roadway lighting" means permanent outdoor luminaires that are specifically intended to illuminate roadways for safe vehicular and pedestrian traffic.

"Sky glow" means the brightening of the night sky due to inefficiently and improperly lit areas.

Section 15. Outdoor lighting control. All new luminaires purchased with State funds after the effective date of this Act or installed after the effective date of this Act on a structure or land that is owned, leased, or managed by the Department of Natural Resources, including roadways, facilities, properties, nonhabitable structures, monuments, and public right-of-way spaces, including sidewalks, with the intended purpose of outdoor illumination must follow the following outdoor lighting control requirements:

(1) Permanent outdoor luminaires must be fully shielded with an IES BUG rating and produce less than 1% of its emitted light above 80 degrees from the downward vertical direction of nadir. Light should not be emitted at an angle above 60 degrees from the downward vertical direction of nadir.

(2) Luminaires must avoid light trespass by not exceeding an illuminance of one lux as measured at ground level both horizontally and vertically at the property boundary.

(3) Luminaires must have a correlated color temperature less than or equal to 2,700 Kelvin. In residential areas, dark sky locations, or environmentally sensitive areas, such as State parks and outdoor recreation facilities, correlated color temperature should be no more than 2,200 Kelvin.

(4) Outdoor lighting must be minimized to no more than 25% above ANSI/IES standards or United States Department of Transportation recommendations.

(5) Facade lighting must be minimized to no more than 25% above ANSI/IES standards, must project downward, and must not violate the light trespass limits in paragraph (2).

(6) When the installation or replacement of roadway lighting is planned, the appropriate authority must determine whether reflective roadway markings or reflective signage is appropriate and safe for the situation in lieu of outdoor lighting. Reflectorized roadway markings, lines, warning signs, informational signs or other passive means must be used for roadway lighting, except at intersections of 2 or more streets or highways, unless it is determined that adequate safety cannot be achieved by reflective means.

(7) No artificial lighting above one lux, as measured at ground level both horizontally and vertically, may trespass onto land or waterways designated or managed as habitat, reserve, natural area, open space, or wilderness.

Section 20. Exceptions. This Act does not apply if:

(1) the luminaires are on a structure or land that is owned, supported, funded, leased, or managed by the State in a county or municipality that, by ordinance or resolution, has adopted provisions that are equal to or more stringent than the provisions of this Act;

(2) a federal law or regulation preempts this Act;

(3) a State agency determines a safety or security need exists that cannot be addressed by any other method;

(4) fire, police, rescue, or repair personnel need light for temporary emergencies or road repair work;

(5) it has been determined that a reasonable safety and security interest exists at correctional or hospital facilities that cannot be addressed by another method as long as it complies with existing standards, specifications, or policies;

(6) navigational lighting systems and other lighting are necessary to comply with Federal Aviation Administration airside operations or nautical safety;

(7) lamps greater than 2,700 Kelvin are used on active sports grounds or show grounds, but only for the duration of a practice, match, or event. Lamps emitting greater than 2,700 Kelvin under this paragraph must be positioned, angled, or shielded to prevent direct glare and light trespass onto neighboring property or properties, and the positioning, angling, or shielding must limit upward light emission to only the amount necessary to light the sporting or grounds activity;

(8) flagpoles installed after the effective date of this Act are lit by means of a downward-facing lamp and using a lamp of 2,700 Kelvin or lower;

(9) flagpoles installed on or before the effective date of this Act are upward-lit by partially shielded or unshielded luminaires using a lamp of 2,200 Kelvin or lower to minimize the impact of glare, light trespass, and sky glow and are converted to conform to requirements upon retrofitting;

(10) the luminaries are existing decorative and ornamental lighting that serve historical purposes, but replacement luminaries for the existing decorative and ornamental lighting must meet the standards of this Act; or

(11) the luminaries are temporary seasonal holiday lighting lasting no longer than 45 days surrounding the holiday season.

Section 25. Other laws. If this Act conflicts with any other federal law, State law, or local ordinance controlling lighting, outdoor luminaries, signage, outdoor advertising, displays, or devices that is more stringent than the Act, then the federal law, State law, or local ordinance controls to the extent it is more stringent than the Act.

Section 99. Effective date. This Act takes effect January 1, 2025.".

Floor Amendment No. 4 was held in the Committee on State Government.

There being no further amendments, the foregoing Amendment No. 3 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator E. Harriss, **Senate Bill No. 3567** having been printed, was taken up, read by title a second time.

Floor Amendment No. 1 was held in the Committee on Revenue.

There being no further amendments, the bill was ordered to a third reading.

On motion of Senator Edly-Allen, **Senate Bill No. 3599** having been printed, was taken up, read by title a second time.

Senator Edly-Allen offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 3599

AMENDMENT NO. 1 . Amend Senate Bill 3599 on page 7, by replacing lines 19 through 24 with the following:

"services.

(a) In this Section:

"Eligible recipient" means an individual who has received hospital emergency department services 3 or more times in a period of 4 consecutive months in the past 12 months or an individual who has been identified by a health care provider as an individual for whom mobile integrated health care services would likely prevent admission or readmission to or would allow discharge from a hospital, behavioral health facility, acute care facility, or nursing facility.

"Mobile integrated health care services" means medically necessary health services provided on-site by emergency medical services personnel, as defined in Section 5 of the Emergency Medical Services (EMS) Systems Act.

"Mobile integrated health care services" includes health assessment, chronic disease monitoring and education, medication compliance, immunizations and vaccinations, laboratory specimen collection, hospital discharge follow-up care, and minor medical procedures as approved by the applicable EMS Medical Director.

"Mobile integrated health care services" does not include nonemergency ambulance transport.

(b) A group or individual policy of accident and health insurance or a managed care plan that is amended, delivered, issued, or renewed on or after January 1, 2026, shall provide coverage to an eligible recipient for medically necessary mobile integrated health care services.".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Martwick, **Senate Bill No. 3615** having been printed, was taken up, read by title a second time.

Floor Amendment No. 1 was held in the Special Committee on Criminal Law and Public Safety.

There being no further amendments, the bill was ordered to a third reading.

On motion of Senator Koehler, **Senate Bill No. 3687** having been printed, was taken up, read by title a second time.

Senator Koehler offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 3687

AMENDMENT NO. 1 . Amend Senate Bill 3687 as follows:

on page 1, by deleting lines 4 through 8; and

on page 1, line 10, by replacing "9," with "12,"; and

on page 1, lines 10 and 11, by deleting "and by adding Section 12.5"; and

by replacing line 10 on page 12 through line 25 on page 17 with the following:

"(205 ILCS 305/12) (from Ch. 17, par. 4413)

Sec. 12. Regulatory fees.

(1) For the fiscal year beginning July 1, 2007, a credit union regulated by the Department shall pay a regulatory fee to the Department based upon its total assets as shown by its Year-end Call Report at the following rates or at a lesser rate established by the Secretary in a manner proportionately consistent with the following rates and sufficient to fund the actual administrative and operational expenses of the Department's Credit Union Section pursuant to subsection (4) of this Section:

TOTAL ASSETS	REGULATORY FEE
$25,000 or less	$100
Over $25,000 and not over $100,000	$100 plus $4 per $1,000 of assets in excess of $25,000
Over $100,000 and not over $200,000	$400 plus $3 per $1,000 of assets in excess of $100,000
Over $200,000 and not over $500,000	$700 plus $2 per $1,000 of assets in excess of $200,000
Over $500,000 and not over $1,000,000	$1,300 plus $1.40 per $1,000 of assets in excess of $500,000
Over $1,000,000 and not over $5,000,000	$2,000 plus $0.50 per $1,000 of assets in excess of $1,000,000
Over $5,000,000 and not over $30,000,000	$4,540 plus $0.397 per $1,000 of assets in excess of $5,000,000
Over $30,000,000 and not over $100,000,000	$14,471 plus $0.34 per $1,000 of assets in excess of $30,000,000
Over $100,000,000 and not over $500,000,000	$38,306 plus $0.17 per $1,000 of assets

	in excess of $100,000,000
Over $500,000,000	$106,406 plus $0.056 per $1,000 of assets in excess of $500,000,000

(2) The Secretary shall review the regulatory fee schedule in subsection (1) and the projected earnings on those fees on an annual basis and adjust the fee schedule no more than 5% annually if necessary to defray the estimated administrative and operational expenses of the Credit Union Section of the Department as defined in subsection (5). However, the fee schedule shall not be increased if the amount remaining in the Credit Union Fund at the end of any fiscal year is greater than 25% of the total actual and operational expenses incurred by the State in administering and enforcing the Illinois Credit Union Act and other laws, rules, and regulations as may apply to the administration and enforcement of the foregoing laws, rules, and regulations as amended from time to time for the preceding fiscal year. The regulatory fee for the next fiscal year shall be calculated by the Secretary based on the credit union's total assets as of December 31 of the preceding calendar year. The Secretary shall provide credit unions with written notice of any adjustment made in the regulatory fee schedule.

(3) A credit union shall pay to the Department a regulatory fee in quarterly installments equal to one-fourth of the regulatory fee due in accordance with the regulatory fee schedule in subsection (1), on the basis of assets as of the Year-end Call Report of the preceding calendar year. The total annual regulatory fee shall not be less than $100 or more than $210,000, provided that the regulatory fee cap of $210,000 shall be adjusted to incorporate the same percentage increase as the Secretary makes in the regulatory fee schedule from time to time under subsection (2). No regulatory fee shall be collected from a credit union until it has been in operation for one year. The regulatory fee shall be billed to credit unions on a quarterly basis and it shall be payable by credit unions on the due date for the Call Report for the subject quarter.

(4)(a) The aggregate of all fees collected by the Department under this Act and from credit unions pursuant to the Illinois Community Reinvestment Act shall be paid promptly after they are received, accompanied by a detailed statement thereof, into the State treasury ~~Treasury~~ and shall be set apart in the Credit Union Fund, a special fund hereby created in the State treasury. The amount from time to time deposited in the Credit Union Fund and shall be used to offset the ordinary administrative and operational expenses of the Credit Union Section of the Department under this Act. All earnings received from investments of funds in the Credit Union Fund shall be deposited into the Credit Union Fund and may be used for the same purposes as fees deposited into that fund. Moneys deposited in the Credit Union Fund may be transferred to the Professions Indirect Cost Fund, as authorized under Section 2105-300 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois.

(b) At the conclusion of each fiscal year, beginning in fiscal year 2025, the Department shall separately identify the direct administrative and operational expenses and allocable indirect costs of the Credit Union Section of the Department incidental to conducting the examinations required or authorized by the Illinois Community Reinvestment Act and implementing rules adopted by the Department. Pursuant to Section 2105-300 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois, the Department shall make copies of the analyses available to the credit union industry in a timely manner. The administrative and operational expenses of the Credit Union Section of the Department in conducting examinations required or authorized by the Illinois Community Reinvestment Act shall have the same meaning and scope as the administrative and operational expenses of the Credit Union Section of the Department, as defined in subsection (5) of this Section.

(c) Notwithstanding provisions in the State Finance Act, as now or hereafter amended, or any other law to the contrary, the Governor may, during any fiscal year through January 10, 2011, from time to time direct the State Treasurer and Comptroller to transfer a specified sum not exceeding 10% of the revenues to be deposited into the Credit Union Fund during that fiscal year from that Fund to the General Revenue Fund in order to help defray the State's operating costs for the fiscal year. Notwithstanding provisions in the State Finance Act, as now or hereafter amended, or any other law to the contrary, the total sum transferred from the Credit Union Fund to the General Revenue Fund pursuant to this provision shall not exceed during any fiscal year 10% of the revenues to be deposited into the Credit Union Fund during that fiscal year. The State Treasurer and Comptroller shall transfer the amounts designated under this Section as soon as may be practicable after receiving the direction to transfer from the Governor.

(5) The administrative and operational expenses for any fiscal year shall mean the ordinary and contingent expenses for that year incidental to making the examinations provided for by, and for administering, this Act, including all salaries and other compensation paid for personal services rendered for

the State by officers or employees of the State to enforce this Act; all expenditures for telephone and telegraph charges, postage and postal charges, office supplies and services, furniture and equipment, office space and maintenance thereof, travel expenses and other necessary expenses; all to the extent that such expenditures are directly incidental to such examination or administration.

(6) When the balance in the Credit Union Fund at the end of a fiscal year exceeds 25% of the total administrative and operational expenses incurred by the State in administering and enforcing the Illinois Credit Union Act and other laws, rules, and regulations as may apply to the administration and enforcement of the foregoing laws, rules, and regulations as amended from time to time for that fiscal year, such excess shall be credited to credit unions and applied against their regulatory fees for the subsequent fiscal year. The amount credited to each credit union shall be in the same proportion as the regulatory fee paid by such credit union for the fiscal year in which the excess is produced bears to the aggregate amount of all fees collected by the Department under this Act for the same fiscal year.

(7) (Blank).

(8) Nothing in this Act shall prohibit the General Assembly from appropriating funds to the Department from the General Revenue Fund for the purpose of administering this Act.

(9) For purposes of this Section, "fiscal year" means a period beginning on July 1 of any calendar year and ending on June 30 of the next calendar year.

(Source: P.A. 103-107, eff. 6-27-23.)"; and

on page 20, by replacing line 10 with "defined in subsection (b) of Section 59. The receipt of deposits from any state other than Illinois, or any agency or political subdivision thereof, shall not exceed the total limit of the greater of 50% of paid-in and unimpaired capital and surplus or $3,000,000 as described in 12 CFR 701.32 and shall otherwise comply with the requirements of 12 CFR 701.32;"; and

by replacing line 25 on page 27 through line 11 on page 28 with "insurance companies, and other loan sellers, subject to such safety and".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Halpin, **Senate Bill No. 3696** having been printed, was taken up, read by title a second time.

Floor Amendment Nos. 1 and 2 were held in the Committee on Assignments.

Senator Halpin offered the following amendment and moved its adoption:

AMENDMENT NO. 3 TO SENATE BILL 3696

AMENDMENT NO. 3 . Amend Senate Bill 3696 by deleting line 4 on page 1 through line 15 on page 4; and

on page 4, line 21, after "3-105,", by inserting "3-312,"; and

on page 4, line 23, after "9-105,", by inserting "9-201,"; and

on page 17, line 18, by replacing "that" with "which"; and

on page 23, line 19, by replacing "that" with "which"; and

on page 24, line 7, by replacing "that" with "which"; and

on page 39, immediately below line 23, by inserting the following:

"(810 ILCS 5/3-312) (from Ch. 26, par. 3-312)

Sec. 3-312. Lost, destroyed, or stolen cashier's check, teller's check, or certified check.

(a) In this Section:

(1) "Check" means a cashier's check, teller's check, or certified check.

(2) "Claimant" means a person who claims the right to receive the amount of a cashier's check, teller's check, or certified check that was lost, destroyed, or stolen.

(3) "Declaration of loss" means a written statement, made under penalty of perjury, to the effect that (i) the declarer lost possession of a check, (ii) the declarer is the drawer or payee of the check, in the case of a certified check, or the remitter or payee of the check, in the case of a cashier's check or teller's check, (iii) the loss of possession was not the result of a transfer by the declarer or ~~of~~ a lawful seizure, and (iv) the declarer cannot reasonably obtain possession of the check because the check was destroyed, its whereabouts cannot be determined, or it is in the wrongful possession of an unknown person or a person that cannot be found or is not amenable to service of process.

(4) "Obligated bank" means the issuer of a cashier's check or teller's check or the acceptor of a certified check.

(b) A claimant may assert a claim to the amount of a check by a communication to the obligated bank describing the check with reasonable certainty and requesting payment of the amount of the check, if (i) the claimant is the drawer or payee of a certified check or the remitter or payee of a cashier's check or teller's check, (ii) the communication contains or is accompanied by a declaration of loss of the claimant with respect to the check, (iii) the communication is received at a time and in a manner affording the bank a reasonable time to act on it before the check is paid, and (iv) the claimant provides reasonable identification if requested by the obligated bank. Delivery of a declaration of loss is a warranty of the truth of the statements made in the declaration. If a claim is asserted in compliance with this subsection, the following rules apply:

(1) The claim becomes enforceable at the later of (i) the time the claim is asserted, or (ii) the 90th day following the date of the check, in the case of a cashier's check or teller's check, or the 90th day following the date of the acceptance, in the case of a certified check.

(2) Until the claim becomes enforceable, it has no legal effect and the obligated bank may pay the check or, in the case of a teller's check, may permit the drawee to pay the check. Payment to a person entitled to enforce the check discharges all liability of the obligated bank with respect to the check.

(3) If the claim becomes enforceable before the check is presented for payment, the obligated bank is not obliged to pay the check.

(4) When the claim becomes enforceable, the obligated bank becomes obliged to pay the amount of the check to the claimant if payment of the check has not been made to a person entitled to enforce the check. Subject to Section 4-302(a)(1), payment to the claimant discharges all liability of the obligated bank with respect to the check.

(c) If the obligated bank pays the amount of a check to a claimant under subsection (b)(4) and the check is presented for payment by a person having rights of a holder in due course, the claimant is obliged to (i) refund the payment to the obligated bank if the check is paid, or (ii) pay the amount of the check to the person having rights of a holder in due course if the check is dishonored.

(d) If a claimant has the right to assert a claim under subsection (b) and is also a person entitled to enforce a cashier's check, teller's check, or certified check that is lost, destroyed, or stolen, the claimant may assert rights with respect to the check either under this Section or Section 3-309.

(Source: P.A. 87-582; 87-895; 87-1135.)"; and

on page 113, immediately below line 16, by inserting the following:

"(810 ILCS 5/9-201) (from Ch. 26, par. 9-201)

Sec. 9-201. General effectiveness of security agreement.

(a) General effectiveness. Except as otherwise provided in the Uniform Commercial Code, a security agreement is effective according to its terms between the parties, against purchasers of the collateral, and against creditors.

(b) Applicable consumer laws and other law. A transaction subject to this Article is subject to any applicable rule of law, statute, or regulation which establishes a different rule for consumers, including, without limitation:

(1) the Retail Installment Sales Act;

(2) the Motor Vehicle Retail Installment Sales Act;

(3) Article II of Chapter 3 of the Illinois Vehicle Code;

(4) Article IIIB of the Boat Registration and Safety Act;
(5) the Pawnbroker Regulation Act of 2023;
(6) the Motor Vehicle Leasing Act;
(7) the Consumer Installment Loan Act; ~~and~~
(8) the Consumer Deposit Security Act of 1987; ~~.~~
(9) the Predatory Loan Prevention Act;
(10) the Consumer Fraud and Deceptive Business Practices Act;
(11) any other statute or regulation that regulates the rates, charges, agreements, and practices for loans, credit sales, or other extensions of credit; and
(12) any consumer protection statute or regulation.

(c) Other applicable law controls. In case of conflict between this Article and a rule of law, statute, or regulation described in subsection (b), the rule of law, statute, or regulation controls. Failure to comply with a rule of law, statute, or regulation described in subsection (b) has only the effect such rule of law, statute, or regulation specifies.

(d) Further deference to other applicable law. This Article does not:
(1) validate any rate, charge, agreement, or practice that violates a rule of law, statute, or regulation described in subsection (b); or
(2) extend the application of the rule of law, statute, or regulation to a transaction not otherwise subject to it.

(Source: P.A. 103-585, eff. 3-22-24.)"; and

on page 122, line 21, by replacing "document of title" with "document"; and

on page 137, line 13, by replacing "that" with "which"; and

on page 143, by replacing lines 22 through 25 as follows:
"documents, electronic money, investment property, letter-of-credit rights ~~investment property, deposit accounts, electronic chattel paper, letter-of-credit rights, electronic documents~~, or beneficial interests in Illinois land trusts may"; and

on page 144, by replacing lines 7 through 10 as follows:
"documents, electronic money, letter-of-credit rights ~~deposit accounts, electronic chattel paper, letter-of-credit rights, electronic documents~~, or beneficial interests in Illinois land trusts is perfected by control under Section"; and

on page 164, line 2, by deleting "tangible"; and

on page 187, by replacing line 12 with the following:
"(a) "Notification date." In this Section, "notification"; and

on page 194, immediately below line 25, by inserting the following:
"(Name and address of secured party)
(Date)"; and

on page 196, line 21, by replacing "(a)(3)" with "(a)(4)"; and

on page 196, line 24, by replacing "(a)(3)" with "(a)(4)"; and

on page 208, by replacing line 2 with the following:
"(a) "Transfer statement." In this Section, "transfer"; and

on page 222, by replacing lines 10 through 15 with the following:
"(b) Applicable consumer law and other laws. A transaction subject to this Article is subject to any applicable rule of law, statute, or regulation which establishes a different rule for consumers including, without limitation, the Consumer Installment Loan Act, the Predatory Loan Prevention Act, the Consumer Fraud and Deceptive Business Practices Act, any other statute or regulation that regulates the rates, charges,

agreements, and practices for loans, credit sales, or other extensions of credit, and any consumer protection statute or regulation."; and

on page 230, line 18, by replacing "that" with "which".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 3 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Fine, **Senate Bill No. 3753** having been printed, was taken up, read by title a second time.

The following amendment was offered in the Committee on Health and Human Services, adopted and ordered printed:

AMENDMENT NO. 1 TO SENATE BILL 3753

AMENDMENT NO. 1 . Amend Senate Bill 3753 by replacing everything after the enacting clause with the following:

"Section 5. The Mental Health and Developmental Disabilities Administrative Act is amended by adding Section 8.1 as follows:

(20 ILCS 1705/8.1 new)

Sec. 8.1. Admission to State-operated facilities for persons with developmental disabilities.

(a) Any individual admitted to a State-operated facility for persons with developmental disabilities must meet the following criteria in order to be approved for admission:

(1) the individual must have received or attempted to receive community-based services and supports;

(2) the individual must meet the intermediate care facility level of care definition; and

(3) the individual must meet all clinical eligibility requirements.

(b) Upon admission to a State-operated facility for persons with developmental disabilities, the facility shall complete at least annual reviews of a person's clinical need for continued services to determine if needs are able to be met in a less restrictive setting. Comprehensive and integrated assessments shall be used to assist in determining the level of care and services most appropriate to meet the individual's needs.

(c) All individuals shall have the right to know their options for supports and shall be provided the opportunity to learn about the full spectrum of care, including the range of possible living environments available through State-operated facilities, case management agencies, or both. If an individual indicates that the individual would like to move to a less restrictive environment, activities to explore and take steps regarding the range of options shall be provided. The interdisciplinary team shall assist the individual and guardian, if applicable, to identify placements that are able to meet the individual's needs, excluding when there are severe safety concerns identified by the interdisciplinary team that cannot be easily mitigated with interventions that are commonly used in the community.

(d) An individual's support plan shall provide services to address those identified needs when the individual no longer is clinically determined to be a risk. Thoughtful transition planning shall take place to assist with finding a less restrictive environment of the individual's choosing.

Section 10. The Mental Health and Developmental Disabilities Code is amended by adding Article VII to Chapter IV as follows:

(405 ILCS 5/Ch. IV Art. VII heading new)

ARTICLE VII. SERVICE PROVIDER SANCTIONS

(405 ILCS 5/4-7.100 new)

Sec. 4-7.100. Provider sanctions and fair hearings. The Department of Human Services may impose progressive sanctions on providers that fail to comply with conditions specified by rule, contract, or policy as determined by the Department. Sanctions include, but are not limited to, payment suspension, loss of payment, enrollment limitations, including admission holds, removal of individuals currently served, or other actions up to and including contract termination, certification revocation, or licensure revocation. In situations where a recipient of services is placed at imminent risk of harm, steps to ensure the safety of

individuals and any provider sanctions shall be taken expeditiously and not progressively. A service provider receiving a sanction may appeal the sanction in writing to the Department of Human Services within 30 days after receipt of the sanction. The Department shall adopt rules as necessary to implement this Section.

(405 ILCS 5/7-101 new)

Sec. 7-101. Provider appeals and fair hearings. After an informal review of a discharge by the Department of Human Services, a provider may appeal the decision to the Department of Healthcare and Family Services. The appeal must be received within 10 working days after the provider receives the written notification, following the informal review decision from the Department. The Department shall adopt rules as necessary to implement this Section.".

Senator Fine offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 3753

AMENDMENT NO. 2 . Amend Senate Bill 3753, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Mental Health and Developmental Disabilities Administrative Act is amended by adding Section 8.1 as follows:

(20 ILCS 1705/8.1 new)

Sec. 8.1. Admission to State-operated facilities for persons with developmental disabilities.

(a) For any individual or guardian, or both, if applicable, seeking admission for the individual to a State-operated facility for persons with developmental disabilities the individual must meet the following criteria in order to be approved for admission:

(1) the individual is at least 18 years of age;

(2) the individual has received or attempted to receive community-based services and supports;

(3) the individual meets the intermediate care facility level of care definition; and

(4) the individual meets all clinical eligibility requirements including having an intellectual disability as defined in this Act.

(b) Upon admission to a State-operated facility for persons with developmental disabilities, the facility shall complete at least annual reviews of the individual's clinical need for continued services in order to determine if these needs are able to be met in a less restrictive setting. Comprehensive and integrated assessments shall be used to assist in determining the level of care and services most appropriate to meet the individual's needs.

(c) All individuals shall have the right to know their options for supports and shall be provided the opportunity to learn about the full spectrum of care, including the range of possible living environments available as provided by entities, including, but not limited to, State-operated facilities and case management agencies. If an individual indicates that the individual would like to move to a less restrictive environment, activities to explore and take steps regarding the range of options shall be provided to the individual and guardian, if applicable. The interdisciplinary team shall assist the individual and guardian, if applicable, to identify placements that are able to meet the individual's needs, excluding when there are severe safety concerns identified by the interdisciplinary team that cannot be easily mitigated with interventions that are commonly used in the community.

An individual's support plan shall include services to address identified needs if the individual is clinically determined to no longer meet the intermediate care facility level of care, or be at risk of harm to the individual or others. Thoughtful transition planning shall take place to assist with finding a less restrictive environment of the individual's choosing, and guardian's choosing, if applicable.

Section 10. The Mental Health and Developmental Disabilities Code is amended by adding Article VIII to Chapter IV as follows:

(405 ILCS 5/Ch. IV Art. VIII heading new)

ARTICLE VIII. SERVICE PROVIDER SANCTIONS

(405 ILCS 5/4-800 new)

Sec. 4-800. Provider sanctions and appeals. The Department of Human Services may impose progressive sanctions on providers that fail to comply with conditions specified by rule, or contract agreement, as determined by the Department. Sanctions include, but are not limited to, payment suspension,

loss of payment, enrollment limitations, admission holds, removal of individuals currently served, or other actions up to and including contract termination, certification revocation, or licensure revocation. In situations in which recipients of services are placed at imminent risk of harm, steps to ensure the safety of individuals and any provider sanctions shall be taken expeditiously and not progressively. A service provider that has received a sanction may appeal the sanction in writing to the Department of Healthcare and Family Services within 30 days of receipt of the sanction. Steps to ensure the safety of individuals may be taken regardless of a service provider appeal. The Department shall adopt rules as necessary to implement this Section.

(405 ILCS 5/4-801 new)

Sec. 4-801. Provider appeals and fair hearings. After an informal review of a discharge by the Department of Human Services, a provider may appeal the decision to the Department of Healthcare and Family Services. The appeal must be received within 10 working days after the provider receives the written notification, following the informal review decision from the Department of Human Services. The Department of Human Services and the Department of Healthcare and Family Services shall adopt rules as necessary to implement this Section.".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendments Numbered 1 and 2 were ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Villivalam, **Senate Bill No. 3775** having been printed, was taken up, read by title a second time.

Senator Villivalam offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 3775

AMENDMENT NO. 1 . Amend Senate Bill 3775 by deleting line 25 on page 15 through line 2 on page 16.

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Sims, **Senate Bill No. 2535** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator D. Turner, **Senate Bill No. 331** having been printed, was taken up, read by title a second time.

Senator D. Turner offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 331

AMENDMENT NO. 1 . Amend Senate Bill 331 by replacing everything after the enacting clause with the following:

"Section 5. The University of Illinois Act is amended by adding Section 180 as follows:

(110 ILCS 305/180 new)

Sec. 180. Winter weather emergency closure; educational support services pay. If a campus is closed due to a city, county, or State declaration of a winter weather emergency, the Board of Trustees shall pay to its employees who provide educational support services to the campus, including, but not limited to, custodial employees, building maintenance employees, transportation employees, food service providers, classroom assistants, or administrative staff, their daily, regular rate of pay and benefits rendered for the campus closure if the closure precludes them from performing their regularly scheduled duties and the employee would have reported for work but for the closure; however, this requirement does not apply if the day is rescheduled and the employee will be paid the employee's daily, regular rate of pay and benefits for the rescheduled day when services are rendered.

Section 10. The Southern Illinois University Management Act is amended by adding Section 155 as follows:

(110 ILCS 520/155 new)

Sec. 155. Winter weather emergency closure; educational support services pay. If a campus is closed due to a city, county, or State declaration of a winter weather emergency, the Board shall pay to its employees who provide educational support services to the campus, including, but not limited to, custodial employees, building maintenance employees, transportation employees, food service providers, classroom assistants, or administrative staff, their daily, regular rate of pay and benefits rendered for the campus closure if the closure precludes them from performing their regularly scheduled duties and the employee would have reported for work but for the closure; however, this requirement does not apply if the day is rescheduled and the employee will be paid the employee's daily, regular rate of pay and benefits for the rescheduled day when services are rendered.

Section 15. The Chicago State University Law is amended by adding Section 5-265 as follows:

(110 ILCS 660/5-265 new)

Sec. 5-265. Winter weather emergency closure; educational support services pay. If a campus is closed due to a city, county, or State declaration of a winter weather emergency, the Board shall pay to its employees who provide educational support services to the campus, including, but not limited to, custodial employees, building maintenance employees, transportation employees, food service providers, classroom assistants, or administrative staff, their daily, regular rate of pay and benefits rendered for the campus closure if the closure precludes them from performing their regularly scheduled duties and the employee would have reported for work but for the closure; however, this requirement does not apply if the day is rescheduled and the employee will be paid the employee's daily, regular rate of pay and benefits for the rescheduled day when services are rendered.

Section 20. The Eastern Illinois University Law is amended by adding Section 10-270 as follows:

(110 ILCS 665/10-270 new)

Sec. 10-270. Winter weather emergency closure; educational support services pay. If a campus is closed due to a city, county, or State declaration of a winter weather emergency, the Board shall pay to its employees who provide educational support services to the campus, including, but not limited to, custodial employees, building maintenance employees, transportation employees, food service providers, classroom assistants, or administrative staff, their daily, regular rate of pay and benefits rendered for the campus closure if the closure precludes them from performing their regularly scheduled duties and the employee would have reported for work but for the closure; however, this requirement does not apply if the day is rescheduled and the employee will be paid the employee's daily, regular rate of pay and benefits for the rescheduled day when services are rendered.

Section 25. The Governors State University Law is amended by adding Section 15-265 as follows:

(110 ILCS 670/15-265 new)

Sec. 15-265. Winter weather emergency closure; educational support services pay. If a campus is closed due to a city, county, or State declaration of a winter weather emergency, the Board shall pay to its employees who provide educational support services to the campus, including, but not limited to, custodial employees, building maintenance employees, transportation employees, food service providers, classroom assistants, or administrative staff, their daily, regular rate of pay and benefits rendered for the campus closure if the closure precludes them from performing their regularly scheduled duties and the employee would have reported for work but for the closure; however, this requirement does not apply if the day is rescheduled and the employee will be paid the employee's daily, regular rate of pay and benefits for the rescheduled day when services are rendered.

Section 30. The Illinois State University Law is amended by adding Section 20-275 as follows:

(110 ILCS 675/20-275 new)

Sec. 20-275. Winter weather emergency closure; educational support services pay. If a campus is closed due to a city, county, or State declaration of a winter weather emergency, the Board shall pay to its employees who provide educational support services to the campus, including, but not limited to, custodial employees, building maintenance employees, transportation employees, food service providers, classroom

assistants, or administrative staff, their daily, regular rate of pay and benefits rendered for the campus closure if the closure precludes them from performing their regularly scheduled duties and the employee would have reported for work but for the closure; however, this requirement does not apply if the day is rescheduled and the employee will be paid the employee's daily, regular rate of pay and benefits for the rescheduled day when services are rendered.

Section 35. The Northeastern Illinois University Law is amended by adding Section 25-270 as follows:

(110 ILCS 680/25-270 new)

Sec. 25-270. Winter weather emergency closure; educational support services pay. If a campus is closed due to a city, county, or State declaration of a winter weather emergency, the Board shall pay to its employees who provide educational support services to the campus, including, but not limited to, custodial employees, building maintenance employees, transportation employees, food service providers, classroom assistants, or administrative staff, their daily, regular rate of pay and benefits rendered for the campus closure if the closure precludes them from performing their regularly scheduled duties and the employee would have reported for work but for the closure; however, this requirement does not apply if the day is rescheduled and the employee will be paid the employee's daily, regular rate of pay and benefits for the rescheduled day when services are rendered.

Section 40. The Northern Illinois University Law is amended by adding Section 30-280 as follows:

(110 ILCS 685/30-280 new)

Sec. 30-280. Winter weather emergency closure; educational support services pay. If a campus is closed due to a city, county, or State declaration of a winter weather emergency, the Board shall pay to its employees who provide educational support services to the campus, including, but not limited to, custodial employees, building maintenance employees, transportation employees, food service providers, classroom assistants, or administrative staff, their daily, regular rate of pay and benefits rendered for the campus closure if the closure precludes them from performing their regularly scheduled duties and the employee would have reported for work but for the closure; however, this requirement does not apply if the day is rescheduled and the employee will be paid the employee's daily, regular rate of pay and benefits for the rescheduled day when services are rendered.

Section 45. The Western Illinois University Law is amended by adding Section 35-275 as follows:

(110 ILCS 690/35-275 new)

Sec. 35-275. Winter weather emergency closure; educational support services pay. If a campus is closed due to a city, county, or State declaration of a winter weather emergency, the Board shall pay to its employees who provide educational support services to the campus, including, but not limited to, custodial employees, building maintenance employees, transportation employees, food service providers, classroom assistants, or administrative staff, their daily, regular rate of pay and benefits rendered for the campus closure if the closure precludes them from performing their regularly scheduled duties and the employee would have reported for work but for the closure; however, this requirement does not apply if the day is rescheduled and the employee will be paid the employee's daily, regular rate of pay and benefits for the rescheduled day when services are rendered.

Section 50. The Public Community College Act is amended by adding Section 3-29.26 as follows:

(110 ILCS 805/3-29.26 new)

Sec. 3-29.26. Winter weather emergency closure; educational support services pay. If a campus is closed due to a city, county, or State declaration of a winter weather emergency, the board shall pay to its employees who provide educational support services to the campus, including, but not limited to, custodial employees, building maintenance employees, transportation employees, food service providers, classroom assistants, or administrative staff, their daily, regular rate of pay and benefits rendered for the campus closure if the closure precludes them from performing their regularly scheduled duties and the employee would have reported for work but for the closure; however, this requirement does not apply if the day is rescheduled and the employee will be paid the employee's daily, regular rate of pay and benefits for the rescheduled day when services are rendered.".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Preston, **Senate Bill No. 2637** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cunningham, **Senate Bill No. 2654** having been printed, was taken up, read by title a second time.

The following amendment was offered in the Committee on Transportation, adopted and ordered printed:

AMENDMENT NO. 1 TO SENATE BILL 2654

AMENDMENT NO. 1 . Amend Senate Bill 2654 on page 1, line 5, by replacing "Section 4-203" with "Sections 4-203 and 4-204"; and

on page 11, lines 6 and 7, by replacing "medicine or medical devices, including hearing instruments;" with "medicine or personal health care devices or equipment, including hearing instruments;"; and

by replacing line 25 on page 13 through line 5 on page 14 with the following:

"(j) Notwithstanding any other provision of law, a person who has indicated in a timely filed report to the appropriate law enforcement agency that a vehicle has been stolen or hijacked and who provides a dated copy of the report to the towing service, may be liable for a towing service fee at the posted rate of the towing service as provided by paragraph (6) of subsection (f), and the towing service may enjoy a lien to secure payment of such a fee, but the person is not liable for any other violation, storage fee or any other fee, fine, lien, or penalty that is imposed under this Section while the vehicle is stolen or hijacked or that results from the vehicle being stolen or hijacked."; and

on page 14, immediately below line 6, by inserting the following:

"(625 ILCS 5/4-204) (from Ch. 95 1/2, par. 4-204)

Sec. 4-204. Police tows; reports, release of vehicles, payment. When a vehicle is authorized to be towed away as provided in Section 4-202 or 4-203:

(a) The authorization, the name of the registered owner of the vehicle, the contact information of the registered owner of the vehicle, any hold order, and any release shall be in writing, or confirmed in writing, with a copy given to the towing service.

(b) The police headquarters or office of the law officer authorizing the towing shall keep and maintain a record of the vehicle towed, listing the color, year of manufacture, manufacturer's trade name, manufacturer's series name, body style, Vehicle Identification Number, license plate or digital license plate year and number and registration sticker or digital registration sticker year and number displayed on the vehicle. The record shall also include the date and hour of tow, location towed from, location towed to, reason for towing and the name of the officer authorizing the tow.

(c) The owner, operator, or other legally entitled person shall be responsible to the towing service for payment of applicable removal, towing, storage, and processing charges and collection costs associated with a vehicle towed or held under order or authorization of a law enforcement agency. If a vehicle towed or held under order or authorization of a law enforcement agency is seized by the ordering or authorizing agency or any other law enforcement or governmental agency and sold, any unpaid removal, towing, storage, and processing charges and collection costs shall be paid to the towing service from the proceeds of the sale. If applicable law provides that the proceeds are to be paid into the treasury of the appropriate civil jurisdiction, then any unpaid removal, towing, storage, and processing charges and collection costs shall be paid to the towing service from the treasury of the civil jurisdiction. That payment shall not, however, exceed the amount of proceeds from the sale, with the balance to be paid by the owner, operator, or other legally entitled person.

(d) Upon delivery of a written release order to the towing service, a vehicle subject to a hold order shall be released to the owner, operator, or other legally entitled person upon proof of ownership

or other entitlement and upon payment of applicable removal, towing, storage, and processing charges and collection costs.

(Source: P.A. 101-395, eff. 8-16-19.)".

Senator Cunningham offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 2654

AMENDMENT NO. 2 . Amend Senate Bill 2654, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Vehicle Code is amended by changing Sections 4-203 and 4-204 as follows:

(625 ILCS 5/4-203) (from Ch. 95 1/2, par. 4-203)

Sec. 4-203. Removal of motor vehicles or other vehicles; towing or hauling away.

(a) When a vehicle is abandoned, or left unattended, on a toll highway, interstate highway, or expressway for 2 hours or more, its removal by a towing service may be authorized by a law enforcement agency having jurisdiction.

(b) When a vehicle is abandoned on a highway in an urban district for 10 hours or more, its removal by a towing service may be authorized by a law enforcement agency having jurisdiction.

(c) When a vehicle is abandoned or left unattended on a highway other than a toll highway, interstate highway, or expressway, outside of an urban district for 24 hours or more, its removal by a towing service may be authorized by a law enforcement agency having jurisdiction.

(d) When an abandoned, unattended, wrecked, burned, or partially dismantled vehicle is creating a traffic hazard because of its position in relation to the highway or its physical appearance is causing the impeding of traffic, its immediate removal from the highway or private property adjacent to the highway by a towing service may be authorized by a law enforcement agency having jurisdiction.

(e) Whenever a peace officer reasonably believes that a person under arrest for a violation of Section 11-501 of this Code or a similar provision of a local ordinance is likely, upon release, to commit a subsequent violation of Section 11-501, or a similar provision of a local ordinance, the arresting officer shall have the vehicle which the person was operating at the time of the arrest impounded for a period of 12 hours after the time of arrest. However, such vehicle may be released by the arresting law enforcement agency prior to the end of the impoundment period if:

(1) the vehicle was not owned by the person under arrest, and the lawful owner requesting such release possesses a valid operator's license, proof of ownership, and would not, as determined by the arresting law enforcement agency, indicate a lack of ability to operate a motor vehicle in a safe manner, or who would otherwise, by operating such motor vehicle, be in violation of this Code; or

(2) the vehicle is owned by the person under arrest, and the person under arrest gives permission to another person to operate such vehicle, provided however, that the other person possesses a valid operator's license and would not, as determined by the arresting law enforcement agency, indicate a lack of ability to operate a motor vehicle in a safe manner or who would otherwise, by operating such motor vehicle, be in violation of this Code.

(e-5) Whenever a registered owner of a vehicle is taken into custody for operating the vehicle in violation of Section 11-501 of this Code or a similar provision of a local ordinance or Section 6-303 of this Code, a law enforcement officer may have the vehicle immediately impounded for a period not less than:

(1) 24 hours for a second violation of Section 11-501 of this Code or a similar provision of a local ordinance or Section 6-303 of this Code or a combination of these offenses; or

(2) 48 hours for a third violation of Section 11-501 of this Code or a similar provision of a local ordinance or Section 6-303 of this Code or a combination of these offenses.

The vehicle may be released sooner if the vehicle is owned by the person under arrest and the person under arrest gives permission to another person to operate the vehicle and that other person possesses a valid operator's license and would not, as determined by the arresting law enforcement agency, indicate a lack of ability to operate a motor vehicle in a safe manner or would otherwise, by operating the motor vehicle, be in violation of this Code.

(f) Except as provided in Chapter 18a of this Code, the owner or lessor of privately owned real property within this State, or any person authorized by such owner or lessor, or any law enforcement agency in the case of publicly owned real property may cause any motor vehicle abandoned or left unattended upon such property without permission to be removed by a towing service without liability for the costs of

removal, transportation or storage or damage caused by such removal, transportation or storage. The towing or removal of any vehicle from private property without the consent of the registered owner or other legally authorized person in control of the vehicle is subject to compliance with the following conditions and restrictions:

1. Any towed or removed vehicle must be stored at the site of the towing service's place of business. The site must be open during business hours, and for the purpose of redemption of vehicles, during the time that the person or firm towing such vehicle is open for towing purposes.

2. The towing service shall within 30 minutes of completion of such towing or removal, notify the law enforcement agency having jurisdiction of such towing or removal, and the make, model, color, and license plate number of the vehicle, and shall obtain and record the name of the person at the law enforcement agency to whom such information was reported.

3. If the registered owner or legally authorized person entitled to possession of the vehicle shall arrive at the scene prior to actual removal or towing of the vehicle, the vehicle shall be disconnected from the tow truck and that person shall be allowed to remove the vehicle without interference, upon the payment of a reasonable service fee of not more than one-half the posted rate of the towing service as provided in paragraph 6 of this subsection, for which a receipt shall be given.

4. The rebate or payment of money or any other valuable consideration from the towing service or its owners, managers, or employees to the owners or operators of the premises from which the vehicles are towed or removed, for the privilege of removing or towing those vehicles, is prohibited. Any individual who violates this paragraph shall be guilty of a Class A misdemeanor.

5. Except for property appurtenant to and obviously a part of a single family residence, and except for instances where notice is personally given to the owner or other legally authorized person in control of the vehicle that the area in which that vehicle is parked is reserved or otherwise unavailable to unauthorized vehicles and they are subject to being removed at the owner or operator's expense, any property owner or lessor, prior to towing or removing any vehicle from private property without the consent of the owner or other legally authorized person in control of that vehicle, must post a notice meeting the following requirements:

a. Except as otherwise provided in subparagraph a.1 of this subdivision (f)5, the notice must be prominently placed at each driveway access or curb cut allowing vehicular access to the property within 5 feet from the public right-of-way line. If there are no curbs or access barriers, the sign must be posted not less than one sign each 100 feet of lot frontage.

a.1. In a municipality with a population of less than 250,000, as an alternative to the requirement of subparagraph a of this subdivision (f)5, the notice for a parking lot contained within property used solely for a 2-family, 3-family, or 4-family residence may be prominently placed at the perimeter of the parking lot, in a position where the notice is visible to the occupants of vehicles entering the lot.

b. The notice must indicate clearly, in not less than 2 inch high light-reflective letters on a contrasting background, that unauthorized vehicles will be towed away at the owner's expense.

c. The notice must also provide the name and current telephone number of the towing service towing or removing the vehicle.

d. The sign structure containing the required notices must be permanently installed with the bottom of the sign not less than 4 feet above ground level, and must be continuously maintained on the property for not less than 24 hours prior to the towing or removing of any vehicle.

6. Any towing service that tows or removes vehicles and proposes to require the owner, operator, or person in control of the vehicle to pay the costs of towing and storage prior to redemption of the vehicle must file and keep on record with the local law enforcement agency a complete copy of the current rates to be charged for such services, and post at the storage site an identical rate schedule and any written contracts with property owners, lessors, or persons in control of property which authorize them to remove vehicles as provided in this Section. The towing and storage charges, however, shall not exceed the maximum allowed by the Illinois Commerce Commission under Section 18a-200.

7. No person shall engage in the removal of vehicles from private property as described in this Section without filing a notice of intent in each community where he intends to do such removal, and such notice shall be filed at least 7 days before commencing such towing.

8. No removal of a vehicle from private property shall be done except upon express written instructions of the owners or persons in charge of the private property upon which the vehicle is said to be trespassing.

9. Vehicle entry for the purpose of removal shall be allowed with reasonable care on the part of the person or firm towing the vehicle. Such person or firm shall be liable for any damages occasioned to the vehicle if such entry is not in accordance with the standards of reasonable care.

9.5. Except as authorized by a law enforcement officer, no towing service shall engage in the removal of a commercial motor vehicle that requires a commercial driver's license to operate by operating the vehicle under its own power on a highway.

10. When a vehicle has been towed or removed pursuant to this Section, it must be released to its owner, custodian, agent, or lienholder within one-half hour after requested, if such request is made during business hours. Any vehicle owner, custodian, agent, or lienholder shall have the right to inspect the vehicle before accepting its return, and no release or waiver of any kind which would release the towing service from liability for damages incurred during the towing and storage may be required from any vehicle owner or other legally authorized person as a condition of release of the vehicle. A detailed, signed receipt showing the legal name of the towing service must be given to the person paying towing or storage charges at the time of payment, whether requested or not.

This Section shall not apply to law enforcement, firefighting, rescue, ambulance, or other emergency vehicles which are marked as such or to property owned by any governmental entity.

When an authorized person improperly causes a motor vehicle to be removed, such person shall be liable to the owner or lessee of the vehicle for the cost of removal, transportation and storage, any damages resulting from the removal, transportation and storage, attorney's fee and court costs.

Any towing or storage charges accrued shall be payable in cash or by cashier's check, certified check, debit card, credit card, or wire transfer, at the option of the party taking possession of the vehicle.

11. Towing companies shall also provide insurance coverage for areas where vehicles towed under the provisions of this Chapter will be impounded or otherwise stored, and shall adequately cover loss by fire, theft, or other risks.

Any person who fails to comply with the conditions and restrictions of this subsection shall be guilty of a Class C misdemeanor and shall be fined not less than $100 nor more than $500.

(g)(1) When a vehicle is determined to be a hazardous dilapidated motor vehicle pursuant to Section 11-40-3.1 of the Illinois Municipal Code or Section 5-12002.1 of the Counties Code, its removal and impoundment by a towing service may be authorized by a law enforcement agency with appropriate jurisdiction.

(2) When a vehicle removal from either public or private property is authorized by a law enforcement agency, the owner of the vehicle shall be responsible for all towing and storage charges.

(3) Vehicles removed from public or private property and stored by a commercial vehicle relocator or any other towing service authorized by a law enforcement agency in compliance with this Section and Sections 4-201 and 4-202 of this Code, or at the request of the vehicle owner or operator, shall be subject to a possessor lien for services pursuant to the Labor and Storage Lien (Small Amount) Act. The provisions of Section 1 of that Act relating to notice and implied consent shall be deemed satisfied by compliance with Section 18a-302 and subsection (6) of Section 18a-300. In no event shall such lien be greater than the rate or rates established in accordance with subsection (6) of Section 18a-200 of this Code. In no event shall such lien be increased or altered to reflect any charge for services or materials rendered in addition to those authorized by this Code. Every such lien shall be payable in cash or by cashier's check, certified check, debit card, credit card, or wire transfer, at the option of the party taking possession of the vehicle.

(4) Any personal property belonging to the vehicle owner in a vehicle subject to a lien under this subsection (g) shall likewise be subject to that lien, excepting only: child restraint systems as defined in Section 4 of the Child Passenger Protection Act and other child booster seats; eyeglasses; food; medicine; personal medical and health care devices, including hearing instruments; perishable property; any operator's licenses; any cash, credit cards, or checks or checkbooks; any wallet, purse, or other property containing any operator's licenses, social security cards, ~~license~~ or other identifying documents or materials, cash, credit cards, checks, ~~or~~ checkbooks, or passbooks; higher education textbooks and study materials; and any personal property belonging to a person other than the vehicle owner if that person provides adequate proof that the personal property belongs to that person. The spouse, child, mother, father, brother, or sister of the vehicle owner may claim personal property excepted under this paragraph (4) if the person claiming the

personal property provides the commercial vehicle relocator or towing service with the authorization of the vehicle owner.

(5) This paragraph (5) applies only in the case of a vehicle that is towed as a result of being involved in a crash. In addition to the personal property excepted under paragraph (4), all other personal property in a vehicle subject to a lien under this subsection (g) is exempt from that lien and may be claimed by the vehicle owner if the vehicle owner provides the commercial vehicle relocator or towing service with proof that the vehicle owner has an insurance policy covering towing and storage fees. The spouse, child, mother, father, brother, or sister of the vehicle owner may claim personal property in a vehicle subject to a lien under this subsection (g) if the person claiming the personal property provides the commercial vehicle relocator or towing service with the authorization of the vehicle owner and proof that the vehicle owner has an insurance policy covering towing and storage fees. The regulation of liens on personal property and exceptions to those liens in the case of vehicles towed as a result of being involved in a crash are exclusive powers and functions of the State. A home rule unit may not regulate liens on personal property and exceptions to those liens in the case of vehicles towed as a result of being involved in a crash. This paragraph (5) is a denial and limitation of home rule powers and functions under subsection (h) of Section 6 of Article VII of the Illinois Constitution.

(6) No lien under this subsection (g) shall: exceed $2,000 in its total amount; or be increased or altered to reflect any charge for services or materials rendered in addition to those authorized by this Code.

(h) Whenever a peace officer issues a citation to a driver for a violation of subsection (a) of Section 11-506 of this Code, the arresting officer may have the vehicle which the person was operating at the time of the arrest impounded for a period of 5 days after the time of arrest. An impounding agency shall release a motor vehicle impounded under this subsection (h) to the registered owner of the vehicle under any of the following circumstances:

(1) if the vehicle is a stolen vehicle; or

(2) if the person ticketed for a violation of subsection (a) of Section 11-506 of this Code was not authorized by the registered owner of the vehicle to operate the vehicle at the time of the violation; or

(3) if the registered owner of the vehicle was neither the driver nor a passenger in the vehicle at the time of the violation or was unaware that the driver was using the vehicle to engage in street racing; or

(4) if the legal owner or registered owner of the vehicle is a rental car agency; or

(5) if, prior to the expiration of the impoundment period specified above, the citation is dismissed or the defendant is found not guilty of the offense.

(i) Except for vehicles exempted under subsection (b) of Section 7-601 of this Code, whenever a law enforcement officer issues a citation to a driver for a violation of Section 3-707 of this Code, and the driver has a prior conviction for a violation of Section 3-707 of this Code in the past 12 months, the arresting officer shall authorize the removal and impoundment of the vehicle by a towing service.

(j) Notwithstanding any other provision of law, if a person has indicated in a timely filed report to the appropriate law enforcement agency that a vehicle towed pursuant to this Section has been stolen or hijacked then:

(1) the person shall not be liable for any governmentally imposed fees, fines, or penalties; and

(2) if a vehicle towed pursuant to this Section is registered in Illinois and the name and address of the registered owner of the vehicle is provided or made available to the towing service at the time of the tow, then the towing service must provide written notice of the tow to the registered owner within 2 business days after the vehicle is towed by certified mail, return receipt requested. No storage charges shall accrue if the vehicle is reclaimed by paying recovery and towing charges at the posted rates of the towing service as provided by paragraph 6 of subsection (f) within 7 days after such notice is mailed. If the vehicle is registered in a state other than Illinois, then no storage charges shall accrue if the vehicle is reclaimed by paying recovery and towing charges at the posted rates of the towing service as provided by paragraph 6 of subsection (f) within 7 days after a request for registered owner information is mailed by the towing service, certified mail, return receipt requested, to the applicable administrative agency or office in that state.

The towing service shall enjoy a lien to secure payment of charges accrued in compliance with this subsection.

(Source: P.A. 102-982, eff. 7-1-23; 103-154, eff. 6-30-23.)

(625 ILCS 5/4-204) (from Ch. 95 1/2, par. 4-204)

Sec. 4-204. Police tows; reports, release of vehicles, payment. When a vehicle is authorized to be towed away as provided in Section 4-202 or 4-203:

(a) A copy of the authorization shall be provided to the towing company within one hour of the authorization. The authorization shall include the name of the registered owner of the vehicle, the mailing address of the registered owner of the vehicle on file with the Secretary of State, any hold order, and any release, except to the extent such information is made available under written agreement with the Secretary of State ~~The authorization, any hold order, and any release shall be in writing, or confirmed in writing, with a copy given to the towing service~~.

(b) The police headquarters or office of the law officer authorizing the towing shall keep and maintain a record of the vehicle towed, listing the color, year of manufacture, manufacturer's trade name, manufacturer's series name, body style, Vehicle Identification Number, license plate or digital license plate year and number and registration sticker or digital registration sticker year and number displayed on the vehicle. The record shall also include the date and hour of tow, location towed from, location towed to, reason for towing and the name of the officer authorizing the tow.

(c) The owner, operator, or other legally entitled person shall be responsible to the towing service for payment of applicable removal, towing, storage, and processing charges and collection costs associated with a vehicle towed or held under order or authorization of a law enforcement agency. If a vehicle towed or held under order or authorization of a law enforcement agency is seized by the ordering or authorizing agency or any other law enforcement or governmental agency and sold, any unpaid removal, towing, storage, and processing charges and collection costs shall be paid to the towing service from the proceeds of the sale. If applicable law provides that the proceeds are to be paid into the treasury of the appropriate civil jurisdiction, then any unpaid removal, towing, storage, and processing charges and collection costs shall be paid to the towing service from the treasury of the civil jurisdiction. That payment shall not, however, exceed the amount of proceeds from the sale, with the balance to be paid by the owner, operator, or other legally entitled person.

(d) Upon delivery of a written release order to the towing service, a vehicle subject to a hold order shall be released to the owner, operator, or other legally entitled person upon proof of ownership or other entitlement and upon payment of applicable removal, towing, storage, and processing charges and collection costs.

(Source: P.A. 101-395, eff. 8-16-19.)".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendments Numbered 1 and 2 were ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Murphy, **Senate Bill No. 2672** having been printed, was taken up, read by title a second time.

The following amendment was offered in the Committee on Insurance, adopted and ordered printed:

AMENDMENT NO. 1 TO SENATE BILL 2672

AMENDMENT NO. 1 . Amend Senate Bill 2672 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Insurance Code is amended by adding Section 356z.71 as follows:

(215 ILCS 5/356z.71 new)

Sec. 356z.71. Coverage during a generic drug shortage.

(a) As used in this Section:

"Eligible prescription drug" means a prescription drug approved under 21 U.S.C. 355(c) that is not under patent.

"Generic drug" means a drug that is approved pursuant to an application referencing an eligible prescription drug that is submitted under subsection (j) of Section 505 of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 355(j).

"Unavailable" means being listed as Currently in Shortage or as a Discontinuation in the United States Food and Drug Administration's Drug Shortages Database. "Unavailable" does not include being listed as a Resolved Shortage in the United States Food and Drug Administration's Drug Shortages Database.

(b) If a generic drug or a therapeutic equivalent is unavailable due to a supply issue and dosage cannot be adjusted, a group or individual policy of accident and health insurance or a managed care plan that is amended, delivered, issued, or renewed after January 1, 2026 shall provide coverage for a brand name eligible prescription drug until supply of the generic drug or a therapeutic equivalent is available.

Section 10. The Health Maintenance Organization Act is amended by changing Section 5-3 as follows:

(215 ILCS 125/5-3) (from Ch. 111 1/2, par. 1411.2)

Sec. 5-3. Insurance Code provisions.

(a) Health Maintenance Organizations shall be subject to the provisions of Sections 133, 134, 136, 137, 139, 140, 141.1, 141.2, 141.3, 143, 143c, 147, 148, 149, 151, 152, 153, 154, 154.5, 154.6, 154.7, 154.8, 155.04, 155.22a, 155.49, 355.2, 355.3, 355b, 355c, 356f, 356g.5-1, 356m, 356q, 356v, 356w, 356x, 356z.2, 356z.3a, 356z.4, 356z.4a, 356z.5, 356z.6, 356z.8, 356z.9, 356z.10, 356z.11, 356z.12, 356z.13, 356z.14, 356z.15, 356z.17, 356z.18, 356z.19, 356z.20, 356z.21, 356z.22, 356z.23, 356z.24, 356z.25, 356z.26, 356z.28, 356z.29, 356z.30, 356z.30a, 356z.31, 356z.32, 356z.33, 356z.34, 356z.35, 356z.36, 356z.37, 356z.38, 356z.39, 356z.40, 356z.41, 356z.44, 356z.45, 356z.46, 356z.47, 356z.48, 356z.49, 356z.50, 356z.51, 356z.53, 356z.54, 356z.55, 356z.56, 356z.57, 356z.58, 356z.59, 356z.60, 356z.61, 356z.62, 356z.64, 356z.65, 356z.67, 356z.68, 356z.71, 364, 364.01, 364.3, 367.2, 367.2-5, 367i, 368a, 368b, 368c, 368d, 368e, 370c, 370c.1, 401, 401.1, 402, 403, 403A, 408, 408.2, 409, 412, 444, and 444.1, paragraph (c) of subsection (2) of Section 367, and Articles IIA, VIII 1/2, XII, XII 1/2, XIII, XIII 1/2, XXV, XXVI, and XXXIIB of the Illinois Insurance Code.

(b) For purposes of the Illinois Insurance Code, except for Sections 444 and 444.1 and Articles XIII and XIII 1/2, Health Maintenance Organizations in the following categories are deemed to be "domestic companies":

(1) a corporation authorized under the Dental Service Plan Act or the Voluntary Health Services Plans Act;

(2) a corporation organized under the laws of this State; or

(3) a corporation organized under the laws of another state, 30% or more of the enrollees of which are residents of this State, except a corporation subject to substantially the same requirements in its state of organization as is a "domestic company" under Article VIII 1/2 of the Illinois Insurance Code.

(c) In considering the merger, consolidation, or other acquisition of control of a Health Maintenance Organization pursuant to Article VIII 1/2 of the Illinois Insurance Code,

(1) the Director shall give primary consideration to the continuation of benefits to enrollees and the financial conditions of the acquired Health Maintenance Organization after the merger, consolidation, or other acquisition of control takes effect;

(2)(i) the criteria specified in subsection (1)(b) of Section 131.8 of the Illinois Insurance Code shall not apply and (ii) the Director, in making his determination with respect to the merger, consolidation, or other acquisition of control, need not take into account the effect on competition of the merger, consolidation, or other acquisition of control;

(3) the Director shall have the power to require the following information:

(A) certification by an independent actuary of the adequacy of the reserves of the Health Maintenance Organization sought to be acquired;

(B) pro forma financial statements reflecting the combined balance sheets of the acquiring company and the Health Maintenance Organization sought to be acquired as of the end of the preceding year and as of a date 90 days prior to the acquisition, as well as pro forma financial statements reflecting projected combined operation for a period of 2 years;

(C) a pro forma business plan detailing an acquiring party's plans with respect to the operation of the Health Maintenance Organization sought to be acquired for a period of not less than 3 years; and

(D) such other information as the Director shall require.

(d) The provisions of Article VIII 1/2 of the Illinois Insurance Code and this Section 5-3 shall apply to the sale by any health maintenance organization of greater than 10% of its enrollee population (including, without limitation, the health maintenance organization's right, title, and interest in and to its health care certificates).

(e) In considering any management contract or service agreement subject to Section 141.1 of the Illinois Insurance Code, the Director (i) shall, in addition to the criteria specified in Section 141.2 of the Illinois Insurance Code, take into account the effect of the management contract or service agreement on the continuation of benefits to enrollees and the financial condition of the health maintenance organization to be managed or serviced, and (ii) need not take into account the effect of the management contract or service agreement on competition.

(f) Except for small employer groups as defined in the Small Employer Rating, Renewability and Portability Health Insurance Act and except for medicare supplement policies as defined in Section 363 of the Illinois Insurance Code, a Health Maintenance Organization may by contract agree with a group or other enrollment unit to effect refunds or charge additional premiums under the following terms and conditions:

(i) the amount of, and other terms and conditions with respect to, the refund or additional premium are set forth in the group or enrollment unit contract agreed in advance of the period for which a refund is to be paid or additional premium is to be charged (which period shall not be less than one year); and

(ii) the amount of the refund or additional premium shall not exceed 20% of the Health Maintenance Organization's profitable or unprofitable experience with respect to the group or other enrollment unit for the period (and, for purposes of a refund or additional premium, the profitable or unprofitable experience shall be calculated taking into account a pro rata share of the Health Maintenance Organization's administrative and marketing expenses, but shall not include any refund to be made or additional premium to be paid pursuant to this subsection (f)). The Health Maintenance Organization and the group or enrollment unit may agree that the profitable or unprofitable experience may be calculated taking into account the refund period and the immediately preceding 2 plan years.

The Health Maintenance Organization shall include a statement in the evidence of coverage issued to each enrollee describing the possibility of a refund or additional premium, and upon request of any group or enrollment unit, provide to the group or enrollment unit a description of the method used to calculate (1) the Health Maintenance Organization's profitable experience with respect to the group or enrollment unit and the resulting refund to the group or enrollment unit or (2) the Health Maintenance Organization's unprofitable experience with respect to the group or enrollment unit and the resulting additional premium to be paid by the group or enrollment unit.

In no event shall the Illinois Health Maintenance Organization Guaranty Association be liable to pay any contractual obligation of an insolvent organization to pay any refund authorized under this Section.

(g) Rulemaking authority to implement Public Act 95-1045, if any, is conditioned on the rules being adopted in accordance with all provisions of the Illinois Administrative Procedure Act and all rules and procedures of the Joint Committee on Administrative Rules; any purported rule not so adopted, for whatever reason, is unauthorized.

(Source: P.A. 102-30, eff. 1-1-22; 102-34, eff. 6-25-21; 102-203, eff. 1-1-22; 102-306, eff. 1-1-22; 102-443, eff. 1-1-22; 102-589, eff. 1-1-22; 102-642, eff. 1-1-22; 102-665, eff. 10-8-21; 102-731, eff. 1-1-23; 102-775, eff. 5-13-22; 102-804, eff. 1-1-23; 102-813, eff. 5-13-22; 102-816, eff. 1-1-23; 102-860, eff. 1-1-23; 102-901, eff. 7-1-22; 102-1093, eff. 1-1-23; 102-1117, eff. 1-13-23; 103-84, eff. 1-1-24; 103-91, eff. 1-1-24; 103-123, eff. 1-1-24; 103-154, eff. 6-30-23; 103-420, eff. 1-1-24; 103-426, eff. 8-4-23; 103-445, eff. 1-1-24; 103-551, eff. 8-11-23; revised 8-29-23.)

Section 15. The Limited Health Service Organization Act is amended by changing Section 4003 as follows:

(215 ILCS 130/4003) (from Ch. 73, par. 1504-3)

Sec. 4003. Illinois Insurance Code provisions. Limited health service organizations shall be subject to the provisions of Sections 133, 134, 136, 137, 139, 140, 141.1, 141.2, 141.3, 143, 143c, 147, 148, 149, 151, 152, 153, 154, 154.5, 154.6, 154.7, 154.8, 155.04, 155.37, 155.49, 355.2, 355.3, 355b, 356q, 356v, 356z.4, 356z.4a, 356z.10, 356z.21, 356z.22, 356z.25, 356z.26, 356z.29, 356z.30a, 356z.32, 356z.33, 356z.41, 356z.46, 356z.47, 356z.51, 356z.53, 356z.54, 356z.57, 356z.59, 356z.61, 356z.64, 356z.67, 356z.68, 356z.71, 364.3, 368a, 401, 401.1, 402, 403, 403A, 408, 408.2, 409, 412, 444, and 444.1 and Articles IIA, VIII 1/2, XII, XII 1/2, XIII, XIII 1/2, XXV, and XXVI of the Illinois Insurance Code. Nothing in this Section shall require a limited health care plan to cover any service that is not a limited health service. For purposes of the Illinois Insurance Code, except for Sections 444 and 444.1 and Articles XIII and XIII 1/2, limited health service organizations in the following categories are deemed to be domestic companies:

(1) a corporation under the laws of this State; or

(2) a corporation organized under the laws of another state, 30% or more of the enrollees of which are residents of this State, except a corporation subject to substantially the same requirements in its state of organization as is a domestic company under Article VIII 1/2 of the Illinois Insurance Code.

(Source: P.A. 102-30, eff. 1-1-22; 102-203, eff. 1-1-22; 102-306, eff. 1-1-22; 102-642, eff. 1-1-22; 102-731, eff. 1-1-23; 102-775, eff. 5-13-22; 102-813, eff. 5-13-22; 102-816, eff. 1-1-23; 102-860, eff. 1-1-23; 102-1093, eff. 1-1-23; 102-1117, eff. 1-13-23; 103-84, eff. 1-1-24; 103-91, eff. 1-1-24; 103-420, eff. 1-1-24; 103-426, eff. 8-4-23; 103-445, eff. 1-1-24; revised 8-29-23.)

Section 20. The Voluntary Health Services Plans Act is amended by changing Section 10 as follows:

(215 ILCS 165/10) (from Ch. 32, par. 604)

Sec. 10. Application of Insurance Code provisions. Health services plan corporations and all persons interested therein or dealing therewith shall be subject to the provisions of Articles IIA and XII 1/2 and Sections 3.1, 133, 136, 139, 140, 143, 143c, 149, 155.22a, 155.37, 354, 355.2, 355.3, 355b, 356g, 356g.5, 356g.5-1, 356q, 356r, 356t, 356u, 356v, 356w, 356x, 356y, 356z.1, 356z.2, 356z.3a, 356z.4, 356z.4a, 356z.5, 356z.6, 356z.8, 356z.9, 356z.10, 356z.11, 356z.12, 356z.13, 356z.14, 356z.15, 356z.18, 356z.19, 356z.21, 356z.22, 356z.25, 356z.26, 356z.29, 356z.30, 356z.30a, 356z.32, 356z.33, 356z.40, 356z.41, 356z.46, 356z.47, 356z.51, 356z.53, 356z.54, 356z.56, 356z.57, 356z.59, 356z.60, 356z.61, 356z.62, 356z.64, 356z.67, 356z.68, 356z.71, 364.01, 364.3, 367.2, 368a, 401, 401.1, 402, 403, 403A, 408, 408.2, and 412, and paragraphs (7) and (15) of Section 367 of the Illinois Insurance Code.

Rulemaking authority to implement Public Act 95-1045, if any, is conditioned on the rules being adopted in accordance with all provisions of the Illinois Administrative Procedure Act and all rules and procedures of the Joint Committee on Administrative Rules; any purported rule not so adopted, for whatever reason, is unauthorized.

(Source: P.A. 102-30, eff. 1-1-22; 102-203, eff. 1-1-22; 102-306, eff. 1-1-22; 102-642, eff. 1-1-22; 102-665, eff. 10-8-21; 102-731, eff. 1-1-23; 102-775, eff. 5-13-22; 102-804, eff. 1-1-23; 102-813, eff. 5-13-22; 102-816, eff. 1-1-23; 102-860, eff. 1-1-23; 102-901, eff. 7-1-22; 102-1093, eff. 1-1-23; 102-1117, eff. 1-13-23; 103-84, eff. 1-1-24; 103-91, eff. 1-1-24; 103-420, eff. 1-1-24; 103-445, eff. 1-1-24; 103-551, eff. 8-11-23; revised 8-29-23.)

Section 25. The Illinois Public Aid Code is amended by changing Section 5-16.8 as follows:

(305 ILCS 5/5-16.8)

Sec. 5-16.8. Required health benefits. The medical assistance program shall (i) provide the post-mastectomy care benefits required to be covered by a policy of accident and health insurance under Section 356t and the coverage required under Sections 356g.5, 356q, 356u, 356w, 356x, 356z.6, 356z.26, 356z.29, 356z.32, 356z.33, 356z.34, 356z.35, 356z.46, 356z.47, 356z.51, 356z.53, 356z.56, 356z.59, 356z.60, ~~and~~ 356z.61, 356z.64, 356z.67, and 356z.71 of the Illinois Insurance Code, (ii) be subject to the provisions of Sections 356z.19, 356z.44, 356z.49, 364.01, 370c, and 370c.1 of the Illinois Insurance Code, and (iii) be subject to the provisions of subsection (d-5) of Section 10 of the Network Adequacy and Transparency Act.

The Department, by rule, shall adopt a model similar to the requirements of Section 356z.39 of the Illinois Insurance Code.

On and after July 1, 2012, the Department shall reduce any rate of reimbursement for services or other payments or alter any methodologies authorized by this Code to reduce any rate of reimbursement for services or other payments in accordance with Section 5-5e.

To ensure full access to the benefits set forth in this Section, on and after January 1, 2016, the Department shall ensure that provider and hospital reimbursement for post-mastectomy care benefits required under this Section are no lower than the Medicare reimbursement rate.

(Source: P.A. 102-30, eff. 1-1-22; 102-144, eff. 1-1-22; 102-203, eff. 1-1-22; 102-306, eff. 1-1-22; 102-530, eff. 1-1-22; 102-642, eff. 1-1-22; 102-804, eff. 1-1-23; 102-813, eff. 5-13-22; 102-816, eff. 1-1-23; 102-1093, eff. 1-1-23; 102-1117, eff. 1-13-23; 103-84, eff. 1-1-24; 103-91, eff. 1-1-24; 103-420, eff. 1-1-24; revised 12-15-23.)".

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Johnson, **Senate Bill No. 3156** having been printed, was taken up, read by title a second time.

Senator Johnson offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 3156

AMENDMENT NO. 1 . Amend Senate Bill 3156 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by changing Sections 2-3.47a, 2-3.66, 2-3.170, 10-17a, 10-20.12a, 10-20.17a, 10-20.56, 10-22.24b, 10-27.1A, 10-27.1B, 13A-8, 13B-45, 13B-50, 13B-50.10, 13B-50.15, 18-8.15, 21B-45, 21B-50, 26-2, 27-22.2, and 34-8.05 as follows:

(105 ILCS 5/2-3.47a)

Sec. 2-3.47a. Strategic plan.

(a) The State Board of Education shall develop and maintain a continuing comprehensive strategic plan for elementary and secondary education. The strategic plan shall address how the State Board of Education will focus its efforts to increase equity in all Illinois schools and shall include, without limitation, all of the following topic areas:

(1) Service and support to school districts to improve student performance.

(2) Programs to improve equitable and strategic resource allocation in all schools.

(3) Efforts to enhance the social-emotional well-being of Illinois students.

(4) (Blank).

(5) (Blank).

(6) (Blank).

(7) (Blank).

(8) (Blank).

(9) (Blank).

(10) (Blank).

(11) (Blank).

(12) (Blank).

(13) (Blank).

(14) Attraction and retention of diverse and qualified teachers and leaders.

(15) (Blank).

The State Board of Education shall consult with the educational community, hold public hearings, and receive input from all interested groups in drafting the strategic plan.

(b) To meet the requirements of this Section, the State Board of Education shall issue to the Governor and General Assembly a preliminary report within 6 months after the effective date of this amendatory Act of the 93rd General Assembly and a final 5-year strategic plan within one year after the effective date of this amendatory Act of the 93rd General Assembly. Thereafter, the State Board shall annually review the strategic plan and, if necessary, update its contents. The State Board shall provide updates regarding the topic areas contained in the strategic plan and any updates to its contents, if applicable, ~~shall be updated and issued~~ to the Governor and General Assembly on or before July 1 of each year.

(Source: P.A. 102-539, eff. 8-20-21.)

(105 ILCS 5/2-3.66) (from Ch. 122, par. 2-3.66)

Sec. 2-3.66. Truants' alternative and optional education programs. To establish projects to offer modified instructional programs or other services designed to prevent students from dropping out of school, including programs pursuant to Section 2-3.41, and to serve as a part time or full time option in lieu of regular school attendance and to award grants to local school districts, educational service regions or community college districts from appropriated funds to assist districts in establishing such projects. The education agency may operate its own program or enter into a contract with another not-for-profit entity to implement the program. The projects shall allow dropouts, up to and including age 21, potential dropouts, including truants, uninvolved, unmotivated and disaffected students, as defined by State Board of Education rules and regulations, to enroll, as an alternative to regular school attendance, in an optional education program which may be established by school board policy and is in conformance with rules adopted by the State Board of Education. Truants' Alternative and Optional Education programs funded pursuant to this Section shall be planned by a student, the student's parents or legal guardians, unless the student is 18 years

or older, and school officials and shall culminate in an individualized optional education plan. Such plan shall focus on academic or vocational skills, or both, and may include, but not be limited to, evening school, summer school, community college courses, adult education, preparation courses for high school equivalency testing, vocational training, work experience, programs to enhance self concept and parenting courses. School districts which are awarded grants pursuant to this Section shall be authorized to provide day care services to children of students who are eligible and desire to enroll in programs established and funded under this Section, but only if and to the extent that such day care is necessary to enable those eligible students to attend and participate in the programs and courses which are conducted pursuant to this Section. School districts, intermediate service centers, and regional offices of education may claim general State aid under Section 18-8.05 or evidence-based funding under Section 18-8.15 for students enrolled in truants' alternative and optional education programs, provided that such students are receiving services that are supplemental to a program leading to a high school diploma and are otherwise eligible to be claimed for general State aid under Section 18-8.05 or evidence-based funding under Section 18-8.15, as applicable.
(Source: P.A. 100-465, eff. 8-31-17.)

(105 ILCS 5/2-3.170)

Sec. 2-3.170. Property tax relief pool grants.

(a) As used in this Section,

"EAV" means equalized assessed valuation as defined under Section 18-8.15 of this Code.

"Property tax multiplier" equals one minus the square of the school district's Local Capacity Percentage, as defined in Section 18-8.15 of this Code.

"Local capacity percentage multiplier" means one minus the school district's Local Capacity Percentage, as defined in Section 18-8.15.

"State Board" means the State Board of Education.

(b) Subject to appropriation, the State Board shall provide grants to eligible school districts that provide tax relief to the school district's residents, which may be no greater than 1% of EAV for a unit district, 0.69% of EAV for an elementary school district, or 0.31% of EAV for a high school district, as provided in this Section.

(b-5) School districts may apply for property tax relief under this Section concurrently to setting their levy for the fiscal year. The intended relief may not be greater than 1% of the EAV for a unit district, 0.69% of the EAV for an elementary school district, or 0.31% of the EAV for a high school district, multiplied by the school district's local capacity percentage multiplier. The State Board shall process applications for relief, providing a grant to those districts with the highest adjusted operating tax rate, as determined by those districts with the highest percentage of the simple average adjusted operating tax rate of districts of the same type, either elementary, high school, or unit, first, in an amount equal to the intended relief multiplied by the property tax multiplier. The State Board shall provide grants to school districts in order of priority until the property tax relief pool is exhausted. If more school districts apply for relief under this subsection than there are funds available, the State Board must distribute the grants and prorate any remaining funds to the final school district that qualifies for grant relief. The abatement amount for that district must be equal to the grant amount divided by the property tax multiplier.

If a school district receives the State Board's approval of a grant under this Section by March 1 of the fiscal year, the school district shall present a duly authorized and approved abatement resolution by March 30 of the fiscal year to the county clerk of each county in which the school files its levy, authorizing the county clerk to lower the school district's levy by the amount designated in its application to the State Board. When the preceding requisites are satisfied, the county clerk shall reduce the amount collected for the school district by the amount indicated in the school district's abatement resolution for that fiscal year.

(c) (Blank).

(d) School districts seeking grants under this Section shall apply to the State Board each year. All applications to the State Board for grants shall include the amount of the tax relief intended by the school district.

(e) Each year, based on the most recent available data provided by school districts pursuant to Section 18-8.15 of this Code, the State Board shall calculate the order of priority for grant eligibility under subsection (b-5) and publish a list of the school districts eligible for relief. The State Board shall provide grants in the manner provided under subsection (b-5).

(f) The State Board shall publish a final list of eligible grant recipients and provide payment of the grants by March 1 of each year.

(g) If notice of eligibility from the State Board is received by a school district by March 1, then by March 30, the school district shall file an abatement of its property tax levy in an amount equal to the grant received under this Section divided by the property tax multiplier. Payment of all grant amounts shall be made by June 1 each fiscal year. The State Superintendent of Education shall establish the timeline in such cases in which notice cannot be made by March 1.

(h) The total property tax relief allowable to a school district under this Section shall be calculated based on the total amount of reduction in the school district's aggregate extension. The total grant shall be equal to the reduction, multiplied by the property tax multiplier. The reduction shall be equal to 1% of a district's EAV for a unit school district, 0.69% for an elementary school district, or 0.31% for a high school district, multiplied by the school district's local capacity percentage multiplier.

(i) If the State Board does not expend all appropriations allocated pursuant to this Section, then any remaining funds shall be allocated pursuant to Section 18-8.15 of this Code.

(j) The State Board shall prioritize payments under Section 18-8.15 of this Code over payments under this Section, if necessary.

(k) Any grants received by a school district shall be included in future calculations of that school district's Base Funding Minimum under Section 18-8.15 of this Code. Beginning with Fiscal Year 2020, if a school district receives a grant under this Section, the school district must present to the county clerk a duly authorized and approved abatement resolution by March 30 for the year in which the school district receives the grant and the successive fiscal year following the receipt of the grant, authorizing the county clerk to lower the school district's levy by the amount designated in its original application to the State Board. After receiving a resolution, the county clerk must reduce the amount collected for the school district by the amount indicated in the school district's abatement resolution for that fiscal year. If a school district does not abate in this amount for the successive fiscal year, the grant amount may not be included in the school district's Base Funding Minimum under Section 18-8.15 in the fiscal year following the tax year in which the abatement is not authorized and in any future fiscal year thereafter, and the county clerk must notify the State Board of the increase no later 30 days after it occurs.

(l) In the immediate 2 consecutive tax years following receipt of a Property Tax Pool Relief Grant, the aggregate extension base of any school district receiving a grant under this Section, for purposes of the Property Tax Extension Limitation Law, shall include the tax relief the school district provided in the previous taxable year under this Section.

(Source: P.A. 100-465, eff. 8-31-17; 100-582, eff. 3-23-18; 100-863, eff. 8-14-18; 101-17, eff. 6-14-19; 101-643, eff. 6-18-20.)

(105 ILCS 5/10-17a)

Sec. 10-17a. State, school district, and school report cards; Expanded High School Snapshot Report.

(1) By October 31, 2013 and October 31 of each subsequent school year, the State Board of Education, through the State Superintendent of Education, shall prepare a State report card, school district report cards, and school report cards, and shall by the most economical means provide to each school district in this State, including special charter districts and districts subject to the provisions of Article 34, the report cards for the school district and each of its schools. Because of the impacts of the COVID-19 public health emergency during school year 2020-2021, the State Board of Education shall have until December 31, 2021 to prepare and provide the report cards that would otherwise be due by October 31, 2021. During a school year in which the Governor has declared a disaster due to a public health emergency pursuant to Section 7 of the Illinois Emergency Management Agency Act, the report cards for the school districts and each of its schools shall be prepared by December 31.

(2) In addition to any information required by federal law, the State Superintendent shall determine the indicators and presentation of the school report card, which must include, at a minimum, the most current data collected and maintained by the State Board of Education related to the following:

(A) school characteristics and student demographics, including average class size, average teaching experience, student racial/ethnic breakdown, and the percentage of students classified as low-income; the percentage of students classified as English learners, the number of students who graduate from a bilingual or English learner program, and the number of students who graduate from, transfer from, or otherwise leave bilingual programs; the percentage of students who have individualized education plans or 504 plans that provide for special education services; the number and the percentage of all students in grades kindergarten through 8, disaggregated by the student ~~students~~ demographics described in this paragraph (A), in each of the following categories: (i) those who have been assessed for placement in a gifted education program or accelerated placement, (ii)

those who have enrolled in a gifted education program or in accelerated placement, and (iii) for each of categories (i) and (ii), those who received direct instruction from a teacher who holds a gifted education endorsement; the number and the percentage of all students in grades 9 through 12, disaggregated by the student demographics described in this paragraph (A), who have been enrolled in an advanced academic program; the percentage of students scoring at the "exceeds expectations" level on the assessments required under Section 2-3.64a-5 of this Code; the percentage of students who annually transferred in or out of the school district; average daily attendance; the per-pupil operating expenditure of the school district; and the per-pupil State average operating expenditure for the district type (elementary, high school, or unit);

(B) curriculum information, including, where applicable, Advanced Placement, International Baccalaureate or equivalent courses, dual credit courses, foreign language classes, computer science courses, school personnel resources (including Career Technical Education teachers), before and after school programs, extracurricular activities, subjects in which elective classes are offered, health and wellness initiatives (including the average number of days of Physical Education per week per student), approved programs of study, awards received, community partnerships, and special programs such as programming for the gifted and talented, students with disabilities, and work-study students;

(C) student outcomes, including, where applicable, the percentage of students deemed proficient on assessments of State standards, the percentage of students in the eighth grade who pass Algebra, the percentage of students who participated in workplace learning experiences, the percentage of students enrolled in post-secondary institutions (including colleges, universities, community colleges, trade/vocational schools, and training programs leading to career certification within 2 semesters of high school graduation), the percentage of students graduating from high school who are college and career ready, the percentage of graduates enrolled in community colleges, colleges, and universities who are in one or more courses that the community college, college, or university identifies as a developmental course, and the percentage of students with disabilities under the federal Individuals with Disabilities Education Act and Article 14 of this Code who have fulfilled the minimum State graduation requirements set forth in Section 27-22 of this Code and have been issued a regular high school diploma;

(D) student progress, including, where applicable, the percentage of students in the ninth grade who have earned 5 credits or more without failing more than one core class, a measure of students entering kindergarten ready to learn, a measure of growth, and the percentage of students who enter high school on track for college and career readiness;

(E) the school environment, including, where applicable, high school dropout rate by grade level, the percentage of students with less than 10 absences in a school year, the percentage of teachers with less than 10 absences in a school year for reasons other than professional development, leaves taken pursuant to the federal Family Medical Leave Act of 1993, long-term disability, or parental leaves, the 3-year average of the percentage of teachers returning to the school from the previous year, the number of different principals at the school in the last 6 years, the number of teachers who hold a gifted education endorsement, the process and criteria used by the district to determine whether a student is eligible for participation in a gifted education program or advanced academic program and the manner in which parents and guardians are made aware of the process and criteria, the number of teachers who are National Board Certified Teachers, disaggregated by race and ethnicity, 2 or more indicators from any school climate survey selected or approved by the State and administered pursuant to Section 2-3.153 of this Code, with the same or similar indicators included on school report cards for all surveys selected or approved by the State pursuant to Section 2-3.153 of this Code, the combined percentage of teachers rated as proficient or excellent in their most recent evaluation, and, beginning with the 2022-2023 school year, data on the number of incidents of violence that occurred on school grounds or during school-related activities and that resulted in an out-of-school suspension, expulsion, or removal to an alternative setting, as reported pursuant to Section 2-3.162;

(F) a school district's and its individual schools' balanced accountability measure, in accordance with Section 2-3.25a of this Code;

(G) the total and per pupil normal cost amount the State contributed to the Teachers' Retirement System of the State of Illinois in the prior fiscal year for the school's employees, which shall be reported to the State Board of Education by the Teachers' Retirement System of the State of Illinois;

(H) for a school district organized under Article 34 of this Code only, State contributions to the Public School Teachers' Pension and Retirement Fund of Chicago and State contributions for health care for employees of that school district;

(I) a school district's Final Percent of Adequacy, as defined in paragraph (4) of subsection (f) of Section 18-8.15 of this Code;

(J) a school district's Local Capacity Target, as defined in paragraph (2) of subsection (c) of Section 18-8.15 of this Code, displayed as a percentage amount;

(K) a school district's Real Receipts, as defined in paragraph (1) of subsection (d) of Section 18-8.15 of this Code, divided by a school district's Adequacy Target, as defined in paragraph (1) of subsection (b) of Section 18-8.15 of this Code, displayed as a percentage amount;

(L) a school district's administrative costs;

(M) whether or not the school has participated in the Illinois Youth Survey. In this paragraph (M), "Illinois Youth Survey" means a self-report survey, administered in school settings every 2 years, designed to gather information about health and social indicators, including substance abuse patterns and the attitudes of students in grades 8, 10, and 12;

(N) whether the school offered its students career and technical education opportunities; and

(O) beginning ~~Beginning~~ with the October 2024 report card, the total number of school counselors, school social workers, school nurses, and school psychologists by school, district, and State, the average number of students per school counselor in the school, district, and State, the average number of students per school social worker in the school, district, and State, the average number of students per school nurse in the school, district, and State, and the average number of students per school psychologist in the school, district, and State.

The school report card shall also provide information that allows for comparing the current outcome, progress, and environment data to the State average, to the school data from the past 5 years, and to the outcomes, progress, and environment of similar schools based on the type of school and enrollment of low-income students, special education students, and English learners.

As used in this subsection (2):

"Accelerated placement" has the meaning ascribed to that term in Section 14A-17 of this Code.

"Administrative costs" means costs associated with executive, administrative, or managerial functions within the school district that involve planning, organizing, managing, or directing the school district.

"Advanced academic program" means a course of study, including, but not limited to, accelerated placement, advanced placement coursework, International Baccalaureate coursework, dual credit, or any course designated as enriched or honors, that a student is enrolled in based on advanced cognitive ability or advanced academic achievement compared to local age peers and in which the curriculum is substantially differentiated from the general curriculum to provide appropriate challenge and pace.

"Computer science" means the study of computers and algorithms, including their principles, their hardware and software designs, their implementation, and their impact on society. "Computer science" does not include the study of everyday uses of computers and computer applications, such as keyboarding or accessing the Internet.

"Gifted education" means educational services, including differentiated curricula and instructional methods, designed to meet the needs of gifted children as defined in Article 14A of this Code.

For the purposes of paragraph (A) of this subsection (2), "average daily attendance" means the average of the actual number of attendance days during the previous school year for any enrolled student who is subject to compulsory attendance by Section 26-1 of this Code at each school and charter school.

(2.5) For any school report card prepared after July 1, 2025, for all high school graduation completion rates that are reported on the school report card as required under this Section or by any other State or federal law, the State Superintendent of Education shall also report the percentage of students who did not meet the requirements of high school graduation completion for any reason and, of those students, the percentage that are classified as students who fulfill the requirements of Section 14-16 of this Code.

The State Superintendent shall ensure that for the 2023-2024 school year there is a specific code for districts to report students who fulfill the requirements of Section 14-16 of this Code to ensure accurate reporting under this Section.

All reporting requirements under this subsection (2.5) shall be included on the school report card where high school graduation completion rates are reported, along with a brief explanation of how fulfilling the requirements of Section 14-16 of this Code is different from receiving a regular high school diploma.

(3) At the discretion of the State Superintendent, the school district report card shall include a subset of the information identified in paragraphs (A) through (E) of subsection (2) of this Section, as well as information relating to the operating expense per pupil and other finances of the school district, and the State report card shall include a subset of the information identified in paragraphs (A) through (E) and paragraph (N) of subsection (2) of this Section. The school district report card shall include the average daily attendance, as that term is defined in subsection (2) of this Section, of students who have individualized education programs and students who have 504 plans that provide for special education services within the school district.

(4) Notwithstanding anything to the contrary in this Section, in consultation with key education stakeholders, the State Superintendent shall at any time have the discretion to amend or update any and all metrics on the school, district, or State report card.

(5) Annually, no more than 30 calendar days after receipt of the school district and school report cards from the State Superintendent of Education, each school district, including special charter districts and districts subject to the provisions of Article 34, shall present such report cards at a regular school board meeting subject to applicable notice requirements, post the report cards on the school district's Internet web site, if the district maintains an Internet web site, make the report cards available to a newspaper of general circulation serving the district, and, upon request, send the report cards home to a parent (unless the district does not maintain an Internet web site, in which case the report card shall be sent home to parents without request). If the district posts the report card on its Internet web site, the district shall send a written notice home to parents stating (i) that the report card is available on the web site, (ii) the address of the web site, (iii) that a printed copy of the report card will be sent to parents upon request, and (iv) the telephone number that parents may call to request a printed copy of the report card.

(6) Nothing contained in Public Act 98-648 repeals, supersedes, invalidates, or nullifies final decisions in lawsuits pending on July 1, 2014 (the effective date of Public Act 98-648) in Illinois courts involving the interpretation of Public Act 97-8.

(7) As used in this subsection (7):

"Advanced ~~Advanced-track~~ coursework or programs" means any high school courses, sequence of courses, or class or grouping of students organized to provide more rigorous, enriched, advanced, accelerated, gifted, or above grade-level instruction. This may include, but is not limited to, Advanced Placement courses, International Baccalaureate courses, honors, weighted, advanced, or enriched courses, or gifted or accelerated programs, classrooms, or courses.

"Course" means any high school class or course offered by a school that is assigned a school course code by the State Board of Education.

"High school" means a school that maintains any of grades 9 through 12.

~~"English learner coursework or English learner program" means a high school English learner course or program designated to serve English learners, who may be designated as English language learners or limited English proficiency learners.~~

"Standard coursework or programs" means any high school courses or classes other than advanced ~~advanced-track~~ coursework or programs~~, English learner coursework or programs, or special education coursework or programs~~.

By December ~~October~~ 31, 2027 and by December ~~October~~ 31 of each subsequent year, the State Board of Education, through the State Superintendent of Education, shall prepare a stand-alone report covering all public high schools in this State, to be referred to as the Expanded High School Coursework Snapshot Report. The State Board shall post the Report on the State Board's Internet website. Each school district with ~~a~~ high school enrollment for the reporting year shall include on the school district's Internet website, if the district maintains an Internet website, a hyperlink to the Report on the State Board's Internet website titled "Expanded High School Coursework Snapshot Report". Hyperlinks under this subsection (7) shall be displayed in a manner that is easily accessible to the public.

The Expanded High School Coursework Snapshot Report shall include:

(A) a listing of all standard coursework or programs that have ~~offered by a~~ high school student enrollment;

(B) a listing of all advanced ~~advanced-track~~ coursework or programs that have ~~offered by a~~ high school student enrollment;

(C) a listing of all ~~English learner~~ coursework or programs that have high school student enrollment by English learners ~~offered by a high school~~;

(D) a listing of all ~~special education~~ coursework or programs that have high school student enrollment by students with disabilities ~~offered by a high school~~;

(E) data tables and graphs comparing advanced ~~advanced track~~ coursework or programs enrollment with standard coursework or programs enrollment according to the following parameters:

(i) the average years of experience of all teachers in a high school who are assigned to teach advanced ~~advanced track~~ coursework or programs compared with the average years of experience of all teachers in the high school who are assigned to teach standard coursework or programs;

(ii) the average years of experience of all teachers in a high school who are assigned to teach ~~special education~~ coursework or programs that have high school enrollment by students with disabilities compared with the average years of experience of all teachers in the high school who are not assigned to teach ~~standard~~ coursework or programs that have high school student enrollment by students with disabilities;

(iii) the average years of experience of all teachers in a high school who are assigned to teach ~~English learner~~ coursework or programs that have high school student enrollment by English learners compared with the average years of experience of all teachers in the high school who are not assigned to teach ~~standard~~ coursework or programs that have high school student enrollment by English learners;

(iv) the number of high school teachers who possess bachelor's degrees, master's degrees, or higher ~~doctorate~~ degrees and who are assigned to teach advanced coursework ~~advanced track courses~~ or programs compared with the number of teachers who possess bachelor's degrees, master's degrees, or higher ~~doctorate~~ degrees and who are assigned to teach standard coursework or programs;

(v) the number of high school teachers who possess bachelor's degrees, master's degrees, or higher ~~doctorate~~ degrees and who are assigned to teach ~~special education~~ coursework or programs that have high school student enrollment by students with disabilities compared with the number of teachers who possess bachelor's degrees, master's degrees, or higher ~~doctorate~~ degrees and who are not assigned to teach ~~standard~~ coursework or programs that have high school student enrollment by students with disabilities;

(vi) the number of high school teachers who possess bachelor's degrees, master's degrees, or higher ~~doctorate~~ degrees and who are assigned to teach ~~English learner~~ coursework or programs that have high school student enrollment by English learners compared with the number of teachers who possess bachelor's degrees, master's degrees, or higher ~~doctorate~~ degrees and who are not assigned to teach ~~standard~~ coursework or programs that have high school student enrollment by English learners;

(vii) the average student enrollment ~~and class size~~ of advanced ~~advanced track~~ coursework or programs offered in a high school compared with the average student enrollment ~~and class size~~ of standard coursework or programs;

(viii) the percentages of high school students, ~~delineated~~ by race, gender, and program student group, who are enrolled in advanced ~~advanced track~~ coursework or programs ~~in a high school compared with the gender of students enrolled in standard coursework or programs~~;

(ix) (blank); ~~the percentages of students delineated by gender who are enrolled in special education coursework or programs in a high school compared with the percentages of students enrolled in standard coursework or programs;~~

(x) (blank); ~~the percentages of students delineated by gender who are enrolled in English learner coursework or programs in a high school compared with the gender of students enrolled in standard coursework or programs;~~

(xi) (blank); ~~the percentages of high school students in each individual race and ethnicity category, as defined in the most recent federal decennial census, who are enrolled in advanced track coursework or programs compared with the percentages of students in each individual race and ethnicity category enrolled in standard coursework or programs;~~

(xii) (blank); ~~the percentages of high school students in each of the race and ethnicity categories, as defined in the most recent federal decennial census, who are enrolled in special education coursework or programs compared with the percentages of students in each of the race and ethnicity categories who are enrolled in standard coursework or programs;~~

(xiii) (blank); ~~the percentages of high school students in each of the race and ethnicity categories, as defined in the most recent federal decennial census, who are enrolled in English learner coursework or programs in a high school compared with the percentages of high school students in each of the race and ethnicity categories who are enrolled in standard coursework or programs;~~

(xiv) the percentage of high school students, by race, gender, and program student group, who earn ~~reach proficiency (~~the equivalent of a C grade or higher on a grade A through F scale~~)~~ in one or more advanced ~~advanced track~~ coursework or programs compared with the percentage of high school students, by race, gender, and program student group, who earn ~~proficiency (~~the equivalent of a C grade or higher on a grade A through F scale~~)~~ in one or more standard coursework or programs;

(xv) (blank); ~~the percentage of high school students who reach proficiency (the equivalent of a C grade or higher on a grade A through F scale) in special education coursework or programs compared with the percentage of high school students who earn proficiency (the equivalent of a C grade or higher on a grade A through F scale) in standard coursework or programs; and~~

(xvi) (blank); and ~~the percentage of high school students who reach proficiency (the equivalent of a C grade or higher on a grade A through F scale) in English learner coursework or programs compared with the percentage of high school students who earn proficiency (the equivalent of a C grade or higher on a grade A through F scale) in standard coursework or programs; and~~

(F) data tables and graphs for each race and ethnicity category~~, as defined in the most recent federal decennial census,~~ and gender category~~, as defined in the most recent federal decennial census,~~ describing:

(i) the total student number and student percentage for ~~of~~ Advanced Placement courses taken by race and ethnicity category and gender category~~, as defined in the most recent federal decennial census~~;

(ii) the total student number and student percentage for ~~of~~ International Baccalaureate courses taken by race and ethnicity category and gender category~~, as defined in the most recent federal decennial census~~;

(iii) (blank); ~~for each race and ethnicity category and gender category, as defined in the most recent federal decennial census, the percentage of high school students enrolled in Advanced Placement courses;~~

(iv) (blank); and ~~for each race and ethnicity category and gender category, as defined in the most recent federal decennial census, the percentage of high school students enrolled in International Baccalaureate courses; and~~

(v) ~~for each race and ethnicity category, as defined in the most recent federal decennial census,~~ the total student number and student percentage of high school students who earn a score of 3 or higher on the Advanced Placement exam associated with an Advanced Placement course.

For data on teacher experience and education under this subsection (7), a teacher who teaches a combination of courses designated as advanced ~~advanced track~~ coursework or programs, courses or programs that have high school student enrollment by English learners ~~learner coursework or programs~~, or standard coursework or programs shall be included in all relevant categories and the teacher's level of experience shall be added to the categories.

(Source: P.A. 102-16, eff. 6-17-21; 102-294, eff. 1-1-22; 102-539, eff. 8-20-21; 102-558, eff. 8-20-21; 102-594, eff. 7-1-22; 102-813, eff. 5-13-22; 103-116, eff. 6-30-23; 103-263, eff. 6-30-23; 103-413, eff, 1-1-24; 103-503, eff. 1-1-24; revised 9-12-23.)

(105 ILCS 5/10-20.12a) (from Ch. 122, par. 10-20.12a)

Sec. 10-20.12a. Tuition for non-resident pupils.

(a) To charge non-resident pupils who attend the schools of the district tuition in an amount not exceeding 110% of the per capita cost of maintaining the schools of the district for the preceding school year.

Such per capita cost shall be computed by dividing the total cost of conducting and maintaining the schools of the district by the average daily attendance, including tuition pupils. Depreciation on the

buildings and equipment of the schools of the district, and the amount of annual depreciation on such buildings and equipment shall be dependent upon the useful life of such property.

The tuition charged shall in no case exceed 110% of the per capita cost of conducting and maintaining the schools of the district attended, as determined with reference to the most recent audit prepared under Section 3-7 which is available at the commencement of the current school year. Non-resident pupils attending the schools of the district for less than the school term shall have their tuition apportioned, however pupils who become non-resident during a school term shall not be charged tuition for the remainder of the school term in which they became non-resident pupils.

Notwithstanding the provisions of this Section, a school district may ~~adopt a policy to~~ waive tuition costs for a non-resident pupil who ~~if the pupil~~ is the ~~a~~ child of a district employee if the district adopts a policy approving such waiver. For purposes of this paragraph, "child" means a district employee's child who is a biological child, adopted child, foster child, stepchild, or a child for which the employee serves as a legal guardian.

(b) Unless otherwise agreed to by the parties involved and where the educational services are not otherwise provided for, educational services for an Illinois student under the age of 21 (and not eligible for services pursuant to Article 14 of this Code) in any residential program shall be provided by the district in which the facility is located and financed as follows. The cost of educational services shall be paid by the district in which the student resides in an amount equal to the cost of providing educational services in the residential facility. Payments shall be made by the district of the student's residence and shall be made to the district wherein the facility is located no less than once per month unless otherwise agreed to by the parties.

The funding provision of this subsection (b) applies to all Illinois students under the age of 21 (and not eligible for services pursuant to Article 14 of this Code) receiving educational services in residential facilities, irrespective of whether the student was placed therein pursuant to this Code or the Juvenile Court Act of 1987 or by an Illinois public agency or a court. The changes to this subsection (b) made by this amendatory Act of the 95th General Assembly apply to all placements in effect on July 1, 2007 and all placements thereafter. For purposes of this subsection (b), a student's district of residence shall be determined in accordance with subsection (a) of Section 10-20.12b of this Code. The placement of a student in a residential facility shall not affect the residency of the student. When a dispute arises over the determination of the district of residence under this subsection (b), any person or entity, including without limitation a school district or residential facility, may make a written request for a residency decision to the State Superintendent of Education, who, upon review of materials submitted and any other items or information he or she may request for submission, shall issue his or her decision in writing. The decision of the State Superintendent of Education is final.

(Source: P.A. 103-111, eff. 6-29-23.)

(105 ILCS 5/10-20.17a) (from Ch. 122, par. 10-20.17a)

Sec. 10-20.17a. Hazardous materials training. To enhance the safety of pupils and staff by providing in-service training programs on the safe handling and use of hazardous or toxic materials for personnel in the district who work with such materials on a regular basis. Such programs may ~~shall~~ be identified ~~approved~~ by the State Board of Education, in consultation with the ~~Illinois~~ Department of Public Health, for use by school boards in implementing this Section.

(Source: P.A. 84-1294.)

(105 ILCS 5/10-20.56)

Sec. 10-20.56. E-learning days.

(a) The State Board of Education shall establish and maintain, for implementation in school districts, a program for use of electronic-learning (e-learning) days, as described in this Section. School districts may utilize a program approved under this Section for use during remote learning days and blended remote learning days under Section 10-30 or 34-18.66.

(b) The school board of a school district may, by resolution, adopt a research-based program or research-based programs for e-learning days district-wide that shall permit student instruction to be received electronically while students are not physically present in lieu of the district's scheduled emergency days as required by Section 10-19 of this Code or because a school was selected to be a polling place under Section 11-4.1 of the Election Code. The research-based program or programs may not exceed the minimum number of emergency days in the approved school calendar and must be verified annually by the regional office of education or intermediate service center for the school district before the implementation of any e-learning days in that school year ~~on or before September 1st annually~~ to ensure access for all students. The regional office of education or intermediate service center shall ensure that the specific needs of all students are met,

including special education students and English learners, and that all mandates are still met using the proposed research-based program. The e-learning program may utilize the Internet, telephones, texts, chat rooms, or other similar means of electronic communication for instruction and interaction between teachers and students that meet the needs of all learners. The e-learning program shall address the school district's responsibility to ensure that all teachers and staff who may be involved in the provision of e-learning have access to any and all hardware and software that may be required for the program. If a proposed program does not address this responsibility, the school district must propose an alternate program.

(c) Before its adoption by a school board, the school board must hold a public hearing on a school district's initial proposal for an e-learning program or for renewal of such a program, at a regular or special meeting of the school board, in which the terms of the proposal must be substantially presented and an opportunity for allowing public comments must be provided. Notice of such public hearing must be provided at least 10 days prior to the hearing by:

(1) publication in a newspaper of general circulation in the school district;

(2) written or electronic notice designed to reach the parents or guardians of all students enrolled in the school district; and

(3) written or electronic notice designed to reach any exclusive collective bargaining representatives of school district employees and all those employees not in a collective bargaining unit.

(d) The regional office of education or intermediate service center for the school district must timely verify that a proposal for an e-learning program has met the requirements specified in this Section and that the proposal contains provisions designed to reasonably and practicably accomplish the following:

(1) to ensure and verify at least 5 clock hours of instruction or school work, as required under Section 10-19.05, for each student participating in an e-learning day;

(2) to ensure access from home or other appropriate remote facility for all students participating, including computers, the Internet, and other forms of electronic communication that must be utilized in the proposed program;

(2.5) to ensure that non-electronic materials are made available to students participating in the program who do not have access to the required technology or to participating teachers or students who are prevented from accessing the required technology;

(3) to ensure appropriate learning opportunities for students with special needs;

(4) to monitor and verify each student's electronic participation;

(5) to address the extent to which student participation is within the student's control as to the time, pace, and means of learning;

(6) to provide effective notice to students and their parents or guardians of the use of particular days for e-learning;

(7) to provide staff and students with adequate training for e-learning days' participation;

(8) to ensure an opportunity for any collective bargaining negotiations with representatives of the school district's employees that would be legally required, including all classifications of school district employees who are represented by collective bargaining agreements and who would be affected in the event of an e-learning day;

(9) to review and revise the program as implemented to address difficulties confronted; and

(10) to ensure that the protocol regarding general expectations and responsibilities of the program is communicated to teachers, staff, and students at least 30 days prior to utilizing an e-learning day in a school year.

The school board's approval of a school district's initial e-learning program and renewal of the e-learning program shall be for a term of 3 school years, beginning with the first school year in which the program was approved and verified by the regional office of education or intermediate service center for the school district.

(d-5) A school district shall pay to its contractors who provide educational support services to the district, including, but not limited to, custodial, transportation, or food service providers, their daily, regular rate of pay or billings rendered for any e-learning day that is used because a school was selected to be a polling place under Section 11-4.1 of the Election Code, except that this requirement does not apply to contractors who are paid under contracts that are entered into, amended, or renewed on or after March 15, 2022 or to contracts that otherwise address compensation for such e-learning days.

(d-10) A school district shall pay to its employees who provide educational support services to the district, including, but not limited to, custodial employees, building maintenance employees, transportation

employees, food service providers, classroom assistants, or administrative staff, their daily, regular rate of pay and benefits rendered for any school closure or e-learning day if the closure precludes them from performing their regularly scheduled duties and the employee would have reported for work but for the closure, except this requirement does not apply if the day is rescheduled and the employee will be paid their daily, regular rate of pay and benefits for the rescheduled day when services are rendered.

(d-15) A school district shall make full payment that would have otherwise been paid to its contractors who provide educational support services to the district, including, but not limited to, custodial, building maintenance, transportation, food service providers, classroom assistants, or administrative staff, their daily, regular rate of pay and benefits rendered for any school closure or e-learning day if any closure precludes them from performing their regularly scheduled duties and employees would have reported for work but for the closure. The employees who provide the support services covered by such contracts shall be paid their daily bid package rates and benefits as defined by their local operating agreements or collective bargaining agreements, except this requirement does not apply if the day is rescheduled and the employee will be paid their daily, regular rate of pay and benefits for the rescheduled day when services are rendered.

(d-20) A school district shall make full payment or reimbursement to an employee or contractor as specified in subsection (d-10) or (d-15) of this Section for any school closure or e-learning day in the 2021-2022 school year that occurred prior to the effective date of this amendatory Act of the 102nd General Assembly if the employee or contractor did not receive pay or was required to use earned paid time off, except this requirement does not apply if the day is rescheduled and the employee will be paid their daily, regular rate of pay and benefits for the rescheduled day when services are rendered.

(e) The State Board of Education may adopt rules consistent with the provision of this Section.

(f) For purposes of subsections (d-10), (d-15), and (d-20) of this Section:

"Employee" means anyone employed by a school district on or after the effective date of this amendatory Act of the 102nd General Assembly.

"School district" includes charter schools established under Article 27A of this Code, but does not include the Department of Juvenile Justice School District.

(Source: P.A. 101-12, eff. 7-1-19; 101-643, eff. 6-18-20; 102-584, eff. 6-1-22; 102-697, eff. 4-5-22.)

(105 ILCS 5/10-22.24b)

(Text of Section before amendment by P.A. 103-542)

Sec. 10-22.24b. School counseling services. School counseling services in public schools may be provided by school counselors as defined in Section 10-22.24a of this Code or by individuals who hold a Professional Educator License with a school support personnel endorsement in the area of school counseling under Section 21B-25 of this Code.

School counseling services may include, but are not limited to:

(1) designing and delivering a comprehensive school counseling program through a standards-based, data-informed program that promotes student achievement and wellness;

(2) (blank); ~~incorporating the common core language into the school counselor's work and role;~~

(3) school counselors working as culturally skilled professionals who act sensitively to promote social justice and equity in a pluralistic society;

(4) providing individual and group counseling;

(5) providing a core counseling curriculum that serves all students and addresses the knowledge and skills appropriate to their developmental level through a collaborative model of delivery involving the school counselor, classroom teachers, and other appropriate education professionals, and including prevention and pre-referral activities;

(6) making referrals when necessary to appropriate offices or outside agencies;

(7) providing college and career development activities and counseling;

(8) developing individual career plans with students, which includes planning for post-secondary education, as appropriate, and engaging in related and relevant career and technical education coursework in high school ~~as described in paragraph (55)~~;

(9) assisting all students with a college or post-secondary education plan, which must include a discussion on all post-secondary education options, including 4-year colleges or universities, community colleges, and vocational schools, and includes planning for post-secondary education, as appropriate, and engaging in related and relevant career and technical education coursework in high school ~~as described in paragraph (55)~~;

(10) (blank); ~~intentionally addressing the career and college needs of first generation students;~~

(11) educating all students on scholarships, financial aid, and preparation of the Federal Application for Federal Student Aid;

(12) collaborating with institutions of higher education and local community colleges so that students understand post-secondary education options and are ready to transition successfully;

(13) providing crisis intervention and contributing to the development of a specific crisis plan within the school setting in collaboration with multiple stakeholders;

(14) providing educational opportunities for ~~educating~~ students, teachers, and parents on mental health ~~anxiety, depression, cutting, and suicide issues and intervening with students who present with these~~ issues;

(15) providing counseling and other resources to students who are in crisis;

(16) working to address barriers that prohibit or limit access ~~providing resources for those students who do not have access~~ to mental health services;

(17) addressing bullying and conflict resolution with all students;

(18) teaching communication skills and helping students develop positive relationships;

(19) using culturally sensitive skills in working with all students to promote wellness;

(20) working to address ~~addressing~~ the needs of all ~~undocumented~~ students with regard to citizenship status ~~in the school, as well as students who are legally in the United States, but whose parents are undocumented~~;

(21) (blank); ~~contributing to a student's functional behavioral assessment, as well as assisting in the development of non-aversive behavioral intervention strategies;~~

(22) providing academic, social-emotional, and college and career supports to all students irrespective of special education or Section 504 status ~~(i) assisting students in need of special education services by implementing the academic supports and social-emotional and college or career development counseling services or interventions per a student's individualized education program (IEP); (ii) participating in or contributing to a student's IEP and completing a social developmental history; or (iii) providing services to a student with a disability under the student's IEP or federal Section 504 plan, as recommended by the student's IEP team or Section 504 plan team and in compliance with federal and State laws and rules governing the provision of educational and related services and school based accommodations to students with disabilities and the qualifications of school personnel to provide such services and accommodations~~;

(23) assisting students in goal setting and success skills for classroom behavior, study skills, test preparation, internal motivation, and intrinsic rewards ~~the development of a personal educational plan with each student~~;

(24) (blank); ~~educating students on dual credit and learning opportunities on the Internet;~~

(25) providing information for all students in the selection of courses that will lead to post-secondary education opportunities toward a successful career;

(26) interpreting achievement test results and guiding students in appropriate directions;

(27) (blank); ~~counseling with students, families, and teachers, in compliance with federal and State laws;~~

(28) providing families with opportunities for education and counseling as appropriate in relation to the student's educational assessment;

(29) consulting and collaborating with teachers and other school personnel regarding behavior management and intervention plans and inclusion in support of students;

(30) teaming and partnering with staff, parents, businesses, and community organizations to support student achievement and social-emotional learning standards for all students;

(31) developing and implementing school-based prevention programs, including, but not limited to, mediation and violence prevention, implementing social and emotional education programs and services, and establishing and implementing bullying prevention and intervention programs;

(32) developing culturally sensitive assessment instruments for measuring school counseling prevention and intervention effectiveness and collecting, analyzing, and interpreting data;

(33) participating on school and district committees to advocate for student programs and resources, as well as establishing a school counseling advisory council that includes representatives of key stakeholders selected to review and advise on the implementation of the school counseling program;

(34) acting as a liaison between the public schools and community resources and building relationships with important stakeholders, such as families, administrators, teachers, and board members;

(35) maintaining organized, clear, and useful records in a confidential manner consistent with Section 5 of the Illinois School Student Records Act, the Family Educational Rights and Privacy Act, and the Health Insurance Portability and Accountability Act;

(36) presenting an annual agreement to the administration, including a formal discussion of the alignment of school and school counseling program missions and goals and detailing specific school counselor responsibilities;

(37) identifying and implementing culturally sensitive measures of success for student competencies in each of the 3 domains of academic, social and emotional, and college and career learning based on planned and periodic assessment of the comprehensive developmental school counseling program;

(38) collaborating as a team member in Multi-Tiered Systems of Support ~~Response to Intervention (RtI)~~ and other school initiatives;

(39) conducting observations and participating in recommendations or interventions regarding the placement of children in educational programs or special education classes;

(40) analyzing data and results of school counseling program assessments, including curriculum, small-group, and closing-the-gap results reports, and designing strategies to continue to improve program effectiveness;

(41) analyzing data and results of school counselor competency assessments;

(42) following American School Counselor Association Ethical Standards for School Counselors to demonstrate high standards of integrity, leadership, and professionalism;

(43) using student competencies to assess student growth and development to inform decisions regarding strategies, activities, and services that help students achieve the highest academic level possible ~~knowing and embracing common core standards by using common core language~~;

(44) practicing as a culturally skilled school counselor by infusing the multicultural competencies within the role of the school counselor, including the practice of culturally sensitive attitudes and beliefs, knowledge, and skills;

(45) infusing the Social-Emotional Standards, as presented in the State Board of Education standards, across the curriculum and in the counselor's role in ways that empower and enable students to achieve academic success across all grade levels;

(46) providing services only in areas in which the school counselor has appropriate training or expertise, as well as only providing counseling or consulting services within his or her employment to any student in the district or districts which employ such school counselor, in accordance with professional ethics;

(47) having adequate training in supervision knowledge and skills in order to supervise school counseling interns enrolled in graduate school counselor preparation programs that meet the standards established by the State Board of Education;

(48) being involved with State and national professional associations;

(49) participating, at least once every 2 years, in an in-service training program for school counselors conducted by persons with expertise in domestic and sexual violence and the needs of expectant and parenting youth, which shall include training concerning (i) communicating with and listening to youth victims of domestic or sexual violence and expectant and parenting youth, (ii) connecting youth victims of domestic or sexual violence and expectant and parenting youth to appropriate in-school services and other agencies, programs, and services as needed, and (iii) implementing the school district's policies, procedures, and protocols with regard to such youth, including confidentiality; at a minimum, school personnel must be trained to understand, provide information and referrals, and address issues pertaining to youth who are parents, expectant parents, or victims of domestic or sexual violence;

(50) participating, at least every 2 years, in an in-service training program for school counselors conducted by persons with expertise in anaphylactic reactions and management;

(51) participating, at least once every 2 years, in an in-service training on educator ethics, teacher-student conduct, and school employee-student conduct for all personnel;

(52) participating, in addition to other topics at in-service training programs, in training to identify the warning signs of mental illness and suicidal behavior in adolescents and teenagers and learning appropriate intervention and referral techniques;

(53) (blank); ~~obtaining training to have a basic knowledge of matters relating to acquired immunodeficiency syndrome (AIDS), including the nature of the disease, its causes and effects, the means of detecting it and preventing its transmission, and the availability of appropriate sources of counseling and referral and any other information that may be appropriate considering the age and grade level of the pupils; the school board shall supervise such training and the State Board of Education and the Department of Public Health shall jointly develop standards for such training;~~

(54) (blank); and ~~participating in mandates from the State Board of Education for bullying education and social-emotional literacy; and~~

(55) promoting career and technical education by assisting each student to determine an appropriate postsecondary plan based upon the student's skills, strengths, and goals and assisting the student to implement the best practices that improve career or workforce readiness after high school.

School districts may employ a sufficient number of school counselors to maintain the national and State recommended student-counselor ratio of 250 to 1. School districts may have school counselors spend at least 80% of his or her work time in direct contact with students.

Nothing in this Section prohibits other qualified professionals, including other endorsed school support personnel, from providing the services listed in this Section.

(Source: P.A. 102-876, eff. 1-1-23; 103-154, eff. 6-30-23.)

(Text of Section after amendment by P.A. 103-542)

Sec. 10-22.24b. School counseling services. School counseling services in public schools may be provided by school counselors as defined in Section 10-22.24a of this Code or by individuals who hold a Professional Educator License with a school support personnel endorsement in the area of school counseling under Section 21B-25 of this Code.

School counseling services may include, but are not limited to:

(1) designing and delivering a comprehensive school counseling program through a standards-based, data-informed program that promotes student achievement and wellness;

(2) (blank); ~~incorporating the common core language into the school counselor's work and role;~~

(3) school counselors working as culturally skilled professionals who act sensitively to promote social justice and equity in a pluralistic society;

(4) providing individual and group counseling;

(5) providing a core counseling curriculum that serves all students and addresses the knowledge and skills appropriate to their developmental level through a collaborative model of delivery involving the school counselor, classroom teachers, and other appropriate education professionals, and including prevention and pre-referral activities;

(6) making referrals when necessary to appropriate offices or outside agencies;

(7) providing college and career development activities and counseling;

(8) developing individual career plans with students, which includes planning for post-secondary education, as appropriate, and engaging in related and relevant career and technical education coursework in high school ~~as described in paragraph (55)~~;

(9) assisting all students with a college or post-secondary education plan, which must include a discussion on all post-secondary education options, including 4-year colleges or universities, community colleges, and vocational schools, and includes planning for post-secondary education, as appropriate, and engaging in related and relevant career and technical education coursework in high school ~~as described in paragraph (55)~~;

(10) (blank); ~~intentionally addressing the career and college needs of first generation students;~~

(11) educating all students on scholarships, financial aid, and preparation of the Federal Application for Federal Student Aid;

(12) collaborating with institutions of higher education and local community colleges so that students understand post-secondary education options and are ready to transition successfully;

(13) providing crisis intervention and contributing to the development of a specific crisis plan within the school setting in collaboration with multiple stakeholders;

(14) providing educational opportunities for ~~educating~~ students, teachers, and parents on mental health ~~anxiety, depression, cutting, and suicide issues and intervening with students who present with these~~ issues;

(15) providing counseling and other resources to students who are in crisis;

(16) working to address barriers that prohibit or limit access ~~providing resources for those students who do not have access~~ to mental health services;

(17) addressing bullying and conflict resolution with all students;

(18) teaching communication skills and helping students develop positive relationships;

(19) using culturally sensitive skills in working with all students to promote wellness;

(20) working to address ~~addressing~~ the needs of all ~~undocumented~~ students with regard to citizenship status ~~in the school, as well as students who are legally in the United States, but whose parents are undocumented~~;

(21) (blank); ~~contributing to a student's functional behavioral assessment, as well as assisting in the development of non-aversive behavioral intervention strategies~~;

(22) providing academic, social-emotional, and college and career supports to all students irrespective of special education or Section 504 status; ~~(i) assisting students in need of special education services by implementing the academic supports and social-emotional and college or career development counseling services or interventions per a student's individualized education program (IEP); (ii) participating in or contributing to a student's IEP and completing a social-developmental history; or (iii) providing services to a student with a disability under the student's IEP or federal Section 504 plan, as recommended by the student's IEP team or Section 504 plan team and in compliance with federal and State laws and rules governing the provision of educational and related services and school-based accommodations to students with disabilities and the qualifications of school personnel to provide such services and accommodations;~~

(23) assisting students in goal setting and success skills for classroom behavior, study skills, test preparation, internal motivation, and intrinsic rewards ~~the development of a personal educational plan with each student~~;

(24) (blank); ~~educating students on dual credit and learning opportunities on the Internet~~;

(25) providing information for all students in the selection of courses that will lead to post-secondary education opportunities toward a successful career;

(26) interpreting achievement test results and guiding students in appropriate directions;

(27) (blank); ~~counseling with students, families, and teachers, in compliance with federal and State laws;~~

(28) providing families with opportunities for education and counseling as appropriate in relation to the student's educational assessment;

(29) consulting and collaborating with teachers and other school personnel regarding behavior management and intervention plans and inclusion in support of students;

(30) teaming and partnering with staff, parents, businesses, and community organizations to support student achievement and social-emotional learning standards for all students;

(31) developing and implementing school-based prevention programs, including, but not limited to, mediation and violence prevention, implementing social and emotional education programs and services, and establishing and implementing bullying prevention and intervention programs;

(32) developing culturally sensitive assessment instruments for measuring school counseling prevention and intervention effectiveness and collecting, analyzing, and interpreting data;

(33) participating on school and district committees to advocate for student programs and resources, as well as establishing a school counseling advisory council that includes representatives of key stakeholders selected to review and advise on the implementation of the school counseling program;

(34) acting as a liaison between the public schools and community resources and building relationships with important stakeholders, such as families, administrators, teachers, and board members;

(35) maintaining organized, clear, and useful records in a confidential manner consistent with Section 5 of the Illinois School Student Records Act, the Family Educational Rights and Privacy Act, and the Health Insurance Portability and Accountability Act;

(36) presenting an annual agreement to the administration, including a formal discussion of the alignment of school and school counseling program missions and goals and detailing specific school counselor responsibilities;

(37) identifying and implementing culturally sensitive measures of success for student competencies in each of the 3 domains of academic, social and emotional, and college and career learning based on planned and periodic assessment of the comprehensive developmental school counseling program;

(38) collaborating as a team member in Multi-Tiered Systems of Support ~~Response to Intervention (RtI)~~ and other school initiatives;

(39) conducting observations and participating in recommendations or interventions regarding the placement of children in educational programs or special education classes;

(40) analyzing data and results of school counseling program assessments, including curriculum, small-group, and closing-the-gap results reports, and designing strategies to continue to improve program effectiveness;

(41) analyzing data and results of school counselor competency assessments;

(42) following American School Counselor Association Ethical Standards for School Counselors to demonstrate high standards of integrity, leadership, and professionalism;

(43) using student competencies to assess student growth and development to inform decisions regarding strategies, activities, and services that help students achieve the highest academic level possible ~~knowing and embracing common core standards by using common core language~~;

(44) practicing as a culturally skilled school counselor by infusing the multicultural competencies within the role of the school counselor, including the practice of culturally sensitive attitudes and beliefs, knowledge, and skills;

(45) infusing the Social-Emotional Standards, as presented in the State Board of Education standards, across the curriculum and in the counselor's role in ways that empower and enable students to achieve academic success across all grade levels;

(46) providing services only in areas in which the school counselor has appropriate training or expertise, as well as only providing counseling or consulting services within his or her employment to any student in the district or districts which employ such school counselor, in accordance with professional ethics;

(47) having adequate training in supervision knowledge and skills in order to supervise school counseling interns enrolled in graduate school counselor preparation programs that meet the standards established by the State Board of Education;

(48) being involved with State and national professional associations;

(49) complete the required training as outlined in Section 10-22.39;

(50) (blank);

(51) (blank);

(52) (blank);

(53) (blank);

(54) (blank); and ~~participating in mandates from the State Board of Education for bullying education and social-emotional literacy; and~~

(55) promoting career and technical education by assisting each student to determine an appropriate postsecondary plan based upon the student's skills, strengths, and goals and assisting the student to implement the best practices that improve career or workforce readiness after high school.

School districts may employ a sufficient number of school counselors to maintain the national and State recommended student-counselor ratio of 250 to 1. School districts may have school counselors spend at least 80% of his or her work time in direct contact with students.

Nothing in this Section prohibits other qualified professionals, including other endorsed school support personnel, from providing the services listed in this Section.

(Source: P.A. 102-876, eff. 1-1-23; 103-154, eff. 6-30-23; 103-542, eff. 7-1-24 (see Section 905 of P.A. 103-563 for effective date of P.A. 103-542.)

(105 ILCS 5/10-27.1A)

Sec. 10-27.1A. Firearms in schools.

(a) All school officials, including teachers, school counselors, and support staff, shall immediately notify the office of the principal in the event that they observe any person in possession of a firearm on school grounds; provided that taking such immediate action to notify the office of the principal would not

immediately endanger the health, safety, or welfare of students who are under the direct supervision of the school official or the school official. If the health, safety, or welfare of students under the direct supervision of the school official or of the school official is immediately endangered, the school official shall notify the office of the principal as soon as the students under his or her supervision and he or she are no longer under immediate danger. A report is not required by this Section when the school official knows that the person in possession of the firearm is a law enforcement official engaged in the conduct of his or her official duties. Any school official acting in good faith who makes such a report under this Section shall have immunity from any civil or criminal liability that might otherwise be incurred as a result of making the report. The identity of the school official making such report shall not be disclosed except as expressly and specifically authorized by law. Knowingly and willfully failing to comply with this Section is a petty offense. A second or subsequent offense is a Class C misdemeanor.

(b) Upon receiving a report from any school official pursuant to this Section, or from any other person, the principal or his or her designee shall immediately notify a local law enforcement agency. If the person found to be in possession of a firearm on school grounds is a student, the principal or his or her designee shall also immediately notify that student's parent or guardian. Any principal or his or her designee acting in good faith who makes such reports under this Section shall have immunity from any civil or criminal liability that might otherwise be incurred or imposed as a result of making the reports. Knowingly and willfully failing to comply with this Section is a petty offense. A second or subsequent offense is a Class C misdemeanor. If the person found to be in possession of the firearm on school grounds is a minor, the law enforcement agency shall detain that minor until such time as the agency makes a determination pursuant to clause (a) of subsection (1) of Section 5-401 of the Juvenile Court Act of 1987, as to whether the agency reasonably believes that the minor is delinquent. If the law enforcement agency determines that probable cause exists to believe that the minor committed a violation of item (4) of subsection (a) of Section 24-1 of the Criminal Code of 2012 while on school grounds, the agency shall detain the minor for processing pursuant to Section 5-407 of the Juvenile Court Act of 1987.

(c) Upon receipt of any written, electronic, or verbal report from any school personnel regarding a verified incident involving a firearm in a school or on school owned or leased property, including any conveyance owned, leased, or used by the school for the transport of students or school personnel, the superintendent or his or her designee shall report all such firearm-related incidents occurring in a school or on school property to the local law enforcement authorities immediately~~, who shall report to the Illinois State Police in a form, manner, and frequency as prescribed by the Illinois State Police~~.

~~The State Board of Education shall receive an annual statistical compilation and related data associated with incidents involving firearms in schools from the Illinois State Police. The State Board of Education shall compile this information by school district and make it available to the public.~~

(c-5) Schools shall report any written, electronic, or verbal report of a verified incident involving a firearm made under subsection (c) to the State Board of Education through existing school incident reporting systems as they occur during the year by no later than July 31 for the previous school year. The State Board of Education shall report data by school district, as collected from school districts, and make it available to the public via its website. The local law enforcement authority shall, by March 1 of each year, report the required data from the previous year to the Illinois State Police's Illinois Uniform Crime Reporting Program, which shall be included in its annual Crime in Illinois report.

(d) As used in this Section, the term "firearm" shall have the meaning ascribed to it in Section 1.1 of the Firearm Owners Identification Card Act.

As used in this Section, the term "school" means any public or private elementary or secondary school.

As used in this Section, the term "school grounds" includes the real property comprising any school, any conveyance owned, leased, or contracted by a school to transport students to or from school or a school-related activity, or any public way within 1,000 feet of the real property comprising any school.
(Source: P.A. 102-197, eff. 7-30-21; 102-538, eff. 8-20-21; 102-813, eff. 5-13-22; 103-34, eff. 6-9-23.)

(105 ILCS 5/10-27.1B)

Sec. 10-27.1B. Reporting drug-related incidents in schools.

(a) In this Section:

"Drug" means "cannabis" as defined under subsection (a) of Section 3 of the Cannabis Control Act, "narcotic drug" as defined under subsection (aa) of Section 102 of the Illinois Controlled Substances Act, or "methamphetamine" as defined under Section 10 of the Methamphetamine Control and Community Protection Act.

"School" means any public or private elementary or secondary school.

(b) Upon receipt of any written, electronic, or verbal report from any school personnel regarding a verified incident involving drugs in a school or on school owned or leased property, including any conveyance owned, leased, or used by the school for the transport of students or school personnel, the superintendent or his or her designee, or other appropriate administrative officer for a private school, shall report all such drug-related incidents occurring in a school or on school property to the local law enforcement authorities immediately ~~and to the Illinois State Police in a form, manner, and frequency as prescribed by the Illinois State Police~~.

(c) (Blank). ~~The State Board of Education shall receive an annual statistical compilation and related data associated with drug-related incidents in schools from the Illinois State Police. The State Board of Education shall compile this information by school district and make it available to the public.~~

(d) Schools shall report any written, electronic, or verbal report of an incident involving drugs made under subsection (b) to the State Board of Education through existing school incident reporting systems as they occur during the year by no later than July 31 for the previous school year. The State Board of Education shall report data by school district, as collected from school districts, and make it available to the public via its website. The local law enforcement authority shall, by March 1 of each year, report the required data from the previous year to the Illinois State Police's Illinois Uniform Crime Reporting Program, which shall be included in its annual Crime in Illinois report.

(Source: P.A. 102-538, eff. 8-20-21.)

(105 ILCS 5/13A-8)

Sec. 13A-8. Funding.

(a) The State of Illinois shall provide funding for the alternative school programs within each educational service region and within the Chicago public school system by line item appropriation made to the State Board of Education for that purpose. This money, when appropriated, shall be provided to the regional superintendent and to the Chicago Board of Education, who shall establish a budget, including salaries, for their alternative school programs. Each program shall receive funding in the amount of $30,000 plus an amount based on the ratio of the region's or Chicago's best 3 months' average daily attendance in grades pre-kindergarten through 12 to the statewide totals of these amounts. For purposes of this calculation, the best 3 months' average daily attendance for each region or Chicago shall be calculated by adding to the best 3 months' average daily attendance the number of low-income students identified in the most recently available federal census multiplied by one-half times the percentage of the region's or Chicago's low-income students to the State's total low-income students. The State Board of Education shall retain up to 1.1% of the appropriation to be used to provide technical assistance, professional development, and evaluations for the programs.

(a-5) Notwithstanding any other provisions of this Section, for the 1998-1999 fiscal year, the total amount distributed under subsection (a) for an alternative school program shall be not less than the total amount that was distributed under that subsection for that alternative school program for the 1997-1998 fiscal year. If an alternative school program is to receive a total distribution under subsection (a) for the 1998-1999 fiscal year that is less than the total distribution that the program received under that subsection for the 1997-1998 fiscal year, that alternative school program shall also receive, from a separate appropriation made for purposes of this subsection (a-5), a supplementary payment equal to the amount by which its total distribution under subsection (a) for the 1997-1998 fiscal year exceeds the amount of the total distribution that the alternative school program receives under that subsection for the 1998-1999 fiscal year. If the amount appropriated for supplementary payments to alternative school programs under this subsection (a-5) is insufficient for that purpose, those supplementary payments shall be prorated among the alternative school programs entitled to receive those supplementary payments according to the aggregate amount of the appropriation made for purposes of this subsection (a-5).

(b) Regional offices of education or intermediate service centers that operate an ~~An~~ alternative school program shall be entitled to receive, for those students enrolled in the alternative school program, general State aid as calculated in subsection (K) of Section 18-8.05 or evidence-based funding as calculated in subsection (g) of Section 18-8.15 upon filing a claim as provided therein. Any time that a student who is enrolled in an alternative school program spends in work-based learning, community service, or a similar alternative educational setting shall be included in determining the student's minimum number of clock hours of daily school work that constitute a day of attendance for purposes of calculating general State aid or evidence-based funding.

(c) An alternative school program may receive additional funding from its school districts in such amount as may be agreed upon by the parties and necessary to support the program. In addition, an alternative school program is authorized to accept and expend gifts, legacies, and grants, including but not limited to federal grants, from any source for purposes directly related to the conduct and operation of the program.

(Source: P.A. 100-465, eff. 8-31-17.)

(105 ILCS 5/13B-45)

Sec. 13B-45. Days and hours of attendance. An alternative learning opportunities program shall provide students with at least the minimum number of days of pupil attendance required under Section 10-19 of this Code and the minimum number of daily hours of school work required under Section 10-19.05 of this Code, provided that the State Board may approve exceptions to these requirements if the program meets all of the following conditions:

(1) The district plan submitted under Section 13B-25.15 of this Code establishes that a program providing the required minimum number of days of attendance or daily hours of school work would not serve the needs of the program's students.

(2) Each day of attendance shall provide no fewer than 3 clock hours of school work, as defined under Section 10-19.05 of this Code.

(3) Each day of attendance that provides fewer than 5 clock hours of school work shall also provide supplementary services, including without limitation work-based learning, student assistance programs, counseling, case management, health and fitness programs, or life-skills or conflict resolution training, in order to provide a total daily program to the student of 5 clock hours. ~~A program may claim evidence based funding for up to 2 hours of the time each day that a student is receiving supplementary services.~~

(4) Each program shall provide no fewer than 174 days of actual pupil attendance during the school term; however, approved evening programs that meet the requirements of Section 13B-45 of this Code may offer less than 174 days of actual pupil attendance during the school term.

(Source: P.A. 100-465, eff. 8-31-17; 101-12, eff. 7-1-19.)

(105 ILCS 5/13B-50)

Sec. 13B-50. Eligibility to receive general State aid or evidence-based funding. In order to receive general State aid or evidence-based funding, the entity that operates an alternative learning opportunities program ~~programs~~ must ensure that the program meets ~~meet~~ the requirements for claiming general State aid as specified in Section 18-8.05 of this Code or evidence-based funding as specified in Section 18-8.15 of this Code, as applicable, with the exception of the length of the instructional day, which may be less than 5 hours of school work if the program meets the criteria set forth under Sections 13B-50.5 and 13B-50.10 of this Code and if the program is approved by the State Board.

(Source: P.A. 100-465, eff. 8-31-17.)

(105 ILCS 5/13B-50.10)

Sec. 13B-50.10. Additional criteria for general State aid or evidence-based funding. In order to claim general State aid or evidence-based funding, an entity that operates an alternative learning opportunities program must ensure that the program meets ~~meet~~ the following criteria:

(1) Teacher professional development plans should include education in the instruction of at-risk students.

(2) Facilities must meet the health, life, and safety requirements in this Code.

(3) The program must comply with all other State and federal laws applicable to education providers.

(Source: P.A. 100-465, eff. 8-31-17.)

(105 ILCS 5/13B-50.15)

Sec. 13B-50.15. Level of funding. Entities that operate approved ~~Approved~~ alternative learning opportunities programs are entitled to claim general State aid or evidence-based funding, subject to Sections 13B-50, 13B-50.5, and 13B-50.10 of this Code. ~~Approved programs operated by regional offices of education are entitled to receive general State aid at the foundation level of support. A school district or consortium must ensure that an approved program receives supplemental general State aid, transportation reimbursements, and special education resources, if appropriate, for students enrolled in the program.~~

(Source: P.A. 100-465, eff. 8-31-17.)

(105 ILCS 5/18-8.15)

Sec. 18-8.15. Evidence-Based Funding for student success for the 2017-2018 and subsequent school years.

(a) General provisions.

(1) The purpose of this Section is to ensure that, by June 30, 2027 and beyond, this State has a kindergarten through grade 12 public education system with the capacity to ensure the educational development of all persons to the limits of their capacities in accordance with Section 1 of Article X of the Constitution of the State of Illinois. To accomplish that objective, this Section creates a method of funding public education that is evidence-based; is sufficient to ensure every student receives a meaningful opportunity to learn irrespective of race, ethnicity, sexual orientation, gender, or community-income level; and is sustainable and predictable. When fully funded under this Section, every school shall have the resources, based on what the evidence indicates is needed, to:

(A) provide all students with a high quality education that offers the academic, enrichment, social and emotional support, technical, and career-focused programs that will allow them to become competitive workers, responsible parents, productive citizens of this State, and active members of our national democracy;

(B) ensure all students receive the education they need to graduate from high school with the skills required to pursue post-secondary education and training for a rewarding career;

(C) reduce, with a goal of eliminating, the achievement gap between at-risk and non-at-risk students by raising the performance of at-risk students and not by reducing standards; and

(D) ensure this State satisfies its obligation to assume the primary responsibility to fund public education and simultaneously relieve the disproportionate burden placed on local property taxes to fund schools.

(2) The Evidence-Based Funding formula under this Section shall be applied to all Organizational Units in this State. The Evidence-Based Funding formula outlined in this Act is based on the formula outlined in Senate Bill 1 of the 100th General Assembly, as passed by both legislative chambers. As further defined and described in this Section, there are 4 major components of the Evidence-Based Funding model:

(A) First, the model calculates a unique Adequacy Target for each Organizational Unit in this State that considers the costs to implement research-based activities, the unit's student demographics, and regional wage differences.

(B) Second, the model calculates each Organizational Unit's Local Capacity, or the amount each Organizational Unit is assumed to contribute toward its Adequacy Target from local resources.

(C) Third, the model calculates how much funding the State currently contributes to the Organizational Unit and adds that to the unit's Local Capacity to determine the unit's overall current adequacy of funding.

(D) Finally, the model's distribution method allocates new State funding to those Organizational Units that are least well-funded, considering both Local Capacity and State funding, in relation to their Adequacy Target.

(3) An Organizational Unit receiving any funding under this Section may apply those funds to any fund so received for which that Organizational Unit is authorized to make expenditures by law.

(4) As used in this Section, the following terms shall have the meanings ascribed in this paragraph (4):

"Adequacy Target" is defined in paragraph (1) of subsection (b) of this Section.

"Adjusted EAV" is defined in paragraph (4) of subsection (d) of this Section.

"Adjusted Local Capacity Target" is defined in paragraph (3) of subsection (c) of this Section.

"Adjusted Operating Tax Rate" means a tax rate for all Organizational Units, for which the State Superintendent shall calculate and subtract for the Operating Tax Rate a transportation rate based on total expenses for transportation services under this Code, as reported on the most recent Annual Financial Report in Pupil Transportation Services, function 2550 in both the Education and Transportation funds and functions 4110 and 4120 in the Transportation fund, less any corresponding fiscal year State of Illinois scheduled payments excluding net adjustments for prior years for regular, vocational, or special education transportation reimbursement pursuant to Section 29-5 or subsection (b) of Section 14-13.01 of this Code divided by the Adjusted EAV. If an Organizational Unit's corresponding fiscal year State of Illinois scheduled payments excluding net adjustments for prior

years for regular, vocational, or special education transportation reimbursement pursuant to Section 29-5 or subsection (b) of Section 14-13.01 of this Code exceed the total transportation expenses, as defined in this paragraph, no transportation rate shall be subtracted from the Operating Tax Rate.

"Allocation Rate" is defined in paragraph (3) of subsection (g) of this Section.

"Alternative Education Program ~~School~~" means a public school serving students in any of grades kindergarten through 12 that is ~~created and~~ operated by a regional ~~superintendent of schools~~ office of education or an intermediate service center and approved by the State Board and includes (i) a program established under Section 2-3.66 or 2-3.41 or (ii) a program operated by a regional office of education or an intermediate service center under Article 13A or 13B.

"Applicable Tax Rate" is defined in paragraph (1) of subsection (d) of this Section.

"Assessment" means any of those benchmark, progress monitoring, formative, diagnostic, and other assessments, in addition to the State accountability assessment, that assist teachers' needs in understanding the skills and meeting the needs of the students they serve.

"Assistant principal" means a school administrator duly endorsed to be employed as an assistant principal in this State.

"At-risk student" means a student who is at risk of not meeting the Illinois Learning Standards or not graduating from elementary or high school and who demonstrates a need for vocational support or social services beyond that provided by the regular school program. All students included in an Organizational Unit's Low-Income Count, as well as all English learner and disabled students attending the Organizational Unit, shall be considered at-risk students under this Section.

"Average Student Enrollment" or "ASE" for fiscal year 2018 means, for an Organizational Unit, the greater of the average number of students (grades K through 12) reported to the State Board as enrolled in the Organizational Unit on October 1 in the immediately preceding school year, plus the pre-kindergarten students who receive special education services of 2 or more hours a day as reported to the State Board on December 1 in the immediately preceding school year, or the average number of students (grades K through 12) reported to the State Board as enrolled in the Organizational Unit on October 1, plus the pre-kindergarten students who receive special education services of 2 or more hours a day as reported to the State Board on December 1, for each of the immediately preceding 3 school years. For fiscal year 2019 and each subsequent fiscal year, "Average Student Enrollment" or "ASE" means, for an Organizational Unit, the greater of the average number of students (grades K through 12) reported to the State Board as enrolled in the Organizational Unit on October 1 and March 1 in the immediately preceding school year, plus the pre-kindergarten students who receive special education services as reported to the State Board on October 1 and March 1 in the immediately preceding school year, or the average number of students (grades K through 12) reported to the State Board as enrolled in the Organizational Unit on October 1 and March 1, plus the pre-kindergarten students who receive special education services as reported to the State Board on October 1 and March 1, for each of the immediately preceding 3 school years. For the purposes of this definition, "enrolled in the Organizational Unit" means the number of students reported to the State Board who are enrolled in schools within the Organizational Unit that the student attends or would attend if not placed or transferred to another school or program to receive needed services. For the purposes of calculating "ASE", all students, grades K through 12, excluding those attending kindergarten for a half day and students attending an alternative education program operated by a regional office of education or intermediate service center, shall be counted as 1.0. All students attending kindergarten for a half day shall be counted as 0.5, unless in 2017 by June 15 or by March 1 in subsequent years, the school district reports to the State Board of Education the intent to implement full-day kindergarten district-wide for all students, then all students attending kindergarten shall be counted as 1.0. Special education pre-kindergarten students shall be counted as 0.5 each. If the State Board does not collect or has not collected both an October 1 and March 1 enrollment count by grade or a December 1 collection of special education pre-kindergarten students as of August 31, 2017 (the effective date of Public Act 100-465), it shall establish such collection for all future years. For any year in which a count by grade level was collected only once, that count shall be used as the single count available for computing a 3-year average ASE. Funding for students enrolled in alternative education programs operated by a regional office of education or an intermediate service center must be calculated using the Evidence-Based Funding formula under this Section for the 2019-2020 school year and each subsequent school year until a separate adequacy formula is developed ~~formulas are developed and adopted for each type of program~~. ASE for ~~a program operated by~~ a regional office of

education or an intermediate service center must be determined by the March 1 enrollment for its alternative education programs ~~the program~~. For the 2019-2020 school year, the ASE used in the calculation must be the first-year ASE and, in that year only, the assignment of students served by a regional office of education or intermediate service center shall not result in a reduction of the March enrollment for any school district. For the 2020-2021 school year, the ASE must be the greater of the current-year ASE or the 2-year average ASE. Beginning with the 2021-2022 school year, the ASE must be the greater of the current-year ASE or the 3-year average ASE. School districts shall submit the data for the ASE calculation to the State Board within 45 days of the dates required in this Section for submission of enrollment data in order for it to be included in the ASE calculation. For fiscal year 2018 only, the ASE calculation shall include only enrollment taken on October 1. In recognition of the impact of COVID-19, the definition of "Average Student Enrollment" or "ASE" shall be adjusted for calculations under this Section for fiscal years 2022 through 2024. For fiscal years 2022 through 2024, the enrollment used in the calculation of ASE representing the 2020-2021 school year shall be the greater of the enrollment for the 2020-2021 school year or the 2019-2020 school year.

"Base Funding Guarantee" is defined in paragraph (10) of subsection (g) of this Section.

"Base Funding Minimum" is defined in subsection (e) of this Section.

"Base Tax Year" means the property tax levy year used to calculate the Budget Year allocation of primary State aid.

"Base Tax Year's Extension" means the product of the equalized assessed valuation utilized by the county clerk in the Base Tax Year multiplied by the limiting rate as calculated by the county clerk and defined in PTELL.

"Bilingual Education Allocation" means the amount of an Organizational Unit's final Adequacy Target attributable to bilingual education divided by the Organizational Unit's final Adequacy Target, the product of which shall be multiplied by the amount of new funding received pursuant to this Section. An Organizational Unit's final Adequacy Target attributable to bilingual education shall include all additional investments in English learner students' adequacy elements.

"Budget Year" means the school year for which primary State aid is calculated and awarded under this Section.

"Central office" means individual administrators and support service personnel charged with managing the instructional programs, business and operations, and security of the Organizational Unit.

"Comparable Wage Index" or "CWI" means a regional cost differentiation metric that measures systemic, regional variations in the salaries of college graduates who are not educators. The CWI utilized for this Section shall, for the first 3 years of Evidence-Based Funding implementation, be the CWI initially developed by the National Center for Education Statistics, as most recently updated by Texas A & M University. In the fourth and subsequent years of Evidence-Based Funding implementation, the State Superintendent shall re-determine the CWI using a similar methodology to that identified in the Texas A & M University study, with adjustments made no less frequently than once every 5 years.

"Computer technology and equipment" means computers servers, notebooks, network equipment, copiers, printers, instructional software, security software, curriculum management courseware, and other similar materials and equipment.

"Computer technology and equipment investment allocation" means the final Adequacy Target amount of an Organizational Unit assigned to Tier 1 or Tier 2 in the prior school year attributable to the additional $285.50 per student computer technology and equipment investment grant divided by the Organizational Unit's final Adequacy Target, the result of which shall be multiplied by the amount of new funding received pursuant to this Section. An Organizational Unit assigned to a Tier 1 or Tier 2 final Adequacy Target attributable to the received computer technology and equipment investment grant shall include all additional investments in computer technology and equipment adequacy elements.

"Core subject" means mathematics; science; reading, English, writing, and language arts; history and social studies; world languages; and subjects taught as Advanced Placement in high schools.

"Core teacher" means a regular classroom teacher in elementary schools and teachers of a core subject in middle and high schools.

"Core Intervention teacher (tutor)" means a licensed teacher providing one-on-one or small group tutoring to students struggling to meet proficiency in core subjects.

"CPPRT" means corporate personal property replacement tax funds paid to an Organizational Unit during the calendar year one year before the calendar year in which a school year begins, pursuant to "An Act in relation to the abolition of ad valorem personal property tax and the replacement of revenues lost thereby, and amending and repealing certain Acts and parts of Acts in connection therewith", certified August 14, 1979, as amended (Public Act 81-1st S.S.-1).

"EAV" means equalized assessed valuation as defined in paragraph (2) of subsection (d) of this Section and calculated in accordance with paragraph (3) of subsection (d) of this Section.

"ECI" means the Bureau of Labor Statistics' national employment cost index for civilian workers in educational services in elementary and secondary schools on a cumulative basis for the 12-month calendar year preceding the fiscal year of the Evidence-Based Funding calculation.

"EIS Data" means the employment information system data maintained by the State Board on educators within Organizational Units.

"Employee benefits" means health, dental, and vision insurance offered to employees of an Organizational Unit, the costs associated with the statutorily required payment of the normal cost of the Organizational Unit's teacher pensions, Social Security employer contributions, and Illinois Municipal Retirement Fund employer contributions.

"English learner" or "EL" means a child included in the definition of "English learners" under Section 14C-2 of this Code participating in a program of transitional bilingual education or a transitional program of instruction meeting the requirements and program application procedures of Article 14C of this Code. For the purposes of collecting the number of EL students enrolled, the same collection and calculation methodology as defined above for "ASE" shall apply to English learners, with the exception that EL student enrollment shall include students in grades pre-kindergarten through 12.

"Essential Elements" means those elements, resources, and educational programs that have been identified through academic research as necessary to improve student success, improve academic performance, close achievement gaps, and provide for other per student costs related to the delivery and leadership of the Organizational Unit, as well as the maintenance and operations of the unit, and which are specified in paragraph (2) of subsection (b) of this Section.

"Evidence-Based Funding" means State funding provided to an Organizational Unit pursuant to this Section.

"Extended day" means academic and enrichment programs provided to students outside the regular school day before and after school or during non-instructional times during the school day.

"Extension Limitation Ratio" means a numerical ratio in which the numerator is the Base Tax Year's Extension and the denominator is the Preceding Tax Year's Extension.

"Final Percent of Adequacy" is defined in paragraph (4) of subsection (f) of this Section.

"Final Resources" is defined in paragraph (3) of subsection (f) of this Section.

"Full-time equivalent" or "FTE" means the full-time equivalency compensation for staffing the relevant position at an Organizational Unit.

"Funding Gap" is defined in paragraph (1) of subsection (g).

"Hybrid District" means a partial elementary unit district created pursuant to Article 11E of this Code.

"Instructional assistant" means a core or special education, non-licensed employee who assists a teacher in the classroom and provides academic support to students.

"Instructional facilitator" means a qualified teacher or licensed teacher leader who facilitates and coaches continuous improvement in classroom instruction; provides instructional support to teachers in the elements of research-based instruction or demonstrates the alignment of instruction with curriculum standards and assessment tools; develops or coordinates instructional programs or strategies; develops and implements training; chooses standards-based instructional materials; provides teachers with an understanding of current research; serves as a mentor, site coach, curriculum specialist, or lead teacher; or otherwise works with fellow teachers, in collaboration, to use data to improve instructional practice or develop model lessons.

"Instructional materials" means relevant instructional materials for student instruction, including, but not limited to, textbooks, consumable workbooks, laboratory equipment, library books, and other similar materials.

"Laboratory School" means a public school that is created and operated by a public university and approved by the State Board.

"Librarian" means a teacher with an endorsement as a library information specialist or another individual whose primary responsibility is overseeing library resources within an Organizational Unit.

"Limiting rate for Hybrid Districts" means the combined elementary school and high school limiting rates.

"Local Capacity" is defined in paragraph (1) of subsection (c) of this Section.

"Local Capacity Percentage" is defined in subparagraph (A) of paragraph (2) of subsection (c) of this Section.

"Local Capacity Ratio" is defined in subparagraph (B) of paragraph (2) of subsection (c) of this Section.

"Local Capacity Target" is defined in paragraph (2) of subsection (c) of this Section.

"Low-Income Count" means, for an Organizational Unit in a fiscal year, the higher of the average number of students for the prior school year or the immediately preceding 3 school years who, as of July 1 of the immediately preceding fiscal year (as determined by the Department of Human Services), are eligible for at least one of the following low-income programs: Medicaid, the Children's Health Insurance Program, Temporary Assistance for Needy Families (TANF), or the Supplemental Nutrition Assistance Program, excluding pupils who are eligible for services provided by the Department of Children and Family Services. Until such time that grade level low-income populations become available, grade level low-income populations shall be determined by applying the low-income percentage to total student enrollments by grade level. The low-income percentage is determined by dividing the Low-Income Count by the Average Student Enrollment. The low-income percentage for programs operated by a regional office of education or an intermediate service center must be set to the weighted average of the low-income percentages of all of the school districts in the service region. The weighted low-income percentage is the result of multiplying the low-income percentage of each school district served by the regional office of education or intermediate service center by each school district's Average Student Enrollment, summarizing those products and dividing the total by the total Average Student Enrollment for the service region.

"Maintenance and operations" means custodial services, facility and ground maintenance, facility operations, facility security, routine facility repairs, and other similar services and functions.

"Minimum Funding Level" is defined in paragraph (9) of subsection (g) of this Section.

"New Property Tax Relief Pool Funds" means, for any given fiscal year, all State funds appropriated under Section 2-3.170 of this Code.

"New State Funds" means, for a given school year, all State funds appropriated for Evidence-Based Funding in excess of the amount needed to fund the Base Funding Minimum for all Organizational Units in that school year.

"Nurse" means an individual licensed as a certified school nurse, in accordance with the rules established for nursing services by the State Board, who is an employee of and is available to provide health care-related services for students of an Organizational Unit.

"Operating Tax Rate" means the rate utilized in the previous year to extend property taxes for all purposes, except Bond and Interest, Summer School, Rent, Capital Improvement, and Vocational Education Building purposes. For Hybrid Districts, the Operating Tax Rate shall be the combined elementary and high school rates utilized in the previous year to extend property taxes for all purposes, except Bond and Interest, Summer School, Rent, Capital Improvement, and Vocational Education Building purposes.

"Organizational Unit" means a Laboratory School or any public school district that is recognized as such by the State Board and that contains elementary schools typically serving kindergarten through 5th grades, middle schools typically serving 6th through 8th grades, or high schools typically serving 9th through 12th grades, ~~a program established under Section 2-3.66 or 2-3.41,~~ or ~~a program operated by~~ a regional office of education or an intermediate service center that operates one or more alternative education programs ~~under Article 13A or 13B~~. The General Assembly acknowledges that the actual grade levels served by a particular Organizational Unit may vary slightly from what is typical.

"Organizational Unit CWI" is determined by calculating the CWI in the region and original county in which an Organizational Unit's primary administrative office is located as set forth in this paragraph, provided that if the Organizational Unit CWI as calculated in accordance with this

paragraph is less than 0.9, the Organizational Unit CWI shall be increased to 0.9. Each county's current CWI value shall be adjusted based on the CWI value of that county's neighboring Illinois counties, to create a "weighted adjusted index value". This shall be calculated by summing the CWI values of all of a county's adjacent Illinois counties and dividing by the number of adjacent Illinois counties, then taking the weighted value of the original county's CWI value and the adjacent Illinois county average. To calculate this weighted value, if the number of adjacent Illinois counties is greater than 2, the original county's CWI value will be weighted at 0.25 and the adjacent Illinois county average will be weighted at 0.75. If the number of adjacent Illinois counties is 2, the original county's CWI value will be weighted at 0.33 and the adjacent Illinois county average will be weighted at 0.66. The greater of the county's current CWI value and its weighted adjusted index value shall be used as the Organizational Unit CWI.

"Preceding Tax Year" means the property tax levy year immediately preceding the Base Tax Year.

"Preceding Tax Year's Extension" means the product of the equalized assessed valuation utilized by the county clerk in the Preceding Tax Year multiplied by the Operating Tax Rate.

"Preliminary Percent of Adequacy" is defined in paragraph (2) of subsection (f) of this Section.

"Preliminary Resources" is defined in paragraph (2) of subsection (f) of this Section.

"Principal" means a school administrator duly endorsed to be employed as a principal in this State.

"Professional development" means training programs for licensed staff in schools, including, but not limited to, programs that assist in implementing new curriculum programs, provide data focused or academic assessment data training to help staff identify a student's weaknesses and strengths, target interventions, improve instruction, encompass instructional strategies for English learner, gifted, or at-risk students, address inclusivity, cultural sensitivity, or implicit bias, or otherwise provide professional support for licensed staff.

"Prototypical" means 450 special education pre-kindergarten and kindergarten through grade 5 students for an elementary school, 450 grade 6 through 8 students for a middle school, and 600 grade 9 through 12 students for a high school.

"PTELL" means the Property Tax Extension Limitation Law.

"PTELL EAV" is defined in paragraph (4) of subsection (d) of this Section.

"Pupil support staff" means a nurse, psychologist, social worker, family liaison personnel, or other staff member who provides support to at-risk or struggling students.

"Real Receipts" is defined in paragraph (1) of subsection (d) of this Section.

"Regionalization Factor" means, for a particular Organizational Unit, the figure derived by dividing the Organizational Unit CWI by the Statewide Weighted CWI.

"School counselor" means a licensed school counselor who provides guidance and counseling support for students within an Organizational Unit.

"School site staff" means the primary school secretary and any additional clerical personnel assigned to a school.

"Special education" means special educational facilities and services, as defined in Section 14-1.08 of this Code.

"Special Education Allocation" means the amount of an Organizational Unit's final Adequacy Target attributable to special education divided by the Organizational Unit's final Adequacy Target, the product of which shall be multiplied by the amount of new funding received pursuant to this Section. An Organizational Unit's final Adequacy Target attributable to special education shall include all special education investment adequacy elements.

"Specialist teacher" means a teacher who provides instruction in subject areas not included in core subjects, including, but not limited to, art, music, physical education, health, driver education, career-technical education, and such other subject areas as may be mandated by State law or provided by an Organizational Unit.

"Specially Funded Unit" means a ~~an Alternative School, safe school,~~ Department of Juvenile Justice school, special education cooperative or entity recognized by the State Board as a special education cooperative, or State-approved charter school~~, or alternative learning opportunities program~~ that received direct funding from the State Board during the 2016-2017 school year through any of the funding sources included within the calculation of the Base Funding Minimum or Glenwood Academy.

"Supplemental Grant Funding" means supplemental general State aid funding received by an Organizational Unit during the 2016-2017 school year pursuant to subsection (H) of Section 18-8.05 of this Code (now repealed).

"State Adequacy Level" is the sum of the Adequacy Targets of all Organizational Units.

"State Board" means the State Board of Education.

"State Superintendent" means the State Superintendent of Education.

"Statewide Weighted CWI" means a figure determined by multiplying each Organizational Unit CWI times the ASE for that Organizational Unit creating a weighted value, summing all Organizational Units' weighted values, and dividing by the total ASE of all Organizational Units, thereby creating an average weighted index.

"Student activities" means non-credit producing after-school programs, including, but not limited to, clubs, bands, sports, and other activities authorized by the school board of the Organizational Unit.

"Substitute teacher" means an individual teacher or teaching assistant who is employed by an Organizational Unit and is temporarily serving the Organizational Unit on a per diem or per period-assignment basis to replace another staff member.

"Summer school" means academic and enrichment programs provided to students during the summer months outside of the regular school year.

"Supervisory aide" means a non-licensed staff member who helps in supervising students of an Organizational Unit, but does so outside of the classroom, in situations such as, but not limited to, monitoring hallways and playgrounds, supervising lunchrooms, or supervising students when being transported in buses serving the Organizational Unit.

"Target Ratio" is defined in paragraph (4) of subsection (g).

"Tier 1", "Tier 2", "Tier 3", and "Tier 4" are defined in paragraph (3) of subsection (g).

"Tier 1 Aggregate Funding", "Tier 2 Aggregate Funding", "Tier 3 Aggregate Funding", and "Tier 4 Aggregate Funding" are defined in paragraph (1) of subsection (g).

(b) Adequacy Target calculation.

(1) Each Organizational Unit's Adequacy Target is the sum of the Organizational Unit's cost of providing Essential Elements, as calculated in accordance with this subsection (b), with the salary amounts in the Essential Elements multiplied by a Regionalization Factor calculated pursuant to paragraph (3) of this subsection (b).

(2) The Essential Elements are attributable on a pro rata basis related to defined subgroups of the ASE of each Organizational Unit as specified in this paragraph (2), with investments and FTE positions pro rata funded based on ASE counts in excess of or less than the thresholds set forth in this paragraph (2). The method for calculating attributable pro rata costs and the defined subgroups thereto are as follows:

(A) Core class size investments. Each Organizational Unit shall receive the funding required to support that number of FTE core teacher positions as is needed to keep the respective class sizes of the Organizational Unit to the following maximum numbers:

(i) For grades kindergarten through 3, the Organizational Unit shall receive funding required to support one FTE core teacher position for every 15 Low-Income Count students in those grades and one FTE core teacher position for every 20 non-Low-Income Count students in those grades.

(ii) For grades 4 through 12, the Organizational Unit shall receive funding required to support one FTE core teacher position for every 20 Low-Income Count students in those grades and one FTE core teacher position for every 25 non-Low-Income Count students in those grades.

The number of non-Low-Income Count students in a grade shall be determined by subtracting the Low-Income students in that grade from the ASE of the Organizational Unit for that grade.

(B) Specialist teacher investments. Each Organizational Unit shall receive the funding needed to cover that number of FTE specialist teacher positions that correspond to the following percentages:

(i) if the Organizational Unit operates an elementary or middle school, then 20.00% of the number of the Organizational Unit's core teachers, as determined under subparagraph (A) of this paragraph (2); and

(ii) if such Organizational Unit operates a high school, then 33.33% of the number of the Organizational Unit's core teachers.

(C) Instructional facilitator investments. Each Organizational Unit shall receive the funding needed to cover one FTE instructional facilitator position for every 200 combined ASE of pre-kindergarten children with disabilities and all kindergarten through grade 12 students of the Organizational Unit.

(D) Core intervention teacher (tutor) investments. Each Organizational Unit shall receive the funding needed to cover one FTE teacher position for each prototypical elementary, middle, and high school.

(E) Substitute teacher investments. Each Organizational Unit shall receive the funding needed to cover substitute teacher costs that is equal to 5.70% of the minimum pupil attendance days required under Section 10-19 of this Code for all full-time equivalent core, specialist, and intervention teachers, school nurses, special education teachers and instructional assistants, instructional facilitators, and summer school and extended day teacher positions, as determined under this paragraph (2), at a salary rate of 33.33% of the average salary for grade K through 12 teachers and 33.33% of the average salary of each instructional assistant position.

(F) Core school counselor investments. Each Organizational Unit shall receive the funding needed to cover one FTE school counselor for each 450 combined ASE of pre-kindergarten children with disabilities and all kindergarten through grade 5 students, plus one FTE school counselor for each 250 grades 6 through 8 ASE middle school students, plus one FTE school counselor for each 250 grades 9 through 12 ASE high school students.

(G) Nurse investments. Each Organizational Unit shall receive the funding needed to cover one FTE nurse for each 750 combined ASE of pre-kindergarten children with disabilities and all kindergarten through grade 12 students across all grade levels it serves.

(H) Supervisory aide investments. Each Organizational Unit shall receive the funding needed to cover one FTE for each 225 combined ASE of pre-kindergarten children with disabilities and all kindergarten through grade 5 students, plus one FTE for each 225 ASE middle school students, plus one FTE for each 200 ASE high school students.

(I) Librarian investments. Each Organizational Unit shall receive the funding needed to cover one FTE librarian for each prototypical elementary school, middle school, and high school and one FTE aide or media technician for every 300 combined ASE of pre-kindergarten children with disabilities and all kindergarten through grade 12 students.

(J) Principal investments. Each Organizational Unit shall receive the funding needed to cover one FTE principal position for each prototypical elementary school, plus one FTE principal position for each prototypical middle school, plus one FTE principal position for each prototypical high school.

(K) Assistant principal investments. Each Organizational Unit shall receive the funding needed to cover one FTE assistant principal position for each prototypical elementary school, plus one FTE assistant principal position for each prototypical middle school, plus one FTE assistant principal position for each prototypical high school.

(L) School site staff investments. Each Organizational Unit shall receive the funding needed for one FTE position for each 225 ASE of pre-kindergarten children with disabilities and all kindergarten through grade 5 students, plus one FTE position for each 225 ASE middle school students, plus one FTE position for each 200 ASE high school students.

(M) Gifted investments. Each Organizational Unit shall receive $40 per kindergarten through grade 12 ASE.

(N) Professional development investments. Each Organizational Unit shall receive $125 per student of the combined ASE of pre-kindergarten children with disabilities and all kindergarten through grade 12 students for trainers and other professional development-related expenses for supplies and materials.

(O) Instructional material investments. Each Organizational Unit shall receive $190 per student of the combined ASE of pre-kindergarten children with disabilities and all kindergarten through grade 12 students to cover instructional material costs.

(P) Assessment investments. Each Organizational Unit shall receive $25 per student of the combined ASE of pre-kindergarten children with disabilities and all kindergarten through grade 12 students to cover assessment costs.

(Q) Computer technology and equipment investments. Each Organizational Unit shall receive $285.50 per student of the combined ASE of pre-kindergarten children with disabilities and all kindergarten through grade 12 students to cover computer technology and equipment costs. For the 2018-2019 school year and subsequent school years, Organizational Units assigned to Tier 1 and Tier 2 in the prior school year shall receive an additional $285.50 per student of the combined ASE of pre-kindergarten children with disabilities and all kindergarten through grade 12 students to cover computer technology and equipment costs in the Organizational Unit's Adequacy Target. The State Board may establish additional requirements for Organizational Unit expenditures of funds received pursuant to this subparagraph (Q), including a requirement that funds received pursuant to this subparagraph (Q) may be used only for serving the technology needs of the district. It is the intent of Public Act 100-465 that all Tier 1 and Tier 2 districts receive the addition to their Adequacy Target in the following year, subject to compliance with the requirements of the State Board.

(R) Student activities investments. Each Organizational Unit shall receive the following funding amounts to cover student activities: $100 per kindergarten through grade 5 ASE student in elementary school, plus $200 per ASE student in middle school, plus $675 per ASE student in high school.

(S) Maintenance and operations investments. Each Organizational Unit shall receive $1,038 per student of the combined ASE of pre-kindergarten children with disabilities and all kindergarten through grade 12 students for day-to-day maintenance and operations expenditures, including salary, supplies, and materials, as well as purchased services, but excluding employee benefits. The proportion of salary for the application of a Regionalization Factor and the calculation of benefits is equal to $352.92.

(T) Central office investments. Each Organizational Unit shall receive $742 per student of the combined ASE of pre-kindergarten children with disabilities and all kindergarten through grade 12 students to cover central office operations, including administrators and classified personnel charged with managing the instructional programs, business and operations of the school district, and security personnel. The proportion of salary for the application of a Regionalization Factor and the calculation of benefits is equal to $368.48.

(U) Employee benefit investments. Each Organizational Unit shall receive 30% of the total of all salary-calculated elements of the Adequacy Target, excluding substitute teachers and student activities investments, to cover benefit costs. For central office and maintenance and operations investments, the benefit calculation shall be based upon the salary proportion of each investment. If at any time the responsibility for funding the employer normal cost of teacher pensions is assigned to school districts, then that amount certified by the Teachers' Retirement System of the State of Illinois to be paid by the Organizational Unit for the preceding school year shall be added to the benefit investment. For any fiscal year in which a school district organized under Article 34 of this Code is responsible for paying the employer normal cost of teacher pensions, then that amount of its employer normal cost plus the amount for retiree health insurance as certified by the Public School Teachers' Pension and Retirement Fund of Chicago to be paid by the school district for the preceding school year that is statutorily required to cover employer normal costs and the amount for retiree health insurance shall be added to the 30% specified in this subparagraph (U). The Teachers' Retirement System of the State of Illinois and the Public School Teachers' Pension and Retirement Fund of Chicago shall submit such information as the State Superintendent may require for the calculations set forth in this subparagraph (U).

(V) Additional investments in low-income students. In addition to and not in lieu of all other funding under this paragraph (2), each Organizational Unit shall receive funding based on the average teacher salary for grades K through 12 to cover the costs of:

(i) one FTE intervention teacher (tutor) position for every 125 Low-Income Count students;

(ii) one FTE pupil support staff position for every 125 Low-Income Count students;

(iii) one FTE extended day teacher position for every 120 Low-Income Count students; and

(iv) one FTE summer school teacher position for every 120 Low-Income Count students.

(W) Additional investments in English learner students. In addition to and not in lieu of all other funding under this paragraph (2), each Organizational Unit shall receive funding based on the average teacher salary for grades K through 12 to cover the costs of:

(i) one FTE intervention teacher (tutor) position for every 125 English learner students;

(ii) one FTE pupil support staff position for every 125 English learner students;

(iii) one FTE extended day teacher position for every 120 English learner students;

(iv) one FTE summer school teacher position for every 120 English learner students; and

(v) one FTE core teacher position for every 100 English learner students.

(X) Special education investments. Each Organizational Unit shall receive funding based on the average teacher salary for grades K through 12 to cover special education as follows:

(i) one FTE teacher position for every 141 combined ASE of pre-kindergarten children with disabilities and all kindergarten through grade 12 students;

(ii) one FTE instructional assistant for every 141 combined ASE of pre-kindergarten children with disabilities and all kindergarten through grade 12 students; and

(iii) one FTE psychologist position for every 1,000 combined ASE of pre-kindergarten children with disabilities and all kindergarten through grade 12 students.

(3) For calculating the salaries included within the Essential Elements, the State Superintendent shall annually calculate average salaries to the nearest dollar using the employment information system data maintained by the State Board, limited to public schools only and excluding special education and vocational cooperatives, schools operated by the Department of Juvenile Justice, and charter schools, for the following positions:

(A) Teacher for grades K through 8.

(B) Teacher for grades 9 through 12.

(C) Teacher for grades K through 12.

(D) School counselor for grades K through 8.

(E) School counselor for grades 9 through 12.

(F) School counselor for grades K through 12.

(G) Social worker.

(H) Psychologist.

(I) Librarian.

(J) Nurse.

(K) Principal.

(L) Assistant principal.

For the purposes of this paragraph (3), "teacher" includes core teachers, specialist and elective teachers, instructional facilitators, tutors, special education teachers, pupil support staff teachers, English learner teachers, extended day teachers, and summer school teachers. Where specific grade data is not required for the Essential Elements, the average salary for corresponding positions shall apply. For substitute teachers, the average teacher salary for grades K through 12 shall apply.

For calculating the salaries included within the Essential Elements for positions not included within EIS Data, the following salaries shall be used in the first year of implementation of Evidence-Based Funding:

(i) school site staff, $30,000; and

(ii) non-instructional assistant, instructional assistant, library aide, library media tech, or supervisory aide: $25,000.

In the second and subsequent years of implementation of Evidence-Based Funding, the amounts in items (i) and (ii) of this paragraph (3) shall annually increase by the ECI.

The salary amounts for the Essential Elements determined pursuant to subparagraphs (A) through (L), (S) and (T), and (V) through (X) of paragraph (2) of subsection (b) of this Section shall be multiplied by a Regionalization Factor.

(c) Local Capacity calculation.

(1) Each Organizational Unit's Local Capacity represents an amount of funding it is assumed to contribute toward its Adequacy Target for purposes of the Evidence-Based Funding formula calculation. "Local Capacity" means either (i) the Organizational Unit's Local Capacity Target as calculated in accordance with paragraph (2) of this subsection (c) if its Real Receipts are equal to or less than its Local Capacity Target or (ii) the Organizational Unit's Adjusted Local Capacity, as calculated in accordance with paragraph (3) of this subsection (c) if Real Receipts are more than its Local Capacity Target.

(2) "Local Capacity Target" means, for an Organizational Unit, that dollar amount that is obtained by multiplying its Adequacy Target by its Local Capacity Ratio.

(A) An Organizational Unit's Local Capacity Percentage is the conversion of the Organizational Unit's Local Capacity Ratio, as such ratio is determined in accordance with subparagraph (B) of this paragraph (2), into a cumulative distribution resulting in a percentile ranking to determine each Organizational Unit's relative position to all other Organizational Units in this State. The calculation of Local Capacity Percentage is described in subparagraph (C) of this paragraph (2).

(B) An Organizational Unit's Local Capacity Ratio in a given year is the percentage obtained by dividing its Adjusted EAV or PTELL EAV, whichever is less, by its Adequacy Target, with the resulting ratio further adjusted as follows:

(i) for Organizational Units serving grades kindergarten through 12 and Hybrid Districts, no further adjustments shall be made;

(ii) for Organizational Units serving grades kindergarten through 8, the ratio shall be multiplied by 9/13;

(iii) for Organizational Units serving grades 9 through 12, the Local Capacity Ratio shall be multiplied by 4/13; and

(iv) for an Organizational Unit with a different grade configuration than those specified in items (i) through (iii) of this subparagraph (B), the State Superintendent shall determine a comparable adjustment based on the grades served.

(C) The Local Capacity Percentage is equal to the percentile ranking of the district. Local Capacity Percentage converts each Organizational Unit's Local Capacity Ratio to a cumulative distribution resulting in a percentile ranking to determine each Organizational Unit's relative position to all other Organizational Units in this State. The Local Capacity Percentage cumulative distribution resulting in a percentile ranking for each Organizational Unit shall be calculated using the standard normal distribution of the score in relation to the weighted mean and weighted standard deviation and Local Capacity Ratios of all Organizational Units. If the value assigned to any Organizational Unit is in excess of 90%, the value shall be adjusted to 90%. For Laboratory Schools, the Local Capacity Percentage shall be set at 10% in recognition of the absence of EAV and resources from the public university that are allocated to the Laboratory School. For programs operated by a regional office of education or an intermediate service center, the Local Capacity Percentage must be set at 10% in recognition of the absence of EAV and resources from school districts that are allocated to the regional office of education or intermediate service center. The weighted mean for the Local Capacity Percentage shall be determined by multiplying each Organizational Unit's Local Capacity Ratio times the ASE for the unit creating a weighted value, summing the weighted values of all Organizational Units, and dividing by the total ASE of all Organizational Units. The weighted standard deviation shall be determined by taking the square root of the weighted variance of all Organizational Units' Local Capacity Ratio, where the variance is calculated by squaring the difference between each unit's Local Capacity Ratio and the weighted mean, then multiplying the variance for each unit times the ASE for the unit to create a weighted variance for each unit, then summing all units' weighted variance and dividing by the total ASE of all units.

(D) For any Organizational Unit, the Organizational Unit's Adjusted Local Capacity Target shall be reduced by either (i) the school board's remaining contribution pursuant to paragraph (ii) of subsection (b-4) of Section 16-158 of the Illinois Pension Code in a given year or (ii) the board of education's remaining contribution pursuant to paragraph (iv) of subsection (b) of Section 17-129 of the Illinois Pension Code absent the employer normal cost portion of the required contribution and amount allowed pursuant to subdivision (3) of Section 17-142.1 of the Illinois Pension Code in a given year. In the preceding sentence, item (i) shall be certified to

the State Board of Education by the Teachers' Retirement System of the State of Illinois and item (ii) shall be certified to the State Board of Education by the Public School Teachers' Pension and Retirement Fund of the City of Chicago.

(3) If an Organizational Unit's Real Receipts are more than its Local Capacity Target, then its Local Capacity shall equal an Adjusted Local Capacity Target as calculated in accordance with this paragraph (3). The Adjusted Local Capacity Target is calculated as the sum of the Organizational Unit's Local Capacity Target and its Real Receipts Adjustment. The Real Receipts Adjustment equals the Organizational Unit's Real Receipts less its Local Capacity Target, with the resulting figure multiplied by the Local Capacity Percentage.

As used in this paragraph (3), "Real Percent of Adequacy" means the sum of an Organizational Unit's Real Receipts, CPPRT, and Base Funding Minimum, with the resulting figure divided by the Organizational Unit's Adequacy Target.

(d) Calculation of Real Receipts, EAV, and Adjusted EAV for purposes of the Local Capacity calculation.

(1) An Organizational Unit's Real Receipts are the product of its Applicable Tax Rate and its Adjusted EAV. An Organizational Unit's Applicable Tax Rate is its Adjusted Operating Tax Rate for property within the Organizational Unit.

(2) The State Superintendent shall calculate the equalized assessed valuation, or EAV, of all taxable property of each Organizational Unit as of September 30 of the previous year in accordance with paragraph (3) of this subsection (d). The State Superintendent shall then determine the Adjusted EAV of each Organizational Unit in accordance with paragraph (4) of this subsection (d), which Adjusted EAV figure shall be used for the purposes of calculating Local Capacity.

(3) To calculate Real Receipts and EAV, the Department of Revenue shall supply to the State Superintendent the value as equalized or assessed by the Department of Revenue of all taxable property of every Organizational Unit, together with (i) the applicable tax rate used in extending taxes for the funds of the Organizational Unit as of September 30 of the previous year and (ii) the limiting rate for all Organizational Units subject to property tax extension limitations as imposed under PTELL.

(A) The Department of Revenue shall add to the equalized assessed value of all taxable property of each Organizational Unit situated entirely or partially within a county that is or was subject to the provisions of Section 15-176 or 15-177 of the Property Tax Code (i) an amount equal to the total amount by which the homestead exemption allowed under Section 15-176 or 15-177 of the Property Tax Code for real property situated in that Organizational Unit exceeds the total amount that would have been allowed in that Organizational Unit if the maximum reduction under Section 15-176 was (I) $4,500 in Cook County or $3,500 in all other counties in tax year 2003 or (II) $5,000 in all counties in tax year 2004 and thereafter and (ii) an amount equal to the aggregate amount for the taxable year of all additional exemptions under Section 15-175 of the Property Tax Code for owners with a household income of $30,000 or less. The county clerk of any county that is or was subject to the provisions of Section 15-176 or 15-177 of the Property Tax Code shall annually calculate and certify to the Department of Revenue for each Organizational Unit all homestead exemption amounts under Section 15-176 or 15-177 of the Property Tax Code and all amounts of additional exemptions under Section 15-175 of the Property Tax Code for owners with a household income of $30,000 or less. It is the intent of this subparagraph (A) that if the general homestead exemption for a parcel of property is determined under Section 15-176 or 15-177 of the Property Tax Code rather than Section 15-175, then the calculation of EAV shall not be affected by the difference, if any, between the amount of the general homestead exemption allowed for that parcel of property under Section 15-176 or 15-177 of the Property Tax Code and the amount that would have been allowed had the general homestead exemption for that parcel of property been determined under Section 15-175 of the Property Tax Code. It is further the intent of this subparagraph (A) that if additional exemptions are allowed under Section 15-175 of the Property Tax Code for owners with a household income of less than $30,000, then the calculation of EAV shall not be affected by the difference, if any, because of those additional exemptions.

(B) With respect to any part of an Organizational Unit within a redevelopment project area in respect to which a municipality has adopted tax increment allocation financing pursuant to the Tax Increment Allocation Redevelopment Act, Division 74.4 of Article 11 of the Illinois

Municipal Code, or the Industrial Jobs Recovery Law, Division 74.6 of Article 11 of the Illinois Municipal Code, no part of the current EAV of real property located in any such project area that is attributable to an increase above the total initial EAV of such property shall be used as part of the EAV of the Organizational Unit, until such time as all redevelopment project costs have been paid, as provided in Section 11-74.4-8 of the Tax Increment Allocation Redevelopment Act or in Section 11-74.6-35 of the Industrial Jobs Recovery Law. For the purpose of the EAV of the Organizational Unit, the total initial EAV or the current EAV, whichever is lower, shall be used until such time as all redevelopment project costs have been paid.

(B-5) The real property equalized assessed valuation for a school district shall be adjusted by subtracting from the real property value, as equalized or assessed by the Department of Revenue, for the district an amount computed by dividing the amount of any abatement of taxes under Section 18-170 of the Property Tax Code by 3.00% for a district maintaining grades kindergarten through 12, by 2.30% for a district maintaining grades kindergarten through 8, or by 1.05% for a district maintaining grades 9 through 12 and adjusted by an amount computed by dividing the amount of any abatement of taxes under subsection (a) of Section 18-165 of the Property Tax Code by the same percentage rates for district type as specified in this subparagraph (B-5).

(C) For Organizational Units that are Hybrid Districts, the State Superintendent shall use the lesser of the adjusted equalized assessed valuation for property within the partial elementary unit district for elementary purposes, as defined in Article 11E of this Code, or the adjusted equalized assessed valuation for property within the partial elementary unit district for high school purposes, as defined in Article 11E of this Code.

(D) If a school district's boundaries span multiple counties, then the Department of Revenue shall send to the State Board, for the purposes of calculating Evidence-Based Funding, the limiting rate and individual rates by purpose for the county that contains the majority of the school district's equalized assessed valuation.

(4) An Organizational Unit's Adjusted EAV shall be the average of its EAV over the immediately preceding 3 years or the lesser of its EAV in the immediately preceding year or the average of its EAV over the immediately preceding 3 years if the EAV in the immediately preceding year has declined by 10% or more when comparing the 2 most recent years. In the event of Organizational Unit reorganization, consolidation, or annexation, the Organizational Unit's Adjusted EAV for the first 3 years after such change shall be as follows: the most current EAV shall be used in the first year, the average of a 2-year EAV or its EAV in the immediately preceding year if the EAV declines by 10% or more when comparing the 2 most recent years for the second year, and the lesser of a 3-year average EAV or its EAV in the immediately preceding year if the Adjusted EAV declines by 10% or more when comparing the 2 most recent years for the third year. For any school district whose EAV in the immediately preceding year is used in calculations, in the following year, the Adjusted EAV shall be the average of its EAV over the immediately preceding 2 years or the immediately preceding year if that year represents a decline of 10% or more when comparing the 2 most recent years.

"PTELL EAV" means a figure calculated by the State Board for Organizational Units subject to PTELL as described in this paragraph (4) for the purposes of calculating an Organizational Unit's Local Capacity Ratio. Except as otherwise provided in this paragraph (4), the PTELL EAV of an Organizational Unit shall be equal to the product of the equalized assessed valuation last used in the calculation of general State aid under Section 18-8.05 of this Code (now repealed) or Evidence-Based Funding under this Section and the Organizational Unit's Extension Limitation Ratio. If an Organizational Unit has approved or does approve an increase in its limiting rate, pursuant to Section 18-190 of the Property Tax Code, affecting the Base Tax Year, the PTELL EAV shall be equal to the product of the equalized assessed valuation last used in the calculation of general State aid under Section 18-8.05 of this Code (now repealed) or Evidence-Based Funding under this Section multiplied by an amount equal to one plus the percentage increase, if any, in the Consumer Price Index for All Urban Consumers for all items published by the United States Department of Labor for the 12-month calendar year preceding the Base Tax Year, plus the equalized assessed valuation of new property, annexed property, and recovered tax increment value and minus the equalized assessed valuation of disconnected property.

As used in this paragraph (4), "new property" and "recovered tax increment value" shall have the meanings set forth in the Property Tax Extension Limitation Law.

(e) Base Funding Minimum calculation.

(1) For the 2017-2018 school year, the Base Funding Minimum of an Organizational Unit or a Specially Funded Unit shall be the amount of State funds distributed to the Organizational Unit or Specially Funded Unit during the 2016-2017 school year prior to any adjustments and specified appropriation amounts described in this paragraph (1) from the following Sections, as calculated by the State Superintendent: Section 18-8.05 of this Code (now repealed); Section 5 of Article 224 of Public Act 99-524 (equity grants); Section 14-7.02b of this Code (funding for children requiring special education services); Section 14-13.01 of this Code (special education facilities and staffing), except for reimbursement of the cost of transportation pursuant to Section 14-13.01; Section 14C-12 of this Code (English learners); and Section 18-4.3 of this Code (summer school), based on an appropriation level of $13,121,600. For a school district organized under Article 34 of this Code, the Base Funding Minimum also includes (i) the funds allocated to the school district pursuant to Section 1D-1 of this Code attributable to funding programs authorized by the Sections of this Code listed in the preceding sentence and (ii) the difference between (I) the funds allocated to the school district pursuant to Section 1D-1 of this Code attributable to the funding programs authorized by Section 14-7.02 (non-public special education reimbursement), subsection (b) of Section 14-13.01 (special education transportation), Section 29-5 (transportation), Section 2-3.80 (agricultural education), Section 2-3.66 (truants' alternative education), Section 2-3.62 (educational service centers), and Section 14-7.03 (special education - orphanage) of this Code and Section 15 of the Childhood Hunger Relief Act (free breakfast program) and (II) the school district's actual expenditures for its non-public special education, special education transportation, transportation programs, agricultural education, truants' alternative education, services that would otherwise be performed by a regional office of education, special education orphanage expenditures, and free breakfast, as most recently calculated and reported pursuant to subsection (f) of Section 1D-1 of this Code. The Base Funding Minimum for Glenwood Academy shall be $952,014. For programs operated by a regional office of education or an intermediate service center, the Base Funding Minimum must be the total amount of State funds allocated to those programs in the 2018-2019 school year and amounts provided pursuant to Article 34 of Public Act 100-586 and Section 3-16 of this Code. All programs established after June 5, 2019 (the effective date of Public Act 101-10) and administered by a regional office of education or an intermediate service center must have an initial Base Funding Minimum set to an amount equal to the first-year ASE multiplied by the amount of per pupil funding received in the previous school year by the lowest funded similar existing program type. If the enrollment for a program operated by a regional office of education or an intermediate service center is zero, then it may not receive Base Funding Minimum funds for that program in the next fiscal year, and those funds must be distributed to Organizational Units under subsection (g).

(2) For the 2018-2019 and subsequent school years, the Base Funding Minimum of Organizational Units and Specially Funded Units shall be the sum of (i) the amount of Evidence-Based Funding for the prior school year, (ii) the Base Funding Minimum for the prior school year, and (iii) any amount received by a school district pursuant to Section 7 of Article 97 of Public Act 100-21.

For the 2022-2023 school year, the Base Funding Minimum of Organizational Units shall be the amounts recalculated by the State Board of Education for Fiscal Year 2019 through Fiscal Year 2022 that were necessary due to average student enrollment errors for districts organized under Article 34 of this Code, plus the Fiscal Year 2022 property tax relief grants provided under Section 2-3.170 of this Code, ensuring each Organizational Unit has the correct amount of resources for Fiscal Year 2023 Evidence-Based Funding calculations and that Fiscal Year 2023 Evidence-Based Funding Distributions are made in accordance with this Section.

(2.5) Beginning with the 2024-2025 school year, the Base Funding Minimum calculated for a regional office of education or intermediate service center shall be equal to the sum of the Base Funding Minimum amounts distributed to all alternative education programs operated by the regional office of education or intermediate service center in the prior school year.

(3) Subject to approval by the General Assembly as provided in this paragraph (3), an Organizational Unit that meets all of the following criteria, as determined by the State Board, shall

have District Intervention Money added to its Base Funding Minimum at the time the Base Funding Minimum is calculated by the State Board:

(A) The Organizational Unit is operating under an Independent Authority under Section 2-3.25f-5 of this Code for a minimum of 4 school years or is subject to the control of the State Board pursuant to a court order for a minimum of 4 school years.

(B) The Organizational Unit was designated as a Tier 1 or Tier 2 Organizational Unit in the previous school year under paragraph (3) of subsection (g) of this Section.

(C) The Organizational Unit demonstrates sustainability through a 5-year financial and strategic plan.

(D) The Organizational Unit has made sufficient progress and achieved sufficient stability in the areas of governance, academic growth, and finances.

As part of its determination under this paragraph (3), the State Board may consider the Organizational Unit's summative designation, any accreditations of the Organizational Unit, or the Organizational Unit's financial profile, as calculated by the State Board.

If the State Board determines that an Organizational Unit has met the criteria set forth in this paragraph (3), it must submit a report to the General Assembly, no later than January 2 of the fiscal year in which the State Board makes it determination, on the amount of District Intervention Money to add to the Organizational Unit's Base Funding Minimum. The General Assembly must review the State Board's report and may approve or disapprove, by joint resolution, the addition of District Intervention Money. If the General Assembly fails to act on the report within 40 calendar days from the receipt of the report, the addition of District Intervention Money is deemed approved. If the General Assembly approves the amount of District Intervention Money to be added to the Organizational Unit's Base Funding Minimum, the District Intervention Money must be added to the Base Funding Minimum annually thereafter.

For the first 4 years following the initial year that the State Board determines that an Organizational Unit has met the criteria set forth in this paragraph (3) and has received funding under this Section, the Organizational Unit must annually submit to the State Board, on or before November 30, a progress report regarding its financial and strategic plan under subparagraph (C) of this paragraph (3). The plan shall include the financial data from the past 4 annual financial reports or financial audits that must be presented to the State Board by November 15 of each year and the approved budget financial data for the current year. The plan shall be developed according to the guidelines presented to the Organizational Unit by the State Board. The plan shall further include financial projections for the next 3 fiscal years and include a discussion and financial summary of the Organizational Unit's facility needs. If the Organizational Unit does not demonstrate sufficient progress toward its 5-year plan or if it has failed to file an annual financial report, an annual budget, a financial plan, a deficit reduction plan, or other financial information as required by law, the State Board may establish a Financial Oversight Panel under Article 1H of this Code. However, if the Organizational Unit already has a Financial Oversight Panel, the State Board may extend the duration of the Panel.

(f) Percent of Adequacy and Final Resources calculation.

(1) The Evidence-Based Funding formula establishes a Percent of Adequacy for each Organizational Unit in order to place such units into tiers for the purposes of the funding distribution system described in subsection (g) of this Section. Initially, an Organizational Unit's Preliminary Resources and Preliminary Percent of Adequacy are calculated pursuant to paragraph (2) of this subsection (f). Then, an Organizational Unit's Final Resources and Final Percent of Adequacy are calculated to account for the Organizational Unit's poverty concentration levels pursuant to paragraphs (3) and (4) of this subsection (f).

(2) An Organizational Unit's Preliminary Resources are equal to the sum of its Local Capacity Target, CPPRT, and Base Funding Minimum. An Organizational Unit's Preliminary Percent of Adequacy is the lesser of (i) its Preliminary Resources divided by its Adequacy Target or (ii) 100%.

(3) Except for Specially Funded Units, an Organizational Unit's Final Resources are equal to the sum of its Local Capacity, CPPRT, and Adjusted Base Funding Minimum. The Base Funding Minimum of each Specially Funded Unit shall serve as its Final Resources, except that the Base Funding Minimum for State-approved charter schools shall not include any portion of general State aid allocated in the prior year based on the per capita tuition charge times the charter school enrollment.

(4) An Organizational Unit's Final Percent of Adequacy is its Final Resources divided by its Adequacy Target. An Organizational Unit's Adjusted Base Funding Minimum is equal to its Base Funding Minimum less its Supplemental Grant Funding, with the resulting figure added to the product of its Supplemental Grant Funding and Preliminary Percent of Adequacy.

(g) Evidence-Based Funding formula distribution system.

(1) In each school year under the Evidence-Based Funding formula, each Organizational Unit receives funding equal to the sum of its Base Funding Minimum and the unit's allocation of New State Funds determined pursuant to this subsection (g). To allocate New State Funds, the Evidence-Based Funding formula distribution system first places all Organizational Units into one of 4 tiers in accordance with paragraph (3) of this subsection (g), based on the Organizational Unit's Final Percent of Adequacy. New State Funds are allocated to each of the 4 tiers as follows: Tier 1 Aggregate Funding equals 50% of all New State Funds, Tier 2 Aggregate Funding equals 49% of all New State Funds, Tier 3 Aggregate Funding equals 0.9% of all New State Funds, and Tier 4 Aggregate Funding equals 0.1% of all New State Funds. Each Organizational Unit within Tier 1 or Tier 2 receives an allocation of New State Funds equal to its tier Funding Gap, as defined in the following sentence, multiplied by the tier's Allocation Rate determined pursuant to paragraph (4) of this subsection (g). For Tier 1, an Organizational Unit's Funding Gap equals the tier's Target Ratio, as specified in paragraph (5) of this subsection (g), multiplied by the Organizational Unit's Adequacy Target, with the resulting amount reduced by the Organizational Unit's Final Resources. For Tier 2, an Organizational Unit's Funding Gap equals the tier's Target Ratio, as described in paragraph (5) of this subsection (g), multiplied by the Organizational Unit's Adequacy Target, with the resulting amount reduced by the Organizational Unit's Final Resources and its Tier 1 funding allocation. To determine the Organizational Unit's Funding Gap, the resulting amount is then multiplied by a factor equal to one minus the Organizational Unit's Local Capacity Target percentage. Each Organizational Unit within Tier 3 or Tier 4 receives an allocation of New State Funds equal to the product of its Adequacy Target and the tier's Allocation Rate, as specified in paragraph (4) of this subsection (g).

(2) To ensure equitable distribution of dollars for all Tier 2 Organizational Units, no Tier 2 Organizational Unit shall receive fewer dollars per ASE than any Tier 3 Organizational Unit. Each Tier 2 and Tier 3 Organizational Unit shall have its funding allocation divided by its ASE. Any Tier 2 Organizational Unit with a funding allocation per ASE below the greatest Tier 3 allocation per ASE shall get a funding allocation equal to the greatest Tier 3 funding allocation per ASE multiplied by the Organizational Unit's ASE. Each Tier 2 Organizational Unit's Tier 2 funding allocation shall be multiplied by the percentage calculated by dividing the original Tier 2 Aggregate Funding by the sum of all Tier 2 Organizational Units' Tier 2 funding allocation after adjusting districts' funding below Tier 3 levels.

(3) Organizational Units are placed into one of 4 tiers as follows:

(A) Tier 1 consists of all Organizational Units, except for Specially Funded Units, with a Percent of Adequacy less than the Tier 1 Target Ratio. The Tier 1 Target Ratio is the ratio level that allows for Tier 1 Aggregate Funding to be distributed, with the Tier 1 Allocation Rate determined pursuant to paragraph (4) of this subsection (g).

(B) Tier 2 consists of all Tier 1 Units and all other Organizational Units, except for Specially Funded Units, with a Percent of Adequacy of less than 0.90.

(C) Tier 3 consists of all Organizational Units, except for Specially Funded Units, with a Percent of Adequacy of at least 0.90 and less than 1.0.

(D) Tier 4 consists of all Organizational Units with a Percent of Adequacy of at least 1.0.

(4) The Allocation Rates for Tiers 1 through 4 are determined as follows:

(A) The Tier 1 Allocation Rate is 30%.

(B) The Tier 2 Allocation Rate is the result of the following equation: Tier 2 Aggregate Funding, divided by the sum of the Funding Gaps for all Tier 2 Organizational Units, unless the result of such equation is higher than 1.0. If the result of such equation is higher than 1.0, then the Tier 2 Allocation Rate is 1.0.

(C) The Tier 3 Allocation Rate is the result of the following equation: Tier 3 Aggregate Funding, divided by the sum of the Adequacy Targets of all Tier 3 Organizational Units.

(D) The Tier 4 Allocation Rate is the result of the following equation: Tier 4 Aggregate Funding, divided by the sum of the Adequacy Targets of all Tier 4 Organizational Units.

(5) A tier's Target Ratio is determined as follows:

(A) The Tier 1 Target Ratio is the ratio level that allows for Tier 1 Aggregate Funding to be distributed with the Tier 1 Allocation Rate.

(B) The Tier 2 Target Ratio is 0.90.

(C) The Tier 3 Target Ratio is 1.0.

(6) If, at any point, the Tier 1 Target Ratio is greater than 90%, then all Tier 1 funding shall be allocated to Tier 2 and no Tier 1 Organizational Unit's funding may be identified.

(7) In the event that all Tier 2 Organizational Units receive funding at the Tier 2 Target Ratio level, any remaining New State Funds shall be allocated to Tier 3 and Tier 4 Organizational Units.

(8) If any Specially Funded Units, excluding Glenwood Academy, recognized by the State Board do not qualify for direct funding following the implementation of Public Act 100-465 from any of the funding sources included within the definition of Base Funding Minimum, the unqualified portion of the Base Funding Minimum shall be transferred to one or more appropriate Organizational Units as determined by the State Superintendent based on the prior year ASE of the Organizational Units.

(8.5) If a school district withdraws from a special education cooperative, the portion of the Base Funding Minimum that is attributable to the school district may be redistributed to the school district upon withdrawal. The school district and the cooperative must include the amount of the Base Funding Minimum that is to be reapportioned in their withdrawal agreement and notify the State Board of the change with a copy of the agreement upon withdrawal.

(9) The Minimum Funding Level is intended to establish a target for State funding that will keep pace with inflation and continue to advance equity through the Evidence-Based Funding formula. The target for State funding of New Property Tax Relief Pool Funds is $50,000,000 for State fiscal year 2019 and subsequent State fiscal years. The Minimum Funding Level is equal to $350,000,000. In addition to any New State Funds, no more than $50,000,000 New Property Tax Relief Pool Funds may be counted toward the Minimum Funding Level. If the sum of New State Funds and applicable New Property Tax Relief Pool Funds are less than the Minimum Funding Level, than funding for tiers shall be reduced in the following manner:

(A) First, Tier 4 funding shall be reduced by an amount equal to the difference between the Minimum Funding Level and New State Funds until such time as Tier 4 funding is exhausted.

(B) Next, Tier 3 funding shall be reduced by an amount equal to the difference between the Minimum Funding Level and New State Funds and the reduction in Tier 4 funding until such time as Tier 3 funding is exhausted.

(C) Next, Tier 2 funding shall be reduced by an amount equal to the difference between the Minimum Funding Level and New State Funds and the reduction in Tier 4 and Tier 3.

(D) Finally, Tier 1 funding shall be reduced by an amount equal to the difference between the Minimum Funding level and New State Funds and the reduction in Tier 2, 3, and 4 funding. In addition, the Allocation Rate for Tier 1 shall be reduced to a percentage equal to the Tier 1 Allocation Rate set by paragraph (4) of this subsection (g), multiplied by the result of New State Funds divided by the Minimum Funding Level.

(9.5) For State fiscal year 2019 and subsequent State fiscal years, if New State Funds exceed $300,000,000, then any amount in excess of $300,000,000 shall be dedicated for purposes of Section 2-3.170 of this Code up to a maximum of $50,000,000.

(10) In the event of a decrease in the amount of the appropriation for this Section in any fiscal year after implementation of this Section, the Organizational Units receiving Tier 1 and Tier 2 funding, as determined under paragraph (3) of this subsection (g), shall be held harmless by establishing a Base Funding Guarantee equal to the per pupil kindergarten through grade 12 funding received in accordance with this Section in the prior fiscal year. Reductions shall be made to the Base Funding Minimum of Organizational Units in Tier 3 and Tier 4 on a per pupil basis equivalent to the total number of the ASE in Tier 3-funded and Tier 4-funded Organizational Units divided by the total reduction in State funding. The Base Funding Minimum as reduced shall continue to be applied to Tier 3 and Tier 4 Organizational Units and adjusted by the relative formula when increases in appropriations for this Section resume. In no event may State funding reductions to Organizational Units in Tier 3 or Tier 4 exceed an amount that would be less than the Base Funding Minimum established in the first year of implementation of this Section. If additional reductions are required, all

school districts shall receive a reduction by a per pupil amount equal to the aggregate additional appropriation reduction divided by the total ASE of all Organizational Units.

(11) The State Superintendent shall make minor adjustments to the distribution formula set forth in this subsection (g) to account for the rounding of percentages to the nearest tenth of a percentage and dollar amounts to the nearest whole dollar.

(h) State Superintendent administration of funding and district submission requirements.

(1) The State Superintendent shall, in accordance with appropriations made by the General Assembly, meet the funding obligations created under this Section.

(2) The State Superintendent shall calculate the Adequacy Target for each Organizational Unit under this Section. No Evidence-Based Funding shall be distributed within an Organizational Unit without the approval of the unit's school board.

(3) Annually, the State Superintendent shall calculate and report to each Organizational Unit the unit's aggregate financial adequacy amount, which shall be the sum of the Adequacy Target for each Organizational Unit. The State Superintendent shall calculate and report separately for each Organizational Unit the unit's total State funds allocated for its students with disabilities. The State Superintendent shall calculate and report separately for each Organizational Unit the amount of funding and applicable FTE calculated for each Essential Element of the unit's Adequacy Target.

(4) Annually, the State Superintendent shall calculate and report to each Organizational Unit the amount the unit must expend on special education and bilingual education and computer technology and equipment for Organizational Units assigned to Tier 1 or Tier 2 that received an additional $285.50 per student computer technology and equipment investment grant to their Adequacy Target pursuant to the unit's Base Funding Minimum, Special Education Allocation, Bilingual Education Allocation, and computer technology and equipment investment allocation.

(5) Moneys distributed under this Section shall be calculated on a school year basis, but paid on a fiscal year basis, with payments beginning in August and extending through June. Unless otherwise provided, the moneys appropriated for each fiscal year shall be distributed in 22 equal payments at least 2 times monthly to each Organizational Unit. If moneys appropriated for any fiscal year are distributed other than monthly, the distribution shall be on the same basis for each Organizational Unit.

(6) Any school district that fails, for any given school year, to maintain school as required by law or to maintain a recognized school is not eligible to receive Evidence-Based Funding. In case of non-recognition of one or more attendance centers in a school district otherwise operating recognized schools, the claim of the district shall be reduced in the proportion that the enrollment in the attendance center or centers bears to the enrollment of the school district. "Recognized school" means any public school that meets the standards for recognition by the State Board. A school district or attendance center not having recognition status at the end of a school term is entitled to receive State aid payments due upon a legal claim that was filed while it was recognized.

(7) School district claims filed under this Section are subject to Sections 18-9 and 18-12 of this Code, except as otherwise provided in this Section.

(8) Each fiscal year, the State Superintendent shall calculate for each Organizational Unit an amount of its Base Funding Minimum and Evidence-Based Funding that shall be deemed attributable to the provision of special educational facilities and services, as defined in Section 14-1.08 of this Code, in a manner that ensures compliance with maintenance of State financial support requirements under the federal Individuals with Disabilities Education Act. An Organizational Unit must use such funds only for the provision of special educational facilities and services, as defined in Section 14-1.08 of this Code, and must comply with any expenditure verification procedures adopted by the State Board.

(9) All Organizational Units in this State must submit annual spending plans, as part of the budget submission process, no later than October 31 of each year to the State Board. The spending plan shall describe how each Organizational Unit will utilize the Base Funding Minimum and Evidence-Based Funding it receives from this State under this Section with specific identification of the intended utilization of Low-Income, English learner, and special education resources. Additionally, the annual spending plans of each Organizational Unit shall describe how the Organizational Unit expects to achieve student growth and how the Organizational Unit will achieve State education goals, as defined by the State Board. The State Superintendent may, from time to time, identify additional requisites for Organizational Units to satisfy when compiling the annual spending

plans required under this subsection (h). The format and scope of annual spending plans shall be developed by the State Superintendent and the State Board of Education. School districts that serve students under Article 14C of this Code shall continue to submit information as required under Section 14C-12 of this Code.

(10) No later than January 1, 2018, the State Superintendent shall develop a 5-year strategic plan for all Organizational Units to help in planning for adequacy funding under this Section. The State Superintendent shall submit the plan to the Governor and the General Assembly, as provided in Section 3.1 of the General Assembly Organization Act. The plan shall include recommendations for:

(A) a framework for collaborative, professional, innovative, and 21st century learning environments using the Evidence-Based Funding model;

(B) ways to prepare and support this State's educators for successful instructional careers;

(C) application and enhancement of the current financial accountability measures, the approved State plan to comply with the federal Every Student Succeeds Act, and the Illinois Balanced Accountability Measures in relation to student growth and elements of the Evidence-Based Funding model; and

(D) implementation of an effective school adequacy funding system based on projected and recommended funding levels from the General Assembly.

(11) On an annual basis, the State Superintendent must recalibrate all of the following per pupil elements of the Adequacy Target and applied to the formulas, based on the study of average expenses and as reported in the most recent annual financial report:

(A) Gifted under subparagraph (M) of paragraph (2) of subsection (b).

(B) Instructional materials under subparagraph (O) of paragraph (2) of subsection (b).

(C) Assessment under subparagraph (P) of paragraph (2) of subsection (b).

(D) Student activities under subparagraph (R) of paragraph (2) of subsection (b).

(E) Maintenance and operations under subparagraph (S) of paragraph (2) of subsection (b).

(F) Central office under subparagraph (T) of paragraph (2) of subsection (b).

(i) Professional Review Panel.

(1) A Professional Review Panel is created to study and review topics related to the implementation and effect of Evidence-Based Funding, as assigned by a joint resolution or Public Act of the General Assembly or a motion passed by the State Board of Education. The Panel must provide recommendations to and serve the Governor, the General Assembly, and the State Board. The State Superintendent or his or her designee must serve as a voting member and chairperson of the Panel. The State Superintendent must appoint a vice chairperson from the membership of the Panel. The Panel must advance recommendations based on a three-fifths majority vote of Panel members present and voting. A minority opinion may also accompany any recommendation of the Panel. The Panel shall be appointed by the State Superintendent, except as otherwise provided in paragraph (2) of this subsection (i) and include the following members:

(A) Two appointees that represent district superintendents, recommended by a statewide organization that represents district superintendents.

(B) Two appointees that represent school boards, recommended by a statewide organization that represents school boards.

(C) Two appointees from districts that represent school business officials, recommended by a statewide organization that represents school business officials.

(D) Two appointees that represent school principals, recommended by a statewide organization that represents school principals.

(E) Two appointees that represent teachers, recommended by a statewide organization that represents teachers.

(F) Two appointees that represent teachers, recommended by another statewide organization that represents teachers.

(G) Two appointees that represent regional superintendents of schools, recommended by organizations that represent regional superintendents.

(H) Two independent experts selected solely by the State Superintendent.

(I) Two independent experts recommended by public universities in this State.

(J) One member recommended by a statewide organization that represents parents.

(K) Two representatives recommended by collective impact organizations that represent major metropolitan areas or geographic areas in Illinois.

(L) One member from a statewide organization focused on research-based education policy to support a school system that prepares all students for college, a career, and democratic citizenship.

(M) One representative from a school district organized under Article 34 of this Code.

The State Superintendent shall ensure that the membership of the Panel includes representatives from school districts and communities reflecting the geographic, socio-economic, racial, and ethnic diversity of this State. The State Superintendent shall additionally ensure that the membership of the Panel includes representatives with expertise in bilingual education and special education. Staff from the State Board shall staff the Panel.

(2) In addition to those Panel members appointed by the State Superintendent, 4 members of the General Assembly shall be appointed as follows: one member of the House of Representatives appointed by the Speaker of the House of Representatives, one member of the Senate appointed by the President of the Senate, one member of the House of Representatives appointed by the Minority Leader of the House of Representatives, and one member of the Senate appointed by the Minority Leader of the Senate. There shall be one additional member appointed by the Governor. All members appointed by legislative leaders or the Governor shall be non-voting, ex officio members.

(3) The Panel must study topics at the direction of the General Assembly or State Board of Education, as provided under paragraph (1). The Panel may also study the following topics at the direction of the chairperson:

(A) The format and scope of annual spending plans referenced in paragraph (9) of subsection (h) of this Section.

(B) The Comparable Wage Index under this Section.

(C) Maintenance and operations, including capital maintenance and construction costs.

(D) "At-risk student" definition.

(E) Benefits.

(F) Technology.

(G) Local Capacity Target.

(H) Funding for ~~Alternative Schools,~~ Laboratory Schools and regional offices of education or intermediate service centers that operate an alternative education program~~, safe schools, and alternative learning opportunities programs~~.

(I) Funding for college and career acceleration strategies.

(J) Special education investments.

(K) Early childhood investments, in collaboration with the Illinois Early Learning Council.

(4) (Blank).

(5) Within 5 years after the implementation of this Section, and every 5 years thereafter, the Panel shall complete an evaluative study of the entire Evidence-Based Funding model, including an assessment of whether or not the formula is achieving State goals. The Panel shall report to the State Board, the General Assembly, and the Governor on the findings of the study.

(6) (Blank).

(7) To ensure that (i) the Adequacy Target calculation under subsection (b) accurately reflects the needs of students living in poverty or attending schools located in areas of high poverty, (ii) racial equity within the Evidence-Based Funding formula is explicitly explored and advanced, and (iii) the funding goals of the formula distribution system established under this Section are sufficient to provide adequate funding for every student and to fully fund every school in this State, the Panel shall review the Essential Elements under paragraph (2) of subsection (b). The Panel shall consider all of the following in its review:

(A) The financial ability of school districts to provide instruction in a foreign language to every student and whether an additional Essential Element should be added to the formula to ensure that every student has access to instruction in a foreign language.

(B) The adult-to-student ratio for each Essential Element in which a ratio is identified. The Panel shall consider whether the ratio accurately reflects the staffing needed to support students living in poverty or who have traumatic backgrounds.

(C) Changes to the Essential Elements that may be required to better promote racial equity and eliminate structural racism within schools.

(D) The impact of investing $350,000,000 in additional funds each year under this Section and an estimate of when the school system will become fully funded under this level of appropriation.

(E) Provide an overview of alternative funding structures that would enable the State to become fully funded at an earlier date.

(F) The potential to increase efficiency and to find cost savings within the school system to expedite the journey to a fully funded system.

(G) The appropriate levels for reenrolling and graduating high-risk high school students who have been previously out of school. These outcomes shall include enrollment, attendance, skill gains, credit gains, graduation or promotion to the next grade level, and the transition to college, training, or employment, with an emphasis on progressively increasing the overall attendance.

(H) The evidence-based or research-based practices that are shown to reduce the gaps and disparities experienced by African American students in academic achievement and educational performance, including practices that have been shown to reduce disparities in disciplinary rates, drop-out rates, graduation rates, college matriculation rates, and college completion rates.

On or before December 31, 2021, the Panel shall report to the State Board, the General Assembly, and the Governor on the findings of its review. This paragraph (7) is inoperative on and after July 1, 2022.

(8) On or before April 1, 2024, the Panel must submit a report to the General Assembly on annual adjustments to Glenwood Academy's base-funding minimum in a similar fashion to school districts under this Section.

(j) References. Beginning July 1, 2017, references in other laws to general State aid funds or calculations under Section 18-8.05 of this Code (now repealed) shall be deemed to be references to evidence-based model formula funds or calculations under this Section.

(Source: P.A. 102-33, eff. 6-25-21; 102-197, eff. 7-30-21; 102-558, eff. 8-20-21; 102-699, eff. 4-19-22; 102-782, eff. 1-1-23; 102-813, eff. 5-13-22; 102-894, eff. 5-20-22; 103-8, eff. 6-7-23; 103-154, eff. 6-30-23; 103-175, eff. 6-30-23; revised 8-30-23.)

(105 ILCS 5/21B-45)

Sec. 21B-45. Professional Educator License renewal.

(a) Individuals holding a Professional Educator License are required to complete the licensure renewal requirements as specified in this Section, unless otherwise provided in this Code.

Individuals holding a Professional Educator License shall meet the renewal requirements set forth in this Section, unless otherwise provided in this Code. If an individual holds a license endorsed in more than one area that has different renewal requirements, that individual shall follow the renewal requirements for the position for which he or she spends the majority of his or her time working.

(b) All Professional Educator Licenses not renewed as provided in this Section shall lapse on September 1 of that year. Notwithstanding any other provisions of this Section, if a license holder's electronic mail address is available, the State Board of Education shall send him or her notification electronically that his or her license will lapse if not renewed, to be sent no more than 6 months prior to the license lapsing. Lapsed licenses may be immediately reinstated upon (i) payment to the State Board of Education by the applicant of a $50 penalty or (ii) the demonstration of proficiency by completing 9 semester hours of coursework from a regionally accredited institution of higher education in the content area that most aligns with one or more of the educator's endorsement areas. Any and all back fees, including without limitation registration fees owed from the time of expiration of the license until the date of reinstatement, shall be paid and kept in accordance with the provisions in Article 3 of this Code concerning an institute fund and the provisions in Article 21B of this Code concerning fees and requirements for registration. Licenses not registered in accordance with Section 21B-40 of this Code shall lapse after a period of 6 months from the expiration of the last year of registration or on January 1 of the fiscal year following initial issuance of the license. An unregistered license is invalid after September 1 for employment and performance of services in an Illinois public or State-operated school or cooperative and in a charter school. Any license or endorsement may be voluntarily surrendered by the license holder. A voluntarily surrendered license shall be treated as a revoked license. An Educator License with Stipulations with only a paraprofessional endorsement does not lapse.

(c) From July 1, 2013 through June 30, 2014, in order to satisfy the requirements for licensure renewal provided for in this Section, each professional educator licensee with an administrative endorsement who is working in a position requiring such endorsement shall complete one Illinois Administrators' Academy course, as described in Article 2 of this Code, per fiscal year.

(c-5) All licenses issued by the State Board of Education under this Article that expire on June 30, 2020 and have not been renewed by the end of the 2020 renewal period shall be extended for one year and shall expire on June 30, 2021.

(d) Beginning July 1, 2014, in order to satisfy the requirements for licensure renewal provided for in this Section, each professional educator licensee may create a professional development plan each year. The plan shall address one or more of the endorsements that are required of his or her educator position if the licensee is employed and performing services in an Illinois public or State-operated school or cooperative. If the licensee is employed in a charter school, the plan shall address that endorsement or those endorsements most closely related to his or her educator position. Licensees employed and performing services in any other Illinois schools may participate in the renewal requirements by adhering to the same process.

Except as otherwise provided in this Section, the licensee's professional development activities shall align with one or more of the following criteria:

(1) activities are of a type that engages participants over a sustained period of time allowing for analysis, discovery, and application as they relate to student learning, social or emotional achievement, or well-being;

(2) professional development aligns to the licensee's performance;

(3) outcomes for the activities must relate to student growth or district improvement;

(4) activities align to State-approved standards; and

(5) higher education coursework.

(e) For each renewal cycle, each professional educator licensee shall engage in professional development activities. Prior to renewal, the licensee shall enter electronically into the Educator Licensure Information System (ELIS) the name, date, and location of the activity, the number of professional development hours, and the provider's name. The following provisions shall apply concerning professional development activities:

(1) Each licensee shall complete a total of 120 hours of professional development per 5-year renewal cycle in order to renew the license, except as otherwise provided in this Section.

(2) Beginning with his or her first full 5-year cycle, any licensee with an administrative endorsement who is not working in a position requiring such endorsement is not required to complete Illinois Administrators' Academy courses, as described in Article 2 of this Code. Such licensees must complete one Illinois Administrators' Academy course within one year after returning to a position that requires the administrative endorsement.

(3) Any licensee with an administrative endorsement who is working in a position requiring such endorsement or an individual with a Teacher Leader endorsement serving in an administrative capacity at least 50% of the day shall complete one Illinois Administrators' Academy course, as described in Article 2 of this Code, each fiscal year in addition to 100 hours of professional development per 5-year renewal cycle in accordance with this Code. However, for the 2021-2022 school year only, a licensee under this paragraph (3) is not required to complete an Illinois Administrators' Academy course.

(4) Any licensee holding a current National Board for Professional Teaching Standards (NBPTS) master teacher designation shall complete a total of 60 hours of professional development per 5-year renewal cycle in order to renew the license.

(5) Licensees working in a position that does not require educator licensure or working in a position for less than 50% for any particular year are considered to be exempt and shall be required to pay only the registration fee in order to renew and maintain the validity of the license.

(6) Licensees who are retired and qualify for benefits from a State of Illinois retirement system shall be listed as retired, and the license shall be maintained in retired status. For any renewal cycle in which a licensee retires during the renewal cycle, the licensee must complete professional development activities on a prorated basis depending on the number of years during the renewal cycle the educator held an active license. If a licensee retires during a renewal cycle, the license status must be updated using ELIS indicating that the licensee wishes to maintain the license in retired status and the licensee must show proof of completion of professional development activities on a prorated basis for all years of that renewal cycle for which the license was active. An individual with a license in

retired status shall not be required to complete professional development activities until returning to a position that requires educator licensure. Upon returning to work in a position that requires the Professional Educator License, the license status shall immediately be updated using ELIS and the licensee shall complete renewal requirements for that year. A retired teacher, even if returning to a position that requires educator licensure, shall not be required to pay registration fees. A license in retired status cannot lapse. Beginning on January 6, 2017 (the effective date of Public Act 99-920) through December 31, 2017, any licensee who has retired and whose license has lapsed for failure to renew as provided in this Section may reinstate that license and maintain it in retired status upon providing proof to the State Board of Education using ELIS that the licensee is retired and is not working in a position that requires a Professional Educator License.

(7) For any renewal cycle in which professional development hours were required, but not fulfilled, the licensee shall complete any missed hours to total the minimum professional development hours required in this Section prior to September 1 of that year. Professional development hours used to fulfill the minimum required hours for a renewal cycle may be used for only one renewal cycle. For any fiscal year or renewal cycle in which an Illinois Administrators' Academy course was required but not completed, the licensee shall complete any missed Illinois Administrators' Academy courses prior to September 1 of that year. The licensee may complete all deficient hours and Illinois Administrators' Academy courses while continuing to work in a position that requires that license until September 1 of that year.

(8) Any licensee who has not fulfilled the professional development renewal requirements set forth in this Section at the end of any 5-year renewal cycle is ineligible to register his or her license and may submit an appeal to the State Superintendent of Education for reinstatement of the license.

(9) If professional development opportunities were unavailable to a licensee, proof that opportunities were unavailable and request for an extension of time beyond August 31 to complete the renewal requirements may be submitted from April 1 through June 30 of that year to the State Educator Preparation and Licensure Board. If an extension is approved, the license shall remain valid during the extension period.

(10) Individuals who hold exempt licenses prior to December 27, 2013 (the effective date of Public Act 98-610) shall commence the annual renewal process with the first scheduled registration due after December 27, 2013 (the effective date of Public Act 98-610).

(11) Notwithstanding any other provision of this subsection (e), if a licensee earns more than the required number of professional development hours during a renewal cycle, then the licensee may carry over any hours earned from April 1 through June 30 of the last year of the renewal cycle. Any hours carried over in this manner must be applied to the next renewal cycle. Illinois Administrators' Academy courses or hours earned in those courses may not be carried over.

(e-5) The number of professional development hours required under subsection (e) is reduced by 20% for any renewal cycle that includes the 2021-2022 school year.

(f) At the time of renewal, each licensee shall respond to the required questions under penalty of perjury.

(f-5) The State Board of Education shall conduct random audits of licensees to verify a licensee's fulfillment of the professional development hours required under this Section. Upon completion of a random audit, if it is determined by the State Board of Education that the licensee did not complete the required number of professional development hours or did not provide sufficient proof of completion, the licensee shall be notified that his or her license has lapsed. A license that has lapsed under this subsection may be reinstated as provided in subsection (b).

(g) The following entities shall be designated as approved to provide professional development activities for the renewal of Professional Educator Licenses:

(1) The State Board of Education.

(2) Regional offices of education and intermediate service centers.

(3) Illinois professional associations representing the following groups that are approved by the State Superintendent of Education:

(A) school administrators;

(B) principals;

(C) school business officials;

(D) teachers, including special education teachers;

(E) school boards;

(F) school districts;

(G) parents; and

(H) school service personnel.

(4) Regionally accredited institutions of higher education that offer Illinois-approved educator preparation programs and public community colleges subject to the Public Community College Act.

(5) Illinois public school districts, charter schools authorized under Article 27A of this Code, and joint educational programs authorized under Article 10 of this Code for the purposes of providing career and technical education or special education services.

(6) A not-for-profit organization that, as of December 31, 2014 (the effective date of Public Act 98-1147), has had or has a grant from or a contract with the State Board of Education to provide professional development services in the area of English Learning to Illinois school districts, teachers, or administrators.

(7) State agencies, State boards, and State commissions.

(8) Museums as defined in Section 10 of the Museum Disposition of Property Act.

(h) Approved providers under subsection (g) of this Section shall make available professional development opportunities that satisfy at least one of the following:

(1) increase the knowledge and skills of school and district leaders who guide continuous professional development;

(2) improve the learning of students;

(3) organize adults into learning communities whose goals are aligned with those of the school and district;

(4) deepen educator's content knowledge;

(5) provide educators with research-based instructional strategies to assist students in meeting rigorous academic standards;

(6) prepare educators to appropriately use various types of classroom assessments;

(7) use learning strategies appropriate to the intended goals;

(8) provide educators with the knowledge and skills to collaborate;

(9) prepare educators to apply research to decision making;

(10) provide educators with training on inclusive practices in the classroom that examines instructional and behavioral strategies that improve academic and social-emotional outcomes for all students, with or without disabilities, in a general education setting; or

(11) beginning on July 1, 2022, provide educators with training on the physical and mental health needs of students, student safety, educator ethics, professional conduct, and other topics that address the well-being of students and improve the academic and social-emotional outcomes of students.

(i) Approved providers under subsection (g) of this Section shall do the following:

(1) align professional development activities to the State-approved national standards for professional learning;

(2) meet the professional development criteria for Illinois licensure renewal;

(3) produce a rationale for the activity that explains how it aligns to State standards and identify the assessment for determining the expected impact on student learning or school improvement;

(4) maintain original documentation for completion of activities;

(5) provide license holders with evidence of completion of activities;

(6) request an Illinois Educator Identification Number (IEIN) for each educator during each professional development activity; and

(7) beginning on July 1, 2019, register annually with the State Board of Education prior to offering any professional development opportunities in the current fiscal year.

(j) The State Board of Education shall conduct annual audits of a subset of approved providers, except for school districts, which shall be audited by regional offices of education and intermediate service centers. The State Board of Education shall ensure that each approved provider, except for a school district, is audited at least once every 5 years. The State Board of Education may conduct more frequent audits of providers if evidence suggests the requirements of this Section or administrative rules are not being met.

(1) (Blank).

(2) Approved providers shall comply with the requirements in subsections (h) and (i) of this Section by annually submitting data to the State Board of Education demonstrating how the professional development activities impacted one or more of the following:

(A) educator and student growth in regards to content knowledge or skills, or both;

(B) educator and student social and emotional growth; or

(C) alignment to district or school improvement plans.

(3) The State Superintendent of Education shall review the ~~annual~~ data collected by the State Board of Education, regional offices of education, and intermediate service centers in audits conducted under this subsection (j) to determine if the approved provider has met the criteria and should continue to be an approved provider or if further action should be taken as provided in rules.

(k) Registration fees shall be paid for the next renewal cycle between April 1 and June 30 in the last year of each 5-year renewal cycle using ELIS. If all required professional development hours for the renewal cycle have been completed and entered by the licensee, the licensee shall pay the registration fees for the next cycle using a form of credit or debit card.

(l) Any professional educator licensee endorsed for school support personnel who is employed and performing services in Illinois public schools and who holds an active and current professional license issued by the Department of Financial and Professional Regulation or a national certification board, as approved by the State Board of Education, related to the endorsement areas on the Professional Educator License shall be deemed to have satisfied the continuing professional development requirements provided for in this Section. Such individuals shall be required to pay only registration fees to renew the Professional Educator License. An individual who does not hold a license issued by the Department of Financial and Professional Regulation shall complete professional development requirements for the renewal of a Professional Educator License provided for in this Section.

(m) Appeals to the State Educator Preparation and Licensure Board must be made within 30 days after receipt of notice from the State Superintendent of Education that a license will not be renewed based upon failure to complete the requirements of this Section. A licensee may appeal that decision to the State Educator Preparation and Licensure Board in a manner prescribed by rule.

(1) Each appeal shall state the reasons why the State Superintendent's decision should be reversed and shall be sent by certified mail, return receipt requested, to the State Board of Education.

(2) The State Educator Preparation and Licensure Board shall review each appeal regarding renewal of a license within 90 days after receiving the appeal in order to determine whether the licensee has met the requirements of this Section. The State Educator Preparation and Licensure Board may hold an appeal hearing or may make its determination based upon the record of review, which shall consist of the following:

(A) the regional superintendent of education's rationale for recommending nonrenewal of the license, if applicable;

(B) any evidence submitted to the State Superintendent along with the individual's electronic statement of assurance for renewal; and

(C) the State Superintendent's rationale for nonrenewal of the license.

(3) The State Educator Preparation and Licensure Board shall notify the licensee of its decision regarding license renewal by certified mail, return receipt requested, no later than 30 days after reaching a decision. Upon receipt of notification of renewal, the licensee, using ELIS, shall pay the applicable registration fee for the next cycle using a form of credit or debit card.

(n) The State Board of Education may adopt rules as may be necessary to implement this Section.

(Source: P.A. 102-676, eff. 12-3-21; 102-710, eff. 4-27-22; 102-730, eff. 5-6-22; 102-852, eff. 5-13-22; 103-154, eff. 6-30-23.)

(105 ILCS 5/21B-50)

Sec. 21B-50. Alternative Educator Licensure Program for Teachers.

(a) There is established an alternative educator licensure program, to be known as the Alternative Educator Licensure Program for Teachers.

(b) The Alternative Educator Licensure Program for Teachers may be offered by a recognized institution approved to offer educator preparation programs by the State Board of Education, in consultation with the State Educator Preparation and Licensure Board.

The program shall be comprised of up to 3 phases:

(1) A course of study that at a minimum includes instructional planning; instructional strategies, including special education, reading, and English language learning; classroom management; and the assessment of students and use of data to drive instruction.

(2) A year of residency, which is a candidate's assignment to a full-time teaching position or as a co-teacher for one full school year. An individual must hold an Educator License with Stipulations

with an alternative provisional educator endorsement in order to enter the residency. In residency, the candidate must~~:~~ be assigned an effective, fully licensed teacher by the principal or principal equivalent to act as a mentor and coach the candidate through residency, complete additional program requirements that address required State and national standards, pass the State Board's teacher performance assessment, if required under Section 21B-30, and be recommended by the principal or qualified equivalent of a principal, as required under subsection (d) of this Section, and the program coordinator to be recommended for full licensure or to continue with a second year of the residency.

(3) (Blank).

(4) A comprehensive assessment of the candidate's teaching effectiveness, as evaluated by the principal or qualified equivalent of a principal, as required under subsection (d) of this Section, and the program coordinator, at the end of either the first or the second year of residency. If there is disagreement between the 2 evaluators about the candidate's teaching effectiveness at the end of the first year of residency, a second year of residency shall be required. If there is disagreement between the 2 evaluators at the end of the second year of residency, the candidate may complete one additional year of residency teaching under a professional development plan developed by the principal or qualified equivalent and the preparation program. At the completion of the third year, a candidate must have positive evaluations and a recommendation for full licensure from both the principal or qualified equivalent and the program coordinator or no Professional Educator License shall be issued.

Successful completion of the program shall be deemed to satisfy any other practice or student teaching and content matter requirements established by law.

(c) An alternative provisional educator endorsement on an Educator License with Stipulations is valid for up to 2 years of teaching in the public schools, including without limitation a preschool educational program under Section 2-3.71 of this Code or charter school, or in a State-recognized nonpublic school in which the chief administrator is required to have the licensure necessary to be a principal in a public school in this State and in which a majority of the teachers are required to have the licensure necessary to be instructors in a public school in this State, but may be renewed for a third year if needed to complete the Alternative Educator Licensure Program for Teachers. The endorsement shall be issued only once to an individual who meets all of the following requirements:

(1) Has graduated from a regionally accredited college or university with a bachelor's degree or higher.

(2) (Blank).

(3) Has completed a major in the content area if seeking a middle or secondary level endorsement or, if seeking an early childhood, elementary, or special education endorsement, has completed a major in the content area of early childhood reading, English/language arts, mathematics, or one of the sciences. If the individual does not have a major in a content area for any level of teaching, he or she must submit transcripts to the State Board of Education to be reviewed for equivalency.

(4) Has successfully completed phase (1) of subsection (b) of this Section.

(5) Has passed a content area test required for the specific endorsement ~~for admission into the program~~, as required under Section 21B-30 of this Code.

A candidate possessing the alternative provisional educator endorsement may receive a salary, benefits, and any other terms of employment offered to teachers in the school who are members of an exclusive bargaining representative, if any, but a school is not required to provide these benefits during the years of residency if the candidate is serving only as a co-teacher. If the candidate is serving as the teacher of record, the candidate must receive a salary, benefits, and any other terms of employment. Residency experiences must not be counted towards tenure.

(d) The recognized institution offering the Alternative Educator Licensure Program for Teachers must partner with a school district, including without limitation a preschool educational program under Section 2-3.71 of this Code or charter school, or a State-recognized, nonpublic school in this State in which the chief administrator is required to have the licensure necessary to be a principal in a public school in this State and in which a majority of the teachers are required to have the licensure necessary to be instructors in a public school in this State. A recognized institution that partners with a public school district administering a preschool educational program under Section 2-3.71 of this Code must require a principal to recommend or evaluate candidates in the program. A recognized institution that partners with an eligible entity administering a preschool educational program under Section 2-3.71 of this Code and that is not a public school district must require a principal or qualified equivalent of a principal to recommend or evaluate

candidates in the program. The program presented for approval by the State Board of Education must demonstrate the supports that are to be provided to assist the provisional teacher during the one-year ~~1-year~~ or 2-year residency period and if the residency period is to be less than 2 years in length, assurances from the partner school districts to provide intensive mentoring and supports through at least the end of the second full year of teaching for educators who completed the Alternative Educator ~~Educators~~ Licensure Program for Teachers in less than 2 years. These supports must, at a minimum, provide additional contact hours with mentors during the first year of residency.

(e) Upon completion of phases under paragraphs (1), (2), (4), and, if needed, (3) in subsection (b) of this Section and all assessments required under Section 21B-30 of this Code, an individual shall receive a Professional Educator License.

(f) The State Board of Education, in consultation with the State Educator Preparation and Licensure Board, may adopt such rules as may be necessary to establish and implement the Alternative Educator Licensure Program for Teachers.

(Source: P.A. 103-111, eff. 6-29-23; 103-488, eff. 8-4-23; revised 9-1-23.)

(105 ILCS 5/26-2) (from Ch. 122, par. 26-2)

Sec. 26-2. Enrolled pupils not of compulsory school age.

(a) Any person having custody or control of a child who is below the age of 6 years or is 17 years of age or above and who is enrolled in any of grades kindergarten through 12 in the public school shall cause the child to attend the public school in the district wherein he or she resides when it is in session during the regular school term, unless the child is excused under Section 26-1 of this Code.

(b) A school district shall deny reenrollment in its secondary schools to any child 19 years of age or above who has dropped out of school and who could not, because of age and lack of credits, attend classes during the normal school year and graduate before his or her twenty-first birthday. A district may, however, enroll the child in a graduation incentives program under Section 26-16 of this Code or an alternative learning opportunities program established under Article 13B. No child shall be denied reenrollment for the above reasons unless the school district first offers the child due process as required in cases of expulsion under Section 10-22.6. If a child is denied reenrollment after being provided with due process, the school district must provide counseling to that child and must direct that child to alternative educational programs, including adult education programs, that lead to graduation or receipt of a State of Illinois High School Diploma.

(c) A school or school district may deny enrollment to a student 17 years of age or older for one semester for failure to meet minimum attendance standards if all of the following conditions are met:

(1) The student was absent without valid cause for 20% or more of the attendance days in the semester immediately prior to the current semester.

(2) The student and the student's parent or guardian are given written notice warning that the student is subject to denial from enrollment for one semester unless the student is absent without valid cause less than 20% of the attendance days in the current semester.

(3) The student's parent or guardian is provided with the right to appeal the notice, as determined by the State Board of Education in accordance with due process.

(4) The student is provided with attendance remediation services, including without limitation assessment, counseling, and support services.

(5) The student is absent without valid cause for 20% or more of the attendance days in the current semester.

A school or school district may not deny enrollment to a student (or reenrollment to a dropout) who is at least 17 years of age or older but below 19 years for more than one consecutive semester for failure to meet attendance standards.

(d) No child may be denied reenrollment under this Section in violation of the federal Individuals with Disabilities Education Act or the Americans with Disabilities Act.

(e) In this subsection (e), "reenrolled student" means a dropout who has reenrolled full-time in a public school. Each school district shall identify, track, and report on the educational progress and outcomes of reenrolled students as a subset of the district's required reporting on all enrollments. A reenrolled student who again drops out must not be counted again against a district's dropout rate performance measure. ~~The State Board of Education shall set performance standards for programs serving reenrolled students.~~

(f) The State Board of Education shall adopt any rules necessary to implement the changes to this Section made by Public Act 93-803.

(Source: P.A. 102-981, eff. 1-1-23; 102-1100, eff. 1-1-23; 103-154, eff. 6-30-23.)

(105 ILCS 5/27-22.2) (from Ch. 122, par. 27-22.2)

Sec. 27-22.2. Career and technical ~~Vocational~~ education elective. Whenever the school board of any school district which maintains grades 9 through 12 establishes a list of courses from which secondary school students each must elect at least one course, to be completed along with other course requirements as a pre-requisite to receiving a high school diploma, that school board must include on the list of such elective courses at least one course in career and technical ~~vocational~~ education.

(Source: P.A. 84-1334; 84-1438.)

(105 ILCS 5/34-8.05)

Sec. 34-8.05. Reporting firearms in schools. On or after January 1, 1997, upon receipt of any written, electronic, or verbal report from any school personnel regarding a verified incident involving a firearm in a school or on school owned or leased property, including any conveyance owned, leased, or used by the school for the transport of students or school personnel, the general superintendent or his or her designee shall report all such firearm-related incidents occurring in a school or on school property to the local law enforcement authorities no later than 24 hours after the occurrence of the incident ~~and to the Illinois State Police in a form, manner, and frequency as prescribed by the Illinois State Police~~.

The general superintendent or the general superintendent's designee shall report any written, electronic, or verbal report of a verified incident involving a firearm to the State Board of Education through existing school incident reporting systems as they occur during the year by no later than July 31 for the previous school year. The State Board of Education shall report the data and make it available to the public via its website. The local law enforcement authority shall, by March 1 of each year, report the required data from the previous year to the Illinois State Police's Illinois Uniform Crime Reporting Program, which shall be included in its annual Crime in Illinois report.

~~The State Board of Education shall receive an annual statistical compilation and related data associated with incidents involving firearms in schools from the Illinois State Police.~~ As used in this Section, the term "firearm" shall have the meaning ascribed to it in Section 1.1 of the Firearm Owners Identification Card Act.

(Source: P.A. 102-538, eff. 8-20-21.)

Section 10. The School Safety Drill Act is amended by changing Sections 45 and 50 as follows:

(105 ILCS 128/45)

Sec. 45. Threat assessment procedure.

(a) Each school district must implement a threat assessment procedure that may be part of a school board policy on targeted school violence prevention. The procedure must include the creation of a threat assessment team. The team must include at least one law enforcement official and cross-disciplinary representatives of the district who are most directly familiar with the mental and behavioral health needs of students and staff. Such cross-disciplinary representatives may include ~~all of~~ the following members:

(1) An administrator employed by the school district or a special education cooperative that serves the school district and is available to serve.

(2) A teacher employed by the school district or a special education cooperative that serves the school district and is available to serve.

(3) A school counselor employed by the school district or a special education cooperative that serves the school district and is available to serve.

(4) A school psychologist employed by the school district or a special education cooperative that serves the school district and is available to serve.

(5) A school social worker employed by the school district or a special education cooperative that serves the school district and is available to serve.

(6) (Blank). ~~At least one law enforcement official.~~

If a school district is unable to establish a threat assessment team with school district staff and resources, it may utilize a regional behavioral threat assessment and intervention team that includes mental health professionals and representatives from the State, county, and local law enforcement agencies.

(b) A school district shall establish the threat assessment team under this Section no later than 180 days after August 23, 2019 (the effective date of Public Act 101-455) and must implement an initial threat assessment procedure no later than 120 days after August 23, 2019 (the effective date of Public Act 101-455). Each year prior to the start of the school year, the school board shall file the threat assessment procedure and a list identifying the members of the school district's threat assessment team or regional behavior threat assessment and intervention team with (i) a local law enforcement agency and (ii) the

regional office of education or, with respect to a school district organized under Article 34 of the School Code, the State Board of Education.

(b-5) A charter school operating under a charter issued by a local board of education may adhere to the local board's threat assessment procedure or may implement its own threat assessment procedure in full compliance with the requirements of this Section. The charter agreement shall specify in detail how threat assessment procedures will be determined for the charter school.

(b-10) A special education cooperative operating under a joint agreement must implement its own threat assessment procedure in full compliance with the requirements of this Section, including the creation of a threat assessment team, which may consist of individuals employed by the member districts. The procedure must include actions the special education cooperative will take in partnership with its member districts to address a threat.

(c) Any sharing of student information under this Section must comply with the federal Family Educational Rights and Privacy Act of 1974 and the Illinois School Student Records Act.

(d) (Blank).

(Source: P.A. 102-791, eff. 5-13-22; 102-894, eff. 5-20-22; 103-154, eff. 6-30-23; 103-175, eff. 6-30-23.)

(105 ILCS 128/50)

Sec. 50. Crisis response mapping data grants.

(a) Subject to appropriation, a public school district, a charter school, a special education cooperative or district, an education for employment system, a State-approved area career center, a public university laboratory school, the Illinois Mathematics and Science Academy, the Department of Juvenile Justice School District, a regional office of education, the Illinois School for the Deaf, the Illinois School for the Visually Impaired, the Philip J. Rock Center and School, an early childhood or preschool program supported by the Early Childhood Block Grant, or any other public school entity designated by the State Board of Education by rule, may apply to the State Board of Education ~~or the State Board of Education~~ or the State Board's designee for a grant to obtain crisis response mapping data and to provide copies of the crisis response mapping data to appropriate local, county, State, and federal first responders for use in response to emergencies. The crisis response mapping data shall be stored and provided in an electronic or digital format to assist first responders in responding to emergencies at the school.

(b) Subject to appropriation, including funding for any administrative costs reasonably incurred by the State Board of Education or the State Board's designee in the administration of the grant program described by this Section, the State Board shall provide grants to any entity in subsection (a) upon approval of an application submitted by the entity to cover the costs incurred in obtaining crisis response mapping data under this Section. The grant application must include crisis response mapping data for all schools under the jurisdiction of the entity submitting the application, including, in the case of a public school district, any charter schools authorized by the school board for the school district.

(c) To be eligible for a grant under this Section, the crisis response mapping data must, at a minimum:

(1) be compatible and integrate into security software platforms in use by the specific school for which the data is provided without requiring local law enforcement agencies or the school district to purchase additional software or requiring the integration of third-party software to view the data;

(2) be compatible with security software platforms in use by the specific school for which the data is provided without requiring local public safety agencies or the school district to purchase additional software or requiring the integration of third-party software to view the data;

(3) be capable of being provided in a printable format;

(4) be verified for accuracy by an on-site walk-through of the school building and grounds;

(5) be oriented to true north;

(6) be overlaid on current aerial imagery or plans of the school building;

(7) contain site-specific labeling that matches the structure of the school building, including room labels, hallway names, and external door or stairwell numbers and the location of hazards, critical utilities, key boxes, automated external defibrillators, and trauma kits, and that matches the school grounds, including parking areas, athletic fields, surrounding roads, and neighboring properties; and

(8) be overlaid with gridded x/y coordinates.

(d) Subject to appropriation, the crisis response mapping data may be reviewed annually to update the data as necessary.

(e) Crisis response mapping data obtained pursuant to this Section are confidential and exempt from disclosure under the Freedom of Information Act.

(f) The State Board may adopt rules to implement the provisions of this Section.
(Source: P.A. 103-8, eff. 6-7-23; revised 1-20-24.)

Section 15. The Vocational Education Act is amended by changing Section 2.1 as follows:
(105 ILCS 435/2.1) (from Ch. 122, par. 697.1)
Sec. 2.1. Gender Equity Advisory Committee.

(a) The Superintendent of the State Board of Education shall appoint a Gender Equity Advisory Committee consisting of at least 9 members to advise and consult with the State Board of Education and the State Board of Education's gender equity liaison ~~coordinator~~ in all aspects relating to ensuring that all students have equal educational opportunities to pursue high wage, high skill, and in-demand occupations leading to economic self-sufficiency.

(b) Membership shall include, without limitation, one regional career and technical education system director with experience in gender equity ~~coordinator~~, 2 State Board of Education employees, an appointee of the Director of Labor, and 5 citizen appointees who have expertise in one or more of the following areas: nontraditional training and placement;~~,~~ service delivery to single parents;~~,~~ service delivery to displaced homemakers;~~,~~ service delivery to female, male, and nonbinary teens;~~,~~ service delivery to students of color; service delivery to members of special populations, including, but not limited to, individuals from economically disadvantaged families, English learners, individuals with disabilities, individuals who are out of the workforce, individuals experiencing homelessness, migrants, individuals in foster care, and military students; business and industry experience;~~,~~ and career and technical education ~~Education to Careers~~ experience. Membership also may include employees from the Department of Commerce and Economic Opportunity, the Department of Human Services, and the Illinois Community College Board who have expertise in one or more of the areas listed in this subsection (b) for the citizen appointees. Appointments shall be made taking into consideration expertise of services provided in secondary, postsecondary, and community-based ~~community-based~~ programs.

(c) Members shall initially be appointed to one-year ~~one-year~~ terms commencing in January 1, 1990~~,~~ and thereafter, until January 1, 2025, to 2-year ~~two-year~~ terms commencing on January 1 of each odd numbered year. Beginning on January 1, 2025, members shall be appointed as follows. The career and technical education system director appointee, one State Board of Education appointee, the appointee of the Director of Labor, and 2 citizen appointees, as determined by the State Superintendent of Education, shall initially be appointed to 3-year terms and thereafter to 2-year terms; the remaining members of the committee shall initially and thereafter be appointed to 2-year terms; and all terms shall commence on January 1.

Vacancies shall be filled as prescribed in subsection (b) for the remainder of the unexpired term.

(d) At the first meeting following the start of each calendar year, the ~~Each newly appointed~~ committee shall elect a Chair and Secretary from its members to serve until the first meeting of the subsequent calendar year. Members shall serve without compensation, but shall be reimbursed for expenses incurred in the performance of their duties. The Committee shall meet at least bi-annually and at other times at the call of the Chair or at the request of the State Board of Education's gender equity liaison ~~coordinator~~.

(e) On or before December 15, 2023, the Committee shall submit recommendations to the Governor, General Assembly, and State Board of Education regarding how school districts and the State Board of Education can better support historically disadvantaged males, including African American students and other students of color, to ensure educational equity.

(f) On and after December 31, 2023, subsection (e) is inoperative.
(Source: P.A. 102-863, eff. 1-1-23.)

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

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

The motion prevailed.
And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Ventura, **Senate Bill No. 3597** having been printed, was taken up, read by title a second time.

The following amendment was offered in the Committee on Local Government, adopted and ordered printed:

AMENDMENT NO. 1 TO SENATE BILL 3597

AMENDMENT NO. 1 . Amend Senate Bill 3597 by replacing everything after the enacting clause with the following:

"Section 5. The Counties Code is amended by changing Section 5-1135 as follows:

(55 ILCS 5/5-1135)

Sec. 5-1135. Borrowing from financial institutions. The county board of a county may borrow money for any corporate purpose from any bank or other financial institution provided such money shall be repaid within 2 years from the time the money is borrowed. The county board chairman or county executive, as the case may be, shall execute a promissory note or similar debt instrument, but not a bond, to evidence the indebtedness incurred by the borrowing. The obligation to make the payments due under the promissory note or other debt instrument shall be a lawful direct general obligation of the county payable from the general funds of the county and such other sources of payment as are otherwise lawfully available. The promissory note or other debt instrument shall be authorized by an ordinance passed by the county board and shall be valid whether or not an appropriation with respect to that ordinance is included in any annual or supplemental appropriation adopted by the county board. The indebtedness incurred under this Section, when aggregated with the existing indebtedness of the county, may not exceed any debt limitation otherwise provided for by law. "Financial institution" means any bank subject to the Illinois Banking Act, any savings and loan association subject to the Illinois Savings and Loan Act of 1985, any savings bank subject to the Savings Bank Act, any credit union subject to the Illinois Credit Union Act, ~~and~~ any federally chartered commercial bank, savings and loan association, savings bank, or credit union organized and operated in this State pursuant to the laws of the United States, and the Illinois Finance Authority.

(Source: P.A. 98-525, eff. 8-23-13; 98-756, eff. 7-16-14.)

Section 10. The Township Code is amended by changing Section 240-5 as follows:

(60 ILCS 1/240-5)

Sec. 240-5. Borrowing money. The township board may borrow money (i) from any bank or financial institution if the money is to be repaid within 10 years from the time it is borrowed or (ii) with the approval of the highway commissioner, from a township road district fund, if the money is to be repaid within one year from the time it is borrowed. "Financial institution" means any bank subject to the Illinois Banking Act, any savings and loan association subject to the Illinois Savings and Loan Act of 1985, ~~and~~ any federally chartered commercial bank or savings and loan association organized and operated in this State under the laws of the United States, and the Illinois Finance Authority.

(Source: P.A. 93-743, eff. 7-15-04.)

Section 15. The School Code is amended by adding Section 22-100 as follows:

(105 ILCS 5/22-100 new)

Sec. 22-100. Financing from the Illinois Finance Authority.

(a) The school board of a school district may apply for and obtain a loan from the Illinois Finance Authority to build, purchase, or lease new clean energy infrastructure or perform maintenance or improvements on existing clean energy infrastructure. The school board may also issue bonds in association with the loan under subsection (e). Except as provided in subsection (e), before the school board may apply for a loan or issue a bond under this Section, the school board must first adopt a resolution and receive approval by proposition under subsection (b).

(b) The school board shall adopt a resolution for a proposition to apply for a loan with the Illinois Finance Authority or to have the Illinois Finance Authority issue bonds, or both, for the purposes described in subsection (a) and, after adoption of the resolution, shall certify the proposition to the proper election authority. The election authority shall submit the proposition to the voters of the district at an election in

accordance with general election law. The proposition of financing moneys through the Illinois Finance Authority for the purpose of building, purchasing, or leasing new clean energy infrastructure or performing maintenance or improvements on existing clean energy infrastructure within the school district and issuing bonds in association with the loan may be combined into one or more propositions on the ballot. The form of the proposition submitted to the voters shall be substantially in one of the following forms:

(1) If the proposition is requesting both a loan and bonds, the proposition shall be substantially as follows:

"Shall (name of school district) borrow (amount) from the Illinois Finance Authority to (build, purchase, or lease new clean energy infrastructure or perform maintenance or improvements on existing clean energy infrastructure) and have the Illinois Finance Authority issue bonds in the amount of (amount) in association with the loan?"

The votes shall be recorded as "Yes" or "No".

(2) If the proposition is requesting only a loan, the proposition shall be substantially as follows:

"Shall (name of school district) borrow (amount) from the Illinois Finance Authority to (build, purchase, or lease new clean energy infrastructure or perform maintenance or improvements on existing clean energy infrastructure)?"

The votes shall be recorded as "Yes" or "No".

(3) If the proposition is requesting only a bond, the proposition shall be substantially as follows:

"Shall (name of school district) have the Illinois Finance Authority issue bonds in the amount of (amount) in association with a loan obtained from the Illinois Finance Authority to (build, purchase, or lease new clean energy infrastructure or perform maintenance or improvements on existing clean energy infrastructure)?"

The votes shall be recorded as "Yes" or "No".

(c) If a majority of the votes on a proposition requesting bonding authority under subsection (b) are in favor of a proposition for bonds, the school board shall adopt a resolution authorizing the Illinois Finance Authority to issue the bonds, prescribing all the details of the issuance and stating when the principal and interest shall become payable and the place of payment. These bonds shall be sold in a manner, at a price, and in denominations determined by the Illinois Finance Authority, with the approval of the school board. The amount of the bonds issued shall not exceed 2.3% of the value of the taxable property of the district as ascertained by the assessment for the State and county taxes for the preceding year, nor shall the amount of the bonds issued exceed, including the then existing indebtedness of the district, 5.75% of the value of the taxable property of the district as ascertained by the assessment for the State and county taxes for the preceding year.

(d) Upon adoption of a resolution by the school board under subsection (c), the Illinois Finance Authority may issue bonds in an amount not to exceed that approved by the voters at the election. The bonds shall be signed by the Illinois Finance Authority, after the approval of the school board, shall mature not later than 20 years from the date of issuance, and shall bear interest at a rate not to exceed the maximum rate authorized by the Bond Authorization Act at the time of the making of the contract. The bonds shall be sold at no less than par.

(e) Notwithstanding any provision of this Section to the contrary, the school board of a school district may, by resolution, apply for and obtain a loan from the Illinois Finance Authority to build, purchase, or lease new clean energy infrastructure or perform maintenance or improvements on existing clean energy infrastructure within the district without proposal approval if the loan is paid or provided for with funds that are not the proceeds of bonds authorized under this Section.

(f) The school board shall, in the resolution authorizing bonds under this subsection (c), provide for the collection of a direct annual tax sufficient to pay the interest and principal of the bonds as each falls due. A certified copy of the resolution authorizing the bonds and levying the tax shall be filed in the office of the county clerk or county clerks, as applicable, and the county clerk or county clerks shall extend annually against the property in the district a tax sufficient to raise in each year the amount provided in the resolution for the payment of principal and interest that year.

(g) Before erecting, purchasing, leasing, or remodeling any clean energy infrastructure using revenue received by a loan or a bond under this Section, the school board shall submit the plans and specifications respecting heating, ventilating, lighting, seating, water supply, toilets, and safety against fire to the regional superintendent of schools having supervision and control over the district for approval in accordance with Section 2-3.12.".

Floor Amendment No. 2 was held in the Committee on Local Government.

Floor Amendment No. 3 was held in the Committee on Assignments.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Loughran Cappel, **Senate Bill No. 3606** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Stadelman, **Senate Bill No. 3678** having been printed, was taken up, read by title a second time.

The following amendment was offered in the Committee on Judiciary, adopted and ordered printed:

AMENDMENT NO. 1 TO SENATE BILL 3678

AMENDMENT NO. 1 . Amend Senate Bill 3678 on page 1, line 5, by replacing "Section 1.5" with "Sections 1.5 and 2"; and

on page 19, by deleting line 12; and

on page 19, immediately below line 13, by inserting the following:

"(815 ILCS 414/2) (was 720 ILCS 375/2)

Sec. 2. (a) Whoever violates ~~any of the provisions of~~ Section 1.5 of this Act, except for subsections (f-10), (f-15), (f-20), (f-25), and (f-30) of Section 1.5, shall be guilty of a Class A misdemeanor and may be fined up to $5,000 ~~$5,000.00~~ for each offense, whoever violates subsections (f-10), (f-15), (f-20), (f-25), and (f-30) of Section 1.5 may be fined up to $5,000 for each offense, and whoever violates any other provision of this Act may be enjoined and be required to make restitution to all injured consumers upon application for injunctive relief by the State's Attorney or Attorney General and shall also be guilty of a Class A misdemeanor, and any owner, lessee, manager or trustee convicted under this Act shall, in addition to the penalty herein provided, forfeit the license of such theatre, circus, baseball park, or place of public entertainment or amusement so granted and the same shall be revoked by the authorities granting the same.

(b) Tickets sold or offered for sale by a person, firm or corporation in violation of Section 1.5 of this Act may be confiscated by a court on motion of the Attorney General, a State's Attorney, the sponsor of the event for which the tickets are being sold, or the owner or operator of the facility at which the event is to be held, and may be donated by order of the court to an appropriate organization as defined under Section 2 of the Charitable Games Act.

(c) The Attorney General, a State's Attorney, the sponsor of an event for which tickets are being sold, or the owner or operator of the facility at which an event is to be held may seek an injunction restraining any person, firm or corporation from selling or offering for sale tickets in violation of the provisions of this Act. In addition, on motion of the Attorney General, a State's Attorney, the sponsor of an event for which tickets are being sold, or the owner or operator of the facility at which an event is to be held, a court may permanently enjoin a person, firm or corporation found guilty of violating Section 1.5 of this Act from engaging in the offer or sale of tickets.

(Source: P.A. 99-78, eff. 7-20-15.)".

Senator Stadelman offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 3678

AMENDMENT NO. 2 . Amend Senate Bill 3678, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Ticket Sale and Resale Act is amended by changing Sections 1.5 and 2 as follows:

(815 ILCS 414/1.5) (was 720 ILCS 375/1.5)

Sec. 1.5. Sale of tickets at more than face value prohibited; exceptions.

(a) Except as otherwise provided in subsections (b), (c), (d), (e), and (f-5) of this Section and in Section 4, it is unlawful for any person, persons, firm or corporation to sell tickets for baseball games,

football games, hockey games, theatre entertainments, or any other amusement for a price more than the price printed upon the face of said ticket, and the price of said ticket shall correspond with the same price shown at the box office or the office of original distribution.

(b) This Act does not apply to the resale of tickets of admission to a sporting event, theater, musical performance, or place of public entertainment or amusement of any kind for a price in excess of the printed box office ticket price by a ticket broker who meets all of the following requirements:

(1) The ticket broker is duly registered with the Office of the Secretary of State on a registration form provided by that Office. The registration must contain a certification that the ticket broker:

(A) engages in the resale of tickets on a regular and ongoing basis from one or more permanent or fixed locations located within this State;

(B) maintains as the principal business activity at those locations the resale of tickets;

(C) displays at those locations the ticket broker's registration;

(D) maintains at those locations a listing of the names and addresses of all persons employed by the ticket broker;

(E) is in compliance with all applicable federal, State, and local laws relating to its ticket selling activities, and that neither the ticket broker nor any of its employees within the preceding 12 months have been convicted of a violation of this Act; and

(F) meets the following requirements:

(i) the ticket broker maintains a toll free number specifically dedicated for Illinois consumer complaints and inquiries concerning ticket sales;

(ii) the ticket broker has adopted a code that advocates consumer protection that includes, at a minimum:

(a-1) consumer protection guidelines;

(b-1) a standard refund policy. In the event a refund is due, the ticket broker shall provide that refund without charge other than for reasonable delivery fees for the return of the tickets; and

(c-1) standards of professional conduct;

(iii) the ticket broker has adopted a procedure for the binding resolution of consumer complaints by an independent, disinterested third party and thereby submits to the jurisdiction of the State of Illinois; and

(iv) the ticket broker has established and maintains a consumer protection rebate fund in Illinois in an amount in excess of $100,000, which must be cash available for immediate disbursement for satisfaction of valid consumer complaints.

Alternatively, the ticket broker may fulfill the requirements of subparagraph (F) of this paragraph (1) if the ticket broker certifies that he or she belongs to a professional association organized under the laws of this State, or organized under the laws of any other state and authorized to conduct business in Illinois, that has been in existence for at least 3 years prior to the date of that broker's registration with the Office of the Secretary of State, and is specifically dedicated, for and on behalf of its members, to provide and maintain the consumer protection requirements of subparagraph (F) of this paragraph (1) to maintain the integrity of the ticket brokerage industry.

(2) (Blank).

(3) The ticket broker and his employees must not engage in the practice of selling, or attempting to sell, tickets for any event while sitting or standing near the facility at which the event is to be held or is being held unless the ticket broker or his or her employees are on property they own, lease, or have permission to occupy.

(4) The ticket broker must comply with all requirements of the Retailers' Occupation Tax Act and collect and remit all other applicable federal, State and local taxes in connection with the ticket broker's ticket selling activities.

(5) Beginning January 1, 1996, no ticket broker shall advertise for resale any tickets within this State unless the advertisement contains the name of the ticket broker and the Illinois registration number issued by the Office of the Secretary of State under this Section.

(6) Each ticket broker registered under this Act shall pay an annual registration fee of $100.

(c) This Act does not apply to the sale of tickets of admission to a sporting event, theater, musical performance, or place of public entertainment or amusement of any kind for a price in excess of the printed box office ticket price by a reseller engaged in interstate or intrastate commerce on an Internet auction listing service duly registered with the Office of the Secretary of State on a registration form provided by

that Office. This subsection (c) applies to both sales through an online bid submission process and sales at a fixed price on the same website or interactive computer service as an Internet auction listing service.

This subsection (c) applies to resales described in this subsection only if the operator of the Internet auction listing service meets the following requirements:

(1) the operator maintains a listing of the names and addresses of its corporate officers;

(2) the operator is in compliance with all applicable federal, State, and local laws relating to ticket selling activities, and the operator's officers and directors have not been convicted of a violation of this Act within the preceding 12 months;

(3) the operator maintains, either itself or through an affiliate, a toll free number dedicated for consumer complaints;

(4) the operator provides consumer protections that include at a minimum:

(A) consumer protection guidelines;

(B) a standard refund policy that guarantees to all purchasers that it will provide and in fact provides a full refund of the amount paid by the purchaser (including, but not limited to, all fees, regardless of how characterized) if the following occurs:

(i) the ticketed event is cancelled and the purchaser returns the tickets to the seller or Internet auction listing service; however, reasonable delivery fees need not be refunded if the previously disclosed guarantee specifies that the fees will not be refunded if the event is cancelled;

(ii) the ticket received by the purchaser does not allow the purchaser to enter the ticketed event for reasons that may include, without limitation, that the ticket is counterfeit or that the ticket has been cancelled by the issuer due to non-payment, unless the ticket is cancelled due to an act or omission by such purchaser;

(iii) the ticket fails to conform to its description on the Internet auction listing service; or

(iv) the ticket seller willfully fails to send the ticket or tickets to the purchaser, or the ticket seller attempted to deliver the ticket or tickets to the purchaser in the manner required by the Internet auction listing service and the purchaser failed to receive the ticket or tickets; and

(C) standards of professional conduct;

(5) the operator has adopted an independent and disinterested dispute resolution procedure that allows resellers or purchasers to file complaints against the other and have those complaints mediated or resolved by a third party, and requires the resellers or purchasers to submit to the jurisdiction of the State of Illinois for complaints involving a ticketed event held in Illinois;

(6) the operator either:

(A) complies with all applicable requirements of the Retailers' Occupation Tax Act and collects and remits all applicable federal, State, and local taxes; or

(B) publishes a written notice on the website after the sale of one or more tickets that automatically informs the ticket reseller of the ticket reseller's potential legal obligation to pay any applicable local amusement tax in connection with the reseller's sale of tickets, and discloses to law enforcement or other government tax officials, without subpoena, the name, city, state, telephone number, e-mail address, user ID history, fraud complaints, and bidding and listing history of any specifically identified reseller or purchaser upon the receipt of a verified request from law enforcement or other government tax officials relating to a criminal investigation or alleged illegal activity; and

(7) the operator either:

(A) has established and maintains a consumer protection rebate fund in Illinois in an amount in excess of $100,000, which must be cash available for immediate disbursement for satisfaction of valid consumer complaints; or

(B) has obtained and maintains in force an errors and omissions insurance policy that provides at least $100,000 in coverage.

(d) This Act does not apply to the resale of tickets of admission to a sporting event, theater, musical performance, or place of public entertainment or amusement of any kind for a price in excess of the printed box office ticket price conducted at an auction solely by or for a not-for-profit organization for charitable purposes under clause (a)(1) of Section 10-1 of the Auction License Act.

(e) This Act does not apply to the resale of a ticket for admission to a baseball game, football game, hockey game, theatre entertainment, or any other amusement for a price more than the price printed on the face of the ticket and for more than the price of the ticket at the box office if the resale is made through an Internet website whose operator meets the following requirements:

(1) the operator has a business presence and physical street address in the State of Illinois and clearly and conspicuously posts that address on the website;

(2) the operator maintains a listing of the names of the operator's directors and officers, and is duly registered with the Office of the Secretary of State on a registration form provided by that Office;

(3) the operator is in compliance with all applicable federal, State, and local laws relating to its ticket reselling activities regulated under this Act, and the operator's officers and directors have not been convicted of a violation of this Act within the preceding 12 months;

(4) the operator maintains a toll free number specifically dedicated for consumer complaints and inquiries regarding ticket resales made through the website;

(5) the operator either:

(A) has established and maintains a consumer protection rebate fund in Illinois in an amount in excess of $100,000, which must be cash available for immediate disbursement for satisfaction of valid consumer complaints; or

(B) has obtained and maintains in force an errors and omissions policy of insurance in the minimum amount of $100,000 for the satisfaction of valid consumer complaints;

(6) the operator has adopted an independent and disinterested dispute resolution procedure that allows resellers or purchasers to file complaints against the other and have those complaints mediated or resolved by a third party, and requires the resellers or purchasers to submit to the jurisdiction of the State of Illinois for complaints involving a ticketed event held in Illinois;

(7) the operator either:

(A) complies with all applicable requirements of the Retailers' Occupation Tax Act and collects and remits all applicable federal, State, and local taxes; or

(B) publishes a written notice on the website after the sale of one or more tickets that automatically informs the ticket reseller of the ticket reseller's potential legal obligation to pay any applicable local amusement tax in connection with the reseller's sale of tickets, and discloses to law enforcement or other government tax officials, without subpoena, the name, city, state, telephone number, e-mail address, user ID history, fraud complaints, and bidding and listing history of any specifically identified reseller or purchaser upon the receipt of a verified request from law enforcement or other government tax officials relating to a criminal investigation or alleged illegal activity; and

(8) the operator guarantees to all purchasers that it will provide and in fact provides a full refund of the amount paid by the purchaser (including, but not limited to, all fees, regardless of how characterized) if any of the following occurs:

(A) the ticketed event is cancelled and the purchaser returns the tickets to the website operator; however, reasonable delivery fees need not be refunded if the previously disclosed guarantee specifies that the fees will not be refunded if the event is cancelled;

(B) the ticket received by the purchaser does not allow the purchaser to enter the ticketed event for reasons that may include, without limitation, that the ticket is counterfeit or that the ticket has been cancelled by the issuer due to non-payment, unless the ticket is cancelled due to an act or omission by the purchaser;

(C) the ticket fails to conform to its description on the website; or

(D) the ticket seller willfully fails to send the ticket or tickets to the purchaser, or the ticket seller attempted to deliver the ticket or tickets to the purchaser in the manner required by the website operator and the purchaser failed to receive the ticket or tickets.

Nothing in this subsection (e) shall be deemed to imply any limitation on ticket sales made in accordance with subsections (b), (c), and (d) of this Section or any limitation on sales made in accordance with Section 4.

(f) The provisions of subsections (b), (c), (d), and (e) of this Section apply only to the resale of a ticket after the initial sale of that ticket. No reseller of a ticket may refuse to sell tickets to another ticket reseller solely on the basis that the purchaser is a ticket reseller or ticket broker authorized to resell tickets pursuant to this Act.

(f-5) In addition to the requirements imposed under subsections (b), (c), (d), (e), and (f) of this Section, ticket brokers and resellers must comply with the requirements of this subsection. Before accepting any payment from a purchaser, a ticket broker or reseller must disclose to the purchaser in a clear, conspicuous, and readily noticeable manner the following information:

(1) the registered name and city of the event venue;

(2) that the ticket broker or reseller is not the event venue box office or its licensed ticket agent, but is, instead, a ticket broker or reseller and that lost or stolen tickets may be reissued only by ticket brokers or resellers;

(3) whether it is registered under this Act; and

(4) its refund policy, name, and contact information.

Before selling and accepting payment for a ticket, a ticket broker or reseller must require the purchaser to acknowledge by an affirmative act the disclosures required under this subsection. The disclosures required by this subsection must be made in a clear and conspicuous manner, appear together, and be preceded by the heading "IMPORTANT NOTICE" which must be in bold face font that is larger than the font size of the required disclosures.

Ticket brokers and resellers must guarantee a full refund of the amount paid by the purchaser, including handling and delivery fees, if any of the following occurs:

(1) the ticket received by the purchaser does not grant the purchaser admission to the event described on the ticket, unless it is due to an act or omission by the purchaser;

(2) the ticket fails to conform substantially to its description as advertised; or

(3) the event for which the ticket has been resold is cancelled and not rescheduled.

This subsection (f-5) does not apply to an Internet auction listing service.

(f-10) A person or entity that does not have actual or constructive possession of an event ticket shall not sell, offer for sale, or advertise for sale the event ticket. Nothing in this subsection shall prohibit any person or entity from offering a service to a consumer to obtain an event ticket on behalf of the consumer, if the person or entity complies with the following:

(1) does not market or list the service as an event ticket;

(2) displays the total price for the service at the time the service is first listed for sale, which includes all applicable required fees (excluding taxes or any fees assessed for the physical delivery of tickets), in any advertisement, marketing, price list, social media promotion, or other interface where a price is displayed for the service, including at the time it is first displayed to the individual and anytime throughout the purchasing process;

(3) clearly and conspicuously discloses, prior to selection of the service, that the service is not an event ticket and that the purchase of the service does not guarantee a ticket to the event; and

(4) does not obtain more tickets in each transaction than the numerical limitations for tickets set by the venue and artist for each respective event.

If the person or entity is unable to obtain the specified event ticket for the consumer, the person or entity shall provide the consumer, within a reasonable amount of time, with a full refund for the total cost of the service to obtain the ticket, including any fees or taxes, or, subject to availability, a replacement event ticket in the same or a comparable location with the approval of the consumer.

(f-15) A ticket issuer, ticket broker, or ticket resale marketplace shall not offer for sale an event ticket unless the ticket issuer, ticket broker, or ticket resale marketplace:

(1) clearly and conspicuously:

(A) displays the total event ticket price at the time the ticket is first listed for sale in any advertisement, marketing, price list, social media promotion, or other interface where a price is displayed for the event ticket; and

(B) discloses to a consumer who seeks to purchase an event ticket:

(i) the total event ticket price at the time the ticket is first displayed to the individual and anytime throughout the ticket purchasing process, and, prior to checkout, shall include an itemized breakdown of the base event ticket price of the event ticket and all applicable event ticket fees and taxes;

(ii) the space within the venue that the event ticket entitles the bearer to occupy for the event, whether that is general admission or a specific row or section;

(iii) the refund policies and how to obtain a refund, including under what circumstances a full refund will be issued and how to obtain a full refund of the total event ticket price and taxes;

(iv) the estimated date and means of delivery for the event ticket; and

(v) a link to the full terms and conditions applied by the ticket issuer, ticket broker, or ticket resale marketplace of the event ticket to any individual who seeks to purchase an event ticket prior to purchase.

If the event ticket is an electronic ticket, the ticket issuer, ticket broker, or ticket resale marketplace shall deliver written proof of purchase to the purchaser as soon as is practicable, and no later than 24 hours, after the purchase of the event ticket. The written proof of purchase shall include the disclosures required under subparagraph (B).

(f-20) As used in this Section:

"Base event ticket price" means the price for the sale of the event ticket, exclusive of any taxes or event ticket fees.

"Event ticket" means any physical, electronic, or other form of a certificate, document, voucher, token, or other evidence indicating that a person has the right to be admitted to an event.

"Event ticket fee" means a charge that must be paid in addition to the base event ticket price in order to obtain an event ticket from a ticket issuer, secondary market ticket issuer, or secondary market ticket exchange, seller, or reseller, including any service fee, charge and order processing fee, facility charge fee, and any other charge. "Event ticket fee" does not include any charge or fee for an optional product or service associated with the event that may be selected by a purchaser of an event ticket or fees to send physical tickets to a consumer through the mail, including private mail services.

"Optional product or service" means a product or service that an individual does not need to purchase to use or take possession of an event ticket.

"Ticket broker" means any person, including a ticket issuer, that resells or makes a secondary sale of an event ticket to the general public in the regular course of the trade or business of the person.

"Ticket issuer" means any person who makes event tickets available, directly or indirectly, to the general public, and may include:

(1) the operator of the venue;

(2) the sponsor or promoter of an event;

(3) a sports team participating in an event or a league whose teams are participating in an event;

(4) a theater company, musical group, or similar participant in an event; and

(5) an agent for any such person.

"Ticket resale marketplace" means a person that operates a platform or exchange for the resale of tickets between third parties or between the ticket resale marketplace and a third party. "Ticket resale marketplace" includes a ticket issuer only to the extent the ticket issuer is acting to facilitate the resale of tickets between third parties or between the ticket issuer, acting as a ticket resale marketplace, and a third party.

"Total event ticket price" means the total cost of the event ticket, including the base event ticket price and any event ticket fees but excluding taxes.

(g) The provisions of Public Act 89-406 are severable under Section 1.31 of the Statute on Statutes.

(h) The provisions of this amendatory Act of the 94th General Assembly are severable under Section 1.31 of the Statute on Statutes.

(Source: P.A. 99-431, eff. 1-1-16; 100-534, eff. 9-22-17.)

(815 ILCS 414/2) (was 720 ILCS 375/2)

Sec. 2. (a) Whoever violates ~~any of the provisions of~~ Section 1.5 of this Act, except for subsections (f-10), (f-15), and (f-20) of Section 1.5, shall be guilty of a Class A misdemeanor and may be fined up to $5,000 ~~$5,000.00~~ for each offense, whoever violates subsections (f-10), (f-15), and (f-20) of Section 1.5 may be fined up to $5,000 for each offense, and whoever violates any other provision of this Act may be enjoined and be required to make restitution to all injured consumers upon application for injunctive relief by the State's Attorney or Attorney General and shall also be guilty of a Class A misdemeanor, and any owner, lessee, manager or trustee convicted under this Act shall, in addition to the penalty herein provided, forfeit the license of such theatre, circus, baseball park, or place of public entertainment or amusement so granted and the same shall be revoked by the authorities granting the same.

(b) Tickets sold or offered for sale by a person, firm or corporation in violation of Section 1.5 of this Act may be confiscated by a court on motion of the Attorney General, a State's Attorney, the sponsor of the event for which the tickets are being sold, or the owner or operator of the facility at which the event is to be held, and may be donated by order of the court to an appropriate organization as defined under Section 2 of the Charitable Games Act.

(c) The Attorney General, a State's Attorney, the sponsor of an event for which tickets are being sold, or the owner or operator of the facility at which an event is to be held may seek an injunction restraining any person, firm or corporation from selling or offering for sale tickets in violation of the provisions of this Act. In addition, on motion of the Attorney General, a State's Attorney, the sponsor of an event for which tickets are being sold, or the owner or operator of the facility at which an event is to be held, a court may permanently enjoin a person, firm or corporation found guilty of violating Section 1.5 of this Act from engaging in the offer or sale of tickets.
(Source: P.A. 99-78, eff. 7-20-15.)".

The motion prevailed.
And the amendment was adopted and ordered printed.
There being no further amendments, the foregoing Amendments Numbered 1 and 2 were ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Simmons, **Senate Bill No. 3751** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Bennett, **Senate Bill No. 2862** having been printed, was taken up, read by title a second time.
Senator Bennett offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 2862

AMENDMENT NO. 1 . Amend Senate Bill 2862 by replacing everything after the enacting clause with the following:

"Section 5. The Board of Higher Education Act is amended by adding Section 9.44 as follows:
(110 ILCS 205/9.44 new)
Sec. 9.44. In-demand job list.
(a) The Board, in collaboration with the Department of Commerce and Economic Opportunity and Department of Employment Security, shall compile, on an annual basis, a list of the most in-demand jobs in this State, along with the starting salary, the median salary, and the typical education level for those jobs.
Upon request, the Department of Commerce and Economic Opportunity and the Department of Employment Security shall furnish data to the Board to fulfill the requirements of this subsection (a).
(b) The Board shall make the list compiled under subsection (a) available to the public on its Internet website.

Section 99. Effective date. This Act takes effect July 1, 2024.".

The motion prevailed.
And the amendment was adopted and ordered printed.
There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

MOTION IN WRITING

I move that the attached list of Senate Bills be placed on the Order of Senate Bills - Third Reading - Agreed Bills so that they can be acted on by one roll call by the Senate: (see attached Agreed Bills List)

Sincerely,
s/Don Harmon
Don Harmon
Senate President
Movant of the Motion
April 10, 2024

Status	Bill	Sponsor
3rd Reading	SB 2628	Koehler, D
3rd Reading	SB 2658	Morrison, J
3rd Reading	SB 2660	Cervantes, J
3rd Reading	SB 2667	Turner, S
3rd Reading	SB 2675	Villivalam, R
3rd Reading	SB 2689	Peters, R
3rd Reading	SB 2702	Villivalam, R
3rd Reading	SB 2703	Castro, C
3rd Reading	SB 2715	Collins, L
3rd Reading	SB 2735	Fine, L
3rd Reading	SB 2767	Joyce , P
3rd Reading	SB 2778	Holmes, L
3rd Reading	SB 2798	Holmes, L
3rd Reading	SB 2819	Aquino, O
3rd Reading	SB 2859	McClure, S
3rd Reading	SB 2861	Morrison, J
3rd Reading	SB 2931	Joyce , P
3rd Reading	SB 2934	Stadelman, S
3rd Reading	SB 2976	Turner, D
3rd Reading	SB 2980	Fine, L
3rd Reading	SB 2987	Loughran Cappel, M
3rd Reading	SB 3077	Koehler, D
3rd Reading	SB 3091	Joyce , P
3rd Reading	SB 3111	Cunningham, B
3rd Reading	SB 3112	Cunningham, B
3rd Reading	SB 3116	Morrison, J
3rd Reading	SB 3132	Halpin, M
3rd Reading	SB 3133	Stadelman, S
3rd Reading	SB 3151	Stadelman, S
3rd Reading	SB 3155	Cunningham, B
3rd Reading	SB 3164	Edly-Allen, M
3rd Reading	SB 3173	DeWitte, D
3rd Reading	SB 3174	Koehler, D
3rd Reading	SB 3202	Toro, N
3rd Reading	SB 3207	Tracy, J
3rd Reading	SB 3209	Villa, K
3rd Reading	SB 3216	Turner, D
3rd Reading	SB 3219	Turner, D
3rd Reading	SB 3232	Feigenholtz , S
3rd Reading	SB 3238	Belt, C
3rd Reading	SB 3239	Belt, C
3rd Reading	SB 3268	Gillespie, A
3rd Reading	SB 3275	Holmes, L
3rd Reading	SB 3277	Bennett, T
3rd Reading	SB 3279	Villa, K
3rd Reading	SB 3284	Halpin, M
3rd Reading	SB 3297	Simmons , M
3rd Reading	SB 3302	Syverson, D
3rd Reading	SB 3348	Martwick, R
3rd Reading	SB 3351	Ellman, L
3rd Reading	SB 3378	Johnson, A
3rd Reading	SB 3389	Villivalam, R
3rd Reading	SB 3402	Rose, C
3rd Reading	SB 3405	Rose, C
3rd Reading	SB 3406	McClure, S

3rd Reading	SB 3407	Joyce , P
3rd Reading	SB 3410	Morrison, J
3rd Reading	SB 3418	Johnson, A
3rd Reading	SB 3422	Belt, C
3rd Reading	SB 3429	Cunningham, B
3rd Reading	SB 3430	Rose, C
3rd Reading	SB 3432	Murphy, L
3rd Reading	SB 3451	Simmons , M
3rd Reading	SB 3452	Martwick, R
3rd Reading	SB 3460	Halpin, M
3rd Reading	SB 3475	Sims, E
3rd Reading	SB 3476	Sims, E
3rd Reading	SB 3481	Feigenholtz , S
3rd Reading	SB 3506	Ellman, L
3rd Reading	SB 3513	Rose, C
3rd Reading	SB 3529	Johnson, A
3rd Reading	SB 3548	Ellman, L
3rd Reading	SB 3550	Feigenholtz , S
3rd Reading	SB 3551	Feigenholtz , S
3rd Reading	SB 3563	Harriss, E
3rd Reading	SB 3566	Harriss, E
3rd Reading	SB 3581	Rose, C
3rd Reading	SB 3601	Edly-Allen, M
3rd Reading	SB 3622	McClure, S
3rd Reading	SB 3648	Peters, R
3rd Reading	SB 3652	Peters, R
3rd Reading	SB 3661	Murphy, L
3rd Reading	SB 3716	Johnson, A
3rd Reading	SB 3740	Cervantes, J
3rd Reading	SB 3741	Morrison, J
3rd Reading	SB 3755	Cunningham, B
3rd Reading	SB 3763	Villa, K
3rd Reading	SB 3768	Glowiak Hilton, S
3rd Reading	SB 3779	Villa, K
3rd Reading	SB 3793	Johnson, A
3rd Reading	SB 3807	Villanueva , C

The motion prevailed.

And the Chair directed that the Order of Third Reading - Agreed Senate Bills List shall be created and printed on the Senate Calendar.

President Harmon stated for the record that the Secretary of the Senate will have vote intention sheets available where Senators can mark whether they wish to vote No, Present, or Not Vote on a particular bill on the list. If you fail to do so, then the roll call for each bill on the Agreed Bill List will reflect the vote you cast on the Agreed Bill List. Each Senator must file their vote intention sheets no later than 10:00 o'clock a.m., on Friday, April 12, 2024, with the Secretary of the Senate.

With leave of the Body, President Harmon moved to adopt the process just described.

There being no objection, the motion was granted.

SENATE BILL RECALLED

On motion of Senator Johnson, **Senate Bill No. 464** was recalled from the order of third reading to the order of second reading.

Senator Johnson offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 464

AMENDMENT NO. 1 . Amend Senate Bill 464 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by changing Section 10-22.36 as follows:

(105 ILCS 5/10-22.36) (from Ch. 122, par. 10-22.36)

Sec. 10-22.36. Buildings for school purposes.

(a) To build or purchase a building for school classroom or instructional purposes upon the approval of a majority of the voters upon the proposition at a referendum held for such purpose or in accordance with Section 17-2.11, 19-3.5, or 19-3.10. The board may initiate such referendum by resolution. The board shall certify the resolution and proposition to the proper election authority for submission in accordance with the general election law.

The questions of building one or more new buildings for school purposes or office facilities, and issuing bonds for the purpose of borrowing money to purchase one or more buildings or sites for such buildings or office sites, to build one or more new buildings for school purposes or office facilities or to make additions and improvements to existing school buildings, may be combined into one or more propositions on the ballot.

Before erecting, or purchasing or remodeling such a building the board shall submit the plans and specifications respecting heating, ventilating, lighting, seating, water supply, toilets and safety against fire to the regional superintendent of schools having supervision and control over the district, for approval in accordance with Section 2-3.12.

Notwithstanding any of the foregoing, no referendum shall be required if the purchase, construction, or building of any such building (1) occurs while the building is being leased by the school district or (2) is paid with (A) funds derived from the sale or disposition of other buildings, land, or structures of the school district or (B) funds received (i) as a grant under the School Construction Law or (ii) as gifts or donations, provided that no funds to purchase, construct, or build such building, other than lease payments, are derived from the district's bonded indebtedness or the tax levy of the district.

Notwithstanding any of the foregoing, no referendum shall be required if the purchase, construction, or building of any such building is paid with funds received from the County School Facility and Resources Occupation Tax Law under Section 5-1006.7 of the Counties Code or from the proceeds of bonds or other debt obligations secured by revenues obtained from that Law.

Notwithstanding any of the foregoing, for Decatur School District Number 61, no referendum shall be required if at least 50% of the cost of the purchase, construction, or building of any such building is paid, or will be paid, with funds received or expected to be received as part of, or otherwise derived from, any COVID-19 pandemic relief program or funding source, including, but not limited to, Elementary and Secondary School Emergency Relief Fund grant proceeds.

(b) Notwithstanding the provisions of subsection (a), for any school district: (i) that is a tier 1 school, (ii) that has a population of less than 50,000 inhabitants, (iii) whose student population is between 5,800 and 6,300, (iv) in which 57% to 62% of students are low-income, and (v) whose average district spending is between $10,000 to $12,000 per pupil, until July 1, 2025, no referendum shall be required if at least 50% of the cost of the purchase, construction, or building of any such building is paid, or will be paid, with funds received or expected to be received as part of, or otherwise derived from, the federal Consolidated Appropriations Act and the federal American Rescue Plan Act of 2021.

For this subsection (b), the school board must hold at least 2 public hearings, the sole purpose of which shall be to discuss the decision to construct a school building and to receive input from the community. The notice of each public hearing that sets forth the time, date, place, and name or description of the school building that the school board is considering constructing must be provided at least 10 days prior to the hearing by publication on the school board's Internet website.

(c) Notwithstanding the provisions of subsections ~~subsection~~ (a) and (b), for Cahokia Community Unit School District 187, no referendum shall be required for the lease of any building for school or educational purposes if the cost is paid or will be paid with funds available at the time of the lease in the district's existing fund balances to fund the lease of a building during the 2023-2024 or 2024-2025 school year.

For the purposes of this subsection (c), the school board must hold at least 2 public hearings, the sole purpose of which shall be to discuss the decision to lease a school building and to receive input from the community. The notice of each public hearing that sets forth the time, date, place, and name or description of the school building that the school board is considering leasing must be provided at least 10 days prior to the hearing by publication on the school district's website.

(d) ~~(c)~~ Notwithstanding the provisions of subsections ~~subsection~~ (a) and (b), for Bloomington School District 87, no referendum shall be required for the purchase, construction, or building of any building for school or education purposes if such cost is paid~~,~~ or will be paid with funds available at the time of contract, purchase, construction, or building in Bloomington School District Number 87's existing fund balances to fund the procurement or requisition of a building or site during the 2022-2023, 2023-2024, or 2024-2025 school year ~~years~~.

For this subsection (d) ~~(c)~~, the school board must hold at least 2 public hearings, the sole purpose of which shall be to discuss the decision to construct a school building and to receive input from the community. The notice of each public hearing that sets forth the time, date, place, and name or description of the school building that the school board is considering constructing must be provided at least 10 days prior to the hearing by publication on the school board's website.

(e) Notwithstanding the provisions of subsection (a), for any school district: (i) that is designated as a Tier 1 or Tier 2 school district under Section 18-8.15, (ii) with at least one school that is located on federal property, (iii) whose overall student population is no more than 4,500 students and no less than 2,500 students, and (iv) that receives a federal Public Schools on Military Installations grant until June 30, 2030, no referendum shall be required if at least 75% of the cost of construction or building of any such building is paid or will be paid with funds received or expected to be received from the Public Schools on Military Installations grant.

For this subsection (e), the school board must hold at least 2 public hearings, the sole purpose of which shall be to discuss the decision to construct a school building and to receive input from those community members in attendance. The notice of each public hearing that sets forth the time, date, place, and description of the school construction project must be provided at least 10 days prior to the hearing by publication on the school district's website.

(Source: P.A. 102-16, eff. 6-17-21; 102-699, eff. 7-1-22; 103-8, eff. 6-7-23; 103-509, eff. 8-4-23; revised 8-31-23.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Johnson, **Senate Bill No. 464** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, “Shall this bill pass?” it was decided in the affirmative by the following vote:

YEAS 58; NAYS None.

The following voted in the affirmative:

Anderson	Feigenholtz	Lewis	Sims
Aquino	Fine	Lightford	Stadelman
Belt	Fowler	Loughran Cappel	Stoller
Bennett	Gillespie	Martwick	Syverson
Bryant	Glowiak Hilton	McClure	Toro
Castro	Halpin	McConchie	Turner, D.
Cervantes	Harris, N.	Morrison	Turner, S.

Chesney	Harriss, E.	Murphy	Ventura
Collins	Hastings	Peters	Villa
Cunningham	Holmes	Plummer	Villanueva
Curran	Hunter	Porfirio	Villivalam
DeWitte	Johnson	Preston	Wilcox
Edly-Allen	Jones, E.	Rezin	Mr. President
Ellman	Joyce	Rose	
Faraci	Koehler	Simmons	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

SENATE BILL RECALLED

On motion of Senator Johnson, **Senate Bill No. 647** was recalled from the order of third reading to the order of second reading.

Floor Amendment No. 1 was held in the Committee on Assignments.

Senator Johnson offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 647

AMENDMENT NO. 2 . Amend Senate Bill 647 by replacing everything after the enacting clause with the following:

"Section 5. The Mental Health and Developmental Disabilities Administrative Act is amended by changing Section 4 as follows:

(20 ILCS 1705/4) (from Ch. 91 1/2, par. 100-4)

Sec. 4. Supervision of facilities and services; quarterly reports.

(a) To exercise executive and administrative supervision over all facilities, divisions, programs and services now existing or hereafter acquired or created under the jurisdiction of the Department, including, but not limited to, the following:

The Alton Mental Health Center, at Alton
The Clyde L. Choate Mental Health and Developmental Center, at Anna
The Chester Mental Health Center, at Chester
The Chicago-Read Mental Health Center, at Chicago
The Elgin Mental Health Center, at Elgin
The Metropolitan Children and Adolescents Center, at Chicago
The Jacksonville Developmental Center, at Jacksonville
The Governor Samuel H. Shapiro Developmental Center, at Kankakee
The Tinley Park Mental Health Center, at Tinley Park
The Warren G. Murray Developmental Center, at Centralia
The Jack Mabley Developmental Center, at Dixon
The Lincoln Developmental Center, at Lincoln
The H. Douglas Singer Mental Health and Developmental Center, at Rockford
The John J. Madden Mental Health Center, at Chicago
The George A. Zeller Mental Health Center, at Peoria
The Elizabeth Parsons Ware Packard ~~Andrew McFarland~~ Mental Health Center, at Springfield
The Adolf Meyer Mental Health Center, at Decatur
The William W. Fox Developmental Center, at Dwight
The Elisabeth Ludeman Developmental Center, at Park Forest
The William A. Howe Developmental Center, at Tinley Park
The Ann M. Kiley Developmental Center, at Waukegan.

(b) Beginning not later than July 1, 1977, the Department shall cause each of the facilities under its jurisdiction which provide in-patient care to comply with standards, rules and regulations of the Department of Public Health prescribed under Section 6.05 of the Hospital Licensing Act.

(b-5) The Department shall cause each of the facilities under its jurisdiction that provide in-patient care to comply with Section 6.25 of the Hospital Licensing Act.

(c) The Department shall issue quarterly electronic reports to the General Assembly on admissions, deflections, discharges, bed closures, staff-resident ratios, census, average length of stay, and any adverse federal certification or accreditation findings, if any, for each State-operated facility for the mentally ill and for persons with developmental disabilities. The quarterly reports shall be issued by January 1, April 1, July 1, and October 1 of each year. The quarterly reports shall include the following information for each facility reflecting the period ending 15 days prior to the submission of the report:

(1) the number of employees;

(2) the number of workplace violence incidents that occurred, including the number that were a direct assault on employees by residents and the number that resulted from staff intervention in a resident altercation or other form of injurious behavior;

(3) the number of employees impacted in each incident; and

(4) the number of employee injuries resulting, descriptions of the nature of the injuries, the number of employee injuries requiring medical treatment at the facility, the number of employee injuries requiring outside medical treatment, and the number of days off work per injury.

(d) The requirements in subsection (c) do not relieve the Department from the recordkeeping requirements of the Occupational Safety and Health Act.

(e) The Department shall:

(1) establish a reasonable procedure for employees to report work-related assaults and injuries. A procedure is not reasonable if it would deter or discourage a reasonable employee from accurately reporting a workplace assault or injury;

(2) inform each employee:

(A) of the procedure for reporting work-related assaults and injuries;

(B) of the right to report work-related assaults and injuries; and

(C) that the Department is prohibited from discharging or in any manner discriminating against employees for reporting work-related assaults and injuries; and

(3) not discharge, discipline, or in any manner discriminate against any employee for reporting a work-related assault or injury.

(Source: P.A. 99-143, eff. 7-27-15; 100-1075, eff. 1-1-19.)

(405 ILCS 95/Act rep.)

Section 10. The Perinatal Mental Health Disorders Prevention and Treatment Act is repealed.

Section 15. The Maternal Mental Health Conditions Education, Early Diagnosis, and Treatment Act is amended by changing Sections 5, 10, and 15 and by adding Sections 9 and 14 as follows:

(405 ILCS 120/5)

Sec. 5. Findings. The General Assembly finds the following:

(1) Maternal depression is a common complication of pregnancy. Maternal mental health disorders encompass a range of mental health conditions, such as depression, anxiety, and postpartum psychosis.

(2) Maternal mental health conditions affect one in 5 women during or after pregnancy, but all women are at risk of suffering from maternal mental health conditions.

(3) Untreated maternal mental health conditions significantly and negatively impact the short-term and long-term health and well-being of affected women and their children.

(4) Untreated maternal mental health conditions cause adverse birth outcomes, impaired maternal-infant bonding, poor infant growth, childhood emotional and behavioral problems, and significant medical and economic costs, estimated to be $22,500 per mother.

(5) Lack of understanding and social stigma of mental health conditions prevent women and families from understanding the signs, symptoms, and risks involved with maternal mental health conditions and disproportionately affect women who lack access to social support networks.

~~(6) It is the intent of the General Assembly to raise awareness of the risk factors, signs, symptoms, and treatment options for maternal mental health conditions among pregnant women and~~

~~their families, the general public, primary health care providers, and health care providers who care for pregnant women, postpartum women, and newborn infants.~~

(Source: P.A. 101-512, eff. 1-1-20.)

(405 ILCS 120/9 new)

Sec. 9. Intent. It is the intent of the General Assembly:

(1) to raise awareness of the risk factors, signs, symptoms, and treatment options for maternal mental health conditions among pregnant women and their families, the general public, primary care providers, and health care providers who care for pregnant women, postpartum women, and newborn infants;

(2) to provide information to women and their families about maternal mental health conditions in order to lower the likelihood that new mothers will continue to suffer from this illness in silence;

(3) to develop procedures for assessing women for maternal mental health conditions during prenatal and postnatal visits to licensed health care professionals; and

(4) to promote early detection of maternal mental health conditions to promote early care and treatment and, when medically appropriate, to avoid medication.

(405 ILCS 120/10)

Sec. 10. Definitions. In this Act:

"Birthing hospital" means a hospital that has an approved obstetric category of service and licensed beds by the Health Facilities and Services Review Board.

"Department" means the Department of Human Services.

"Licensed health care professional" means a physician licensed to practice medicine in all its branches, a licensed advanced practice registered nurse, or a licensed physician assistant.

"Maternal mental health condition" means a mental health condition that occurs during pregnancy or during the postpartum period and includes, but is not limited to, postpartum depression.

"Postnatal care" means an office visit to a licensed health care professional occurring after birth, with reference to the infant or mother.

"Prenatal care" means an office visit to a licensed health care professional for pregnancy-related care occurring before the birth.

"Questionnaire" means an assessment tool administered by a licensed health care professional to detect maternal mental health conditions, such as the Edinburgh Postnatal Depression Scale, the Postpartum Depression Screening Scale, the Beck Depression Inventory, the Patient Health Questionnaire, or other validated assessment methods.

(Source: P.A. 101-512, eff. 1-1-20.)

(405 ILCS 120/14 new)

Sec. 14. Maternal mental health conditions prevention and treatment. The Department of Human Services, in conjunction with the Department of Healthcare and Family Services, the Department of Public Health, and the Department of Financial and Professional Regulation and the Medical Licensing Board, shall work with birthing hospitals and licensed health care professionals in this State to develop policies, procedures, information, and educational materials to meet each of the following requirements concerning maternal mental health conditions:

(1) Licensed health care professionals providing prenatal care to women shall provide education to women and, if possible and with permission, to their families about maternal mental health conditions in accordance with the formal opinions and recommendations of the American College of Obstetricians and Gynecologists.

(2) All birthing hospitals shall provide new mothers, prior to discharge following childbirth, and, if possible, shall provide fathers and other family members with complete information about maternal mental health conditions, including its symptoms, methods of coping with the illness, treatment resources, post-hospital treatment options, and community resources. The Department of Human Services shall provide written information that hospitals may use to satisfy this subsection (2). A birthing hospital shall supplement the materials provided by the Department to include relevant resources to the region or community in which the birthing hospital is located.

(3) Licensed health care professionals providing prenatal care at a prenatal visit shall invite each pregnant patient to complete a questionnaire and shall review the completed questionnaire in accordance with the formal opinions and recommendations of the American College of Obstetricians and Gynecologists. Assessment for maternal mental health conditions must be repeated when, in the

professional judgment of the licensed health care professional, a reasonable possibility exists that the woman suffers from a maternal mental health condition.

(4) Licensed health care professionals providing postnatal care to women shall invite each patient to complete a questionnaire and shall review the completed questionnaire in accordance with the formal opinions and recommendations of the American College of Obstetricians and Gynecologists.

(5) Licensed health care professionals providing pediatric care to an infant shall invite the infant's mother to complete a questionnaire at any well-baby check-up at which the mother is present prior to the infant's first birthday, and shall review the completed questionnaire in accordance with the formal opinions and recommendations of the American College of Obstetricians and Gynecologists, in order to ensure that the health and well-being of the infant are not compromised by an undiagnosed maternal mental health condition in the mother. In order to share results from an assessment with the mother's primary licensed health care professional, consent should be obtained from the mother in accordance with the Illinois Health Insurance Portability and Accountability Act. If the mother is determined to present an acute danger to herself or someone else, consent is not required.

(405 ILCS 120/15)

Sec. 15. Educational materials about maternal mental health conditions. The Department, in conjunction with the Department of Healthcare and Family Services, the Department of Public Health, and the Department of Financial and Professional Regulation and the Medical Licensing Board, shall develop educational materials for health care professionals ~~and patients~~ about maternal mental health conditions. A birthing hospital shall, on or before January 1, 2021, distribute these materials to employees regularly assigned to work with pregnant or postpartum women and incorporate these materials in any employee training that is related to patient care of pregnant or postpartum women. ~~A birthing hospital shall supplement the materials provided by the Department to include relevant resources to the region or community in which the birthing hospital is located.~~ The educational materials developed under this Section shall include all of the following:

~~(1) Information for postpartum women and families about maternal mental health conditions, post-hospital treatment options, and community resources.~~

(1) ~~(2)~~ Information for hospital employees regularly assigned to work in the perinatal unit, including, as appropriate, registered nurses and social workers, about maternal mental health conditions.

(2) ~~(3)~~ Any other service the birthing hospital determines should be included in the program to provide optimal patient care.

(Source: P.A. 101-512, eff. 1-1-20.)

Section 20. The Illinois Controlled Substances Act is amended by changing Sections 100, 102, 201, 203, 205, 207, 208, 209, 210, 211, 216, 312, 313, 318, 320, 410, 411.2, 413, 504, 508, and 509 as follows:

(720 ILCS 570/100) (from Ch. 56 1/2, par. 1100)

Sec. 100. Legislative intent. It is the intent of the General Assembly, recognizing the rising incidence in the misuse ~~abuse~~ of drugs and other dangerous substances and its resultant damage to the peace, health, and welfare of the citizens of Illinois, to provide a system of control over the distribution and use of controlled substances which will more effectively: (1) limit access of such substances only to those persons who have demonstrated an appropriate sense of responsibility and have a lawful and legitimate reason to possess them; (2) deter the unlawful and destructive misuse ~~abuse~~ of controlled substances; (3) penalize most heavily the illicit traffickers or profiteers of controlled substances, who propagate and perpetuate the misuse ~~abuse~~ of such substances with reckless disregard for its consumptive consequences upon every element of society; (4) acknowledge the functional and consequential differences between the various types of controlled substances and provide for correspondingly different degrees of control over each of the various types; (5) unify where feasible and codify the efforts of this State to conform with the regulatory systems of the Federal government; and (6) provide law enforcement authorities with the necessary resources to make this system efficacious.

It is not the intent of the General Assembly to treat the unlawful user or occasional petty distributor of controlled substances with the same severity as the large-scale, unlawful purveyors and traffickers of controlled substances. However, it is recognized that persons who violate this Act with respect to the manufacture, delivery, possession with intent to deliver, or possession of more than one type of controlled substance listed herein may accordingly receive multiple convictions and sentences under each Section of

this Act. To this end, guidelines have been provided, along with a wide latitude in sentencing discretion, to enable the sentencing court to order penalties in each case which are appropriate for the purposes of this Act.

(Source: P.A. 97-334, eff. 1-1-12.)

(720 ILCS 570/102) (from Ch. 56 1/2, par. 1102)

Sec. 102. Definitions. As used in this Act, unless the context otherwise requires:

(a) "Person with a substance use disorder ~~Addict~~" means any person who has a substance use disorder diagnosis defined as a spectrum of persistent and recurring problematic behavior that encompasses 10 separate classes of drugs: alcohol; caffeine; cannabis; hallucinogens; inhalants; opioids; sedatives, hypnotics and anxiolytics; stimulants; and tobacco; and other unknown substances leading to clinically significant impairment or distress ~~habitually uses any drug, chemical, substance or dangerous drug other than alcohol so as to endanger the public morals, health, safety or welfare or who is so far addicted to the use of a dangerous drug or controlled substance other than alcohol as to have lost the power of self control with reference to his or her addiction~~.

(b) "Administer" means the direct application of a controlled substance, whether by injection, inhalation, ingestion, or any other means, to the body of a patient, research subject, or animal (as defined by the Humane Euthanasia in Animal Shelters Act) by:

(1) a practitioner (or, in his or her presence, by his or her authorized agent),

(2) the patient or research subject pursuant to an order, or

(3) a euthanasia technician as defined by the Humane Euthanasia in Animal Shelters Act.

(c) "Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor, dispenser, prescriber, or practitioner. It does not include a common or contract carrier, public warehouseman or employee of the carrier or warehouseman.

(c-1) "Anabolic Steroids" means any drug or hormonal substance, chemically and pharmacologically related to testosterone (other than estrogens, progestins, corticosteroids, and dehydroepiandrosterone), and includes:

(i) 3[beta],17-dihydroxy-5a-androstane,

(ii) 3[alpha],17[beta]-dihydroxy-5a-androstane,

(iii) 5[alpha]-androstan-3,17-dione,

(iv) 1-androstenediol (3[beta], 17[beta]-dihydroxy-5[alpha]-androst-1-ene),

(v) 1-androstenediol (3[alpha], 17[beta]-dihydroxy-5[alpha]-androst-1-ene),

(vi) 4-androstenediol (3[beta],17[beta]-dihydroxy-androst-4-ene),

(vii) 5-androstenediol (3[beta],17[beta]-dihydroxy-androst-5-ene),

(viii) 1-androstenedione ([5alpha]-androst-1-en-3,17-dione),

(ix) 4-androstenedione (androst-4-en-3,17-dione),

(x) 5-androstenedione (androst-5-en-3,17-dione),

(xi) bolasterone (7[alpha],17a-dimethyl-17[beta]-hydroxyandrost-4-en-3-one),

(xii) boldenone (17[beta]-hydroxyandrost-1,4,-diene-3-one),

(xiii) boldione (androsta-1,4-diene-3,17-dione),

(xiv) calusterone (7[beta],17[alpha]-dimethyl-17 [beta]-hydroxyandrost-4-en-3-one),

(xv) clostebol (4-chloro-17[beta]-hydroxyandrost-4-en-3-one),

(xvi) dehydrochloromethyltestosterone (4-chloro-17[beta]-hydroxy-17[alpha]-methyl-androst-1,4-dien-3-one),

(xvii) desoxymethyltestosterone (17[alpha]-methyl-5[alpha] -androst-2-en-17[beta]-ol)(a.k.a., madol),
(xviii) [delta]1-dihydrotestosterone (a.k.a. '1-testosterone') (17[beta]-hydroxy-5[alpha]-androst-1-en-3-one),
(xix) 4-dihydrotestosterone (17[beta]-hydroxy-androstan-3-one),
(xx) drostanolone (17[beta]-hydroxy-2[alpha]-methyl-5[alpha]-androstan-3-one),
(xxi) ethylestrenol (17[alpha]-ethyl-17[beta]-hydroxyestr-4-ene),
(xxii) fluoxymesterone (9-fluoro-17[alpha]-methyl-1[beta],17[beta]-dihydroxyandrost-4-en-3-one),
(xxiii) formebolone (2-formyl-17[alpha]-methyl-11[alpha], 17[beta]-dihydroxyandrost-1,4-dien-3-one),
(xxiv) furazabol (17[alpha]-methyl-17[beta]-hydroxyandrostano[2,3-c]-furazan),
(xxv) 13[beta]-ethyl-17[beta]-hydroxygon-4-en-3-one,
(xxvi) 4-hydroxytestosterone (4,17[beta]-dihydroxy-androst-4-en-3-one),
(xxvii) 4-hydroxy-19-nortestosterone (4,17[beta]-dihydroxy-estr-4-en-3-one),
(xxviii) mestanolone (17[alpha]-methyl-17[beta]-hydroxy-5-androstan-3-one),
(xxix) mesterolone (1amethyl-17[beta]-hydroxy-[5a]-androstan-3-one),
(xxx) methandienone (17[alpha]-methyl-17[beta]-hydroxyandrost-1,4-dien-3-one),
(xxxi) methandriol (17[alpha]-methyl-3[beta],17[beta]-dihydroxyandrost-5-ene),
(xxxii) methenolone (1-methyl-17[beta]-hydroxy-5[alpha]-androst-1-en-3-one),
(xxxiii) 17[alpha]-methyl-3[beta], 17[beta]-dihydroxy-5a-androstane,
(xxxiv) 17[alpha]-methyl-3[alpha],17[beta]-dihydroxy -5a-androstane,
(xxxv) 17[alpha]-methyl-3[beta],17[beta]-dihydroxyandrost-4-ene),
(xxxvi) 17[alpha]-methyl-4-hydroxynandrolone (17[alpha]-methyl-4-hydroxy-17[beta]-hydroxyestr-4-en-3-one),
(xxxvii) methyldienolone (17[alpha]-methyl-17[beta]-hydroxyestra-4,9(10)-dien-3-one),
(xxxviii) methyltrienolone (17[alpha]-methyl-17[beta]-hydroxyestra-4,9-11-trien-3-one),
(xxxix) methyltestosterone (17[alpha]-methyl-17[beta]-hydroxyandrost-4-en-3-one),
(xl) mibolerone (7[alpha],17a-dimethyl-17[beta]-hydroxyestr-4-en-3-one),
(xli) 17[alpha]-methyl-[delta]1-dihydrotestosterone (17b[beta]-hydroxy-17[alpha]-methyl-5[alpha]-androst-1-en-3-one)(a.k.a. '17-[alpha]-methyl-1-testosterone'),
(xlii) nandrolone (17[beta]-hydroxyestr-4-en-3-one),
(xliii) 19-nor-4-androstenediol (3[beta], 17[beta]-dihydroxyestr-4-ene),
(xliv) 19-nor-4-androstenediol (3[alpha], 17[beta]-

dihydroxyestr-4-ene),
(xlv) 19-nor-5-androstenediol (3[beta], 17[beta]-dihydroxyestr-5-ene),
(xlvi) 19-nor-5-androstenediol (3[alpha], 17[beta]-dihydroxyestr-5-ene),
(xlvii) 19-nor-4,9(10)-androstadienedione (estra-4,9(10)-diene-3,17-dione),
(xlviii) 19-nor-4-androstenedione (estr-4-en-3,17-dione),
(xlix) 19-nor-5-androstenedione (estr-5-en-3,17-dione),
(l) norbolethone (13[beta], 17a-diethyl-17[beta]-hydroxygon-4-en-3-one),
(li) norclostebol (4-chloro-17[beta]-hydroxyestr-4-en-3-one),
(lii) norethandrolone (17[alpha]-ethyl-17[beta]-hydroxyestr-4-en-3-one),
(liii) normethandrolone (17[alpha]-methyl-17[beta]-hydroxyestr-4-en-3-one),
(liv) oxandrolone (17[alpha]-methyl-17[beta]-hydroxy-2-oxa-5[alpha]-androstan-3-one),
(lv) oxymesterone (17[alpha]-methyl-4,17[beta]-dihydroxyandrost-4-en-3-one),
(lvi) oxymetholone (17[alpha]-methyl-2-hydroxymethylene-17[beta]-hydroxy-(5[alpha]-androstan-3-one),
(lvii) stanozolol (17[alpha]-methyl-17[beta]-hydroxy-(5[alpha]-androst-2-eno[3,2-c]-pyrazole),
(lviii) stenbolone (17[beta]-hydroxy-2-methyl-(5[alpha]-androst-1-en-3-one),
(lix) testolactone (13-hydroxy-3-oxo-13,17-secoandrosta-1,4-dien-17-oic acid lactone),
(lx) testosterone (17[beta]-hydroxyandrost-4-en-3-one),
(lxi) tetrahydrogestrinone (13[beta], 17[alpha]-diethyl-17[beta]-hydroxygon-4,9,11-trien-3-one),
(lxii) trenbolone (17[beta]-hydroxyestr-4,9,11-trien-3-one).

Any person who is otherwise lawfully in possession of an anabolic steroid, or who otherwise lawfully manufactures, distributes, dispenses, delivers, or possesses with intent to deliver an anabolic steroid, which anabolic steroid is expressly intended for and lawfully allowed to be administered through implants to livestock or other nonhuman species, and which is approved by the Secretary of Health and Human Services for such administration, and which the person intends to administer or have administered through such implants, shall not be considered to be in unauthorized possession or to unlawfully manufacture, distribute, dispense, deliver, or possess with intent to deliver such anabolic steroid for purposes of this Act.

(d) "Administration" means the Drug Enforcement Administration, United States Department of Justice, or its successor agency.

(d-5) "Clinical Director, Prescription Monitoring Program" means a Department of Human Services administrative employee licensed to either prescribe or dispense controlled substances who shall run the clinical aspects of the Department of Human Services Prescription Monitoring Program and its Prescription Information Library.

(d-10) "Compounding" means the preparation and mixing of components, excluding flavorings, (1) as the result of a prescriber's prescription drug order or initiative based on the prescriber-patient-pharmacist relationship in the course of professional practice or (2) for the purpose of, or incident to, research, teaching, or chemical analysis and not for sale or dispensing. "Compounding" includes the preparation of drugs or

devices in anticipation of receiving prescription drug orders based on routine, regularly observed dispensing patterns. Commercially available products may be compounded for dispensing to individual patients only if both of the following conditions are met: (i) the commercial product is not reasonably available from normal distribution channels in a timely manner to meet the patient's needs and (ii) the prescribing practitioner has requested that the drug be compounded.

(e) "Control" means to add a drug or other substance, or immediate precursor, to a Schedule whether by transfer from another Schedule or otherwise.

(f) "Controlled Substance" means (i) a drug, substance, immediate precursor, or synthetic drug in the Schedules of Article II of this Act or (ii) a drug or other substance, or immediate precursor, designated as a controlled substance by the Department through administrative rule. The term does not include distilled spirits, wine, malt beverages, or tobacco, as those terms are defined or used in the Liquor Control Act of 1934 and the Tobacco Products Tax Act of 1995.

(f-5) "Controlled substance analog" means a substance:

(1) the chemical structure of which is substantially similar to the chemical structure of a controlled substance in Schedule I or II;

(2) which has a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance in Schedule I or II; or

(3) with respect to a particular person, which such person represents or intends to have a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance in Schedule I or II.

(g) "Counterfeit substance" means a controlled substance, which, or the container or labeling of which, without authorization bears the trademark, trade name, or other identifying mark, imprint, number or device, or any likeness thereof, of a manufacturer, distributor, or dispenser other than the person who in fact manufactured, distributed, or dispensed the substance.

(h) "Deliver" or "delivery" means the actual, constructive or attempted transfer of possession of a controlled substance, with or without consideration, whether or not there is an agency relationship. "Deliver" or "delivery" does not include the donation of drugs to the extent permitted under the Illinois Drug Reuse Opportunity Program Act.

(i) "Department" means the Illinois Department of Human Services (as successor to the Department of Alcoholism and Substance Abuse) or its successor agency.

(j) (Blank).

(k) "Department of Corrections" means the Department of Corrections of the State of Illinois or its successor agency.

(l) "Department of Financial and Professional Regulation" means the Department of Financial and Professional Regulation of the State of Illinois or its successor agency.

(m) "Depressant" means any drug that (i) causes an overall depression of central nervous system functions, (ii) causes impaired consciousness and awareness, and (iii) can be habit-forming or lead to a substance misuse or substance use disorder ~~abuse problem~~, including, but not limited to, alcohol, cannabis and its active principles and their analogs, benzodiazepines and their analogs, barbiturates and their analogs, opioids (natural and synthetic) and their analogs, and chloral hydrate and similar sedative hypnotics.

(n) (Blank).

(o) "Director" means the Director of the Illinois State Police or his or her designated agents.

(p) "Dispense" means to deliver a controlled substance to an ultimate user or research subject by or pursuant to the lawful order of a prescriber, including the prescribing, administering, packaging, labeling, or compounding necessary to prepare the substance for that delivery.

(q) "Dispenser" means a practitioner who dispenses.

(r) "Distribute" means to deliver, other than by administering or dispensing, a controlled substance.

(s) "Distributor" means a person who distributes.

(t) "Drug" means (1) substances recognized as drugs in the official United States Pharmacopoeia, Official Homeopathic Pharmacopoeia of the United States, or official National Formulary, or any supplement to any of them; (2) substances intended for use in diagnosis, cure, mitigation, treatment, or prevention of disease in man or animals; (3) substances (other than food) intended to affect the structure of any function of the body of man or animals and (4) substances intended for use as a component of any

article specified in clause (1), (2), or (3) of this subsection. It does not include devices or their components, parts, or accessories.

(t-3) "Electronic health record" or "EHR" means an electronic record of health-related information on an individual that is created, gathered, managed, and consulted by authorized health care clinicians and staff.

(t-3.5) "Electronic health record system" or "EHR system" means any computer-based system or combination of federally certified Health IT Modules (defined at 42 CFR 170.102 or its successor) used as a repository for electronic health records and accessed or updated by a prescriber or authorized surrogate in the ordinary course of his or her medical practice. For purposes of connecting to the Prescription Information Library maintained by the Bureau of Pharmacy and Clinical Support Systems or its successor, an EHR system may connect to the Prescription Information Library directly or through all or part of a computer program or system that is a federally certified Health IT Module maintained by a third party and used by the EHR system to secure access to the database.

(t-4) "Emergency medical services personnel" has the meaning ascribed to it in the Emergency Medical Services (EMS) Systems Act.

(t-5) "Euthanasia agency" means an entity certified by the Department of Financial and Professional Regulation for the purpose of animal euthanasia that holds an animal control facility license or animal shelter license under the Animal Welfare Act. A euthanasia agency is authorized to purchase, store, possess, and utilize Schedule II nonnarcotic and Schedule III nonnarcotic drugs for the sole purpose of animal euthanasia.

(t-10) "Euthanasia drugs" means Schedule II or Schedule III substances (nonnarcotic controlled substances) that are used by a euthanasia agency for the purpose of animal euthanasia.

(u) "Good faith" means the prescribing or dispensing of a controlled substance by a practitioner in the regular course of professional treatment to or for any person who is under his or her treatment for a pathology or condition other than that individual's physical or psychological dependence upon ~~or addiction to~~ a controlled substance, except as provided herein: and application of the term to a pharmacist shall mean the dispensing of a controlled substance pursuant to the prescriber's order which in the professional judgment of the pharmacist is lawful. The pharmacist shall be guided by accepted professional standards, including, but not limited to, the following, in making the judgment:

(1) lack of consistency of prescriber-patient relationship,

(2) frequency of prescriptions for same drug by one prescriber for large numbers of patients,

(3) quantities beyond those normally prescribed,

(4) unusual dosages (recognizing that there may be clinical circumstances where more or less than the usual dose may be used legitimately),

(5) unusual geographic distances between patient, pharmacist and prescriber,

(6) consistent prescribing of habit-forming drugs.

(u-0.5) "Hallucinogen" means a drug that causes markedly altered sensory perception leading to hallucinations of any type.

(u-1) "Home infusion services" means services provided by a pharmacy in compounding solutions for direct administration to a patient in a private residence, long-term care facility, or hospice setting by means of parenteral, intravenous, intramuscular, subcutaneous, or intraspinal infusion.

(u-5) "Illinois State Police" means the Illinois State Police or its successor agency.

(v) "Immediate precursor" means a substance:

(1) which the Department has found to be and by rule designated as being a principal compound used, or produced primarily for use, in the manufacture of a controlled substance;

(2) which is an immediate chemical intermediary used or likely to be used in the manufacture of such controlled substance; and

(3) the control of which is necessary to prevent, curtail or limit the manufacture of such controlled substance.

(w) "Instructional activities" means the acts of teaching, educating or instructing by practitioners using controlled substances within educational facilities approved by the State Board of Education or its successor agency.

(x) "Local authorities" means a duly organized State, County or Municipal peace unit or police force.

(y) "Look-alike substance" means a substance, other than a controlled substance which (1) by overall dosage unit appearance, including shape, color, size, markings or lack thereof, taste, consistency, or any other identifying physical characteristic of the substance, would lead a reasonable person to believe that the substance is a controlled substance, or (2) is expressly or impliedly represented to be a controlled substance

or is distributed under circumstances which would lead a reasonable person to believe that the substance is a controlled substance. For the purpose of determining whether the representations made or the circumstances of the distribution would lead a reasonable person to believe the substance to be a controlled substance under this clause (2) of subsection (y), the court or other authority may consider the following factors in addition to any other factor that may be relevant:

(a) statements made by the owner or person in control of the substance concerning its nature, use or effect;

(b) statements made to the buyer or recipient that the substance may be resold for profit;

(c) whether the substance is packaged in a manner normally used for the illegal distribution of controlled substances;

(d) whether the distribution or attempted distribution included an exchange of or demand for money or other property as consideration, and whether the amount of the consideration was substantially greater than the reasonable retail market value of the substance.

Clause (1) of this subsection (y) shall not apply to a noncontrolled substance in its finished dosage form that was initially introduced into commerce prior to the initial introduction into commerce of a controlled substance in its finished dosage form which it may substantially resemble.

Nothing in this subsection (y) prohibits the dispensing or distributing of noncontrolled substances by persons authorized to dispense and distribute controlled substances under this Act, provided that such action would be deemed to be carried out in good faith under subsection (u) if the substances involved were controlled substances.

Nothing in this subsection (y) or in this Act prohibits the manufacture, preparation, propagation, compounding, processing, packaging, advertising or distribution of a drug or drugs by any person registered pursuant to Section 510 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360).

(y-1) "Mail-order pharmacy" means a pharmacy that is located in a state of the United States that delivers, dispenses or distributes, through the United States Postal Service or other common carrier, to Illinois residents, any substance which requires a prescription.

(z) "Manufacture" means the production, preparation, propagation, compounding, conversion or processing of a controlled substance other than methamphetamine, either directly or indirectly, by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling of its container, except that this term does not include:

(1) by an ultimate user, the preparation or compounding of a controlled substance for his or her own use;

(2) by a practitioner, or his or her authorized agent under his or her supervision, the preparation, compounding, packaging, or labeling of a controlled substance:

(a) as an incident to his or her administering or dispensing of a controlled substance in the course of his or her professional practice; or

(b) as an incident to lawful research, teaching or chemical analysis and not for sale; or

(3) the packaging, repackaging, or labeling of drugs only to the extent permitted under the Illinois Drug Reuse Opportunity Program Act.

(z-1) (Blank).

(z-5) "Medication shopping" means the conduct prohibited under subsection (a) of Section 314.5 of this Act.

(z-10) "Mid-level practitioner" means (i) a physician assistant who has been delegated authority to prescribe through a written delegation of authority by a physician licensed to practice medicine in all of its branches, in accordance with Section 7.5 of the Physician Assistant Practice Act of 1987, (ii) an advanced practice registered nurse who has been delegated authority to prescribe through a written delegation of authority by a physician licensed to practice medicine in all of its branches or by a podiatric physician, in accordance with Section 65-40 of the Nurse Practice Act, (iii) an advanced practice registered nurse certified as a nurse practitioner, nurse midwife, or clinical nurse specialist who has been granted authority to prescribe by a hospital affiliate in accordance with Section 65-45 of the Nurse Practice Act, (iv) an animal euthanasia agency, or (v) a prescribing psychologist.

(aa) "Narcotic drug" means any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

(1) opium, opiates, derivatives of opium and opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation; however the term "narcotic drug" does not include the isoquinoline alkaloids of opium;

(2) (blank);

(3) opium poppy and poppy straw;

(4) coca leaves, except coca leaves and extracts of coca leaves from which substantially all of the cocaine and ecgonine, and their isomers, derivatives and salts, have been removed;

(5) cocaine, its salts, optical and geometric isomers, and salts of isomers;

(6) ecgonine, its derivatives, their salts, isomers, and salts of isomers;

(7) any compound, mixture, or preparation which contains any quantity of any of the substances referred to in subparagraphs (1) through (6).

(bb) "Nurse" means a registered nurse licensed under the Nurse Practice Act.

(cc) (Blank).

(dd) "Opiate" means a drug derived from or related to opium ~~any substance having an addiction forming or addiction sustaining liability similar to morphine or being capable of conversion into a drug having addiction forming or addiction sustaining liability~~.

(ee) "Opium poppy" means the plant of the species Papaver somniferum L., except its seeds.

(ee-5) "Oral dosage" means a tablet, capsule, elixir, or solution or other liquid form of medication intended for administration by mouth, but the term does not include a form of medication intended for buccal, sublingual, or transmucosal administration.

(ff) "Parole and Pardon Board" means the Parole and Pardon Board of the State of Illinois or its successor agency.

(gg) "Person" means any individual, corporation, mail-order pharmacy, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other entity.

(hh) "Pharmacist" means any person who holds a license or certificate of registration as a registered pharmacist, a local registered pharmacist or a registered assistant pharmacist under the Pharmacy Practice Act.

(ii) "Pharmacy" means any store, ship or other place in which pharmacy is authorized to be practiced under the Pharmacy Practice Act.

(ii-5) "Pharmacy shopping" means the conduct prohibited under subsection (b) of Section 314.5 of this Act.

(ii-10) "Physician" (except when the context otherwise requires) means a person licensed to practice medicine in all of its branches.

(jj) "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

(kk) "Practitioner" means a physician licensed to practice medicine in all its branches, dentist, optometrist, podiatric physician, veterinarian, scientific investigator, pharmacist, physician assistant, advanced practice registered nurse, licensed practical nurse, registered nurse, emergency medical services personnel, hospital, laboratory, or pharmacy, or other person licensed, registered, or otherwise lawfully permitted by the United States or this State to distribute, dispense, conduct research with respect to, administer or use in teaching or chemical analysis, a controlled substance in the course of professional practice or research.

(ll) "Pre-printed prescription" means a written prescription upon which the designated drug has been indicated prior to the time of issuance; the term does not mean a written prescription that is individually generated by machine or computer in the prescriber's office.

(mm) "Prescriber" means a physician licensed to practice medicine in all its branches, dentist, optometrist, prescribing psychologist licensed under Section 4.2 of the Clinical Psychologist Licensing Act with prescriptive authority delegated under Section 4.3 of the Clinical Psychologist Licensing Act, podiatric physician, or veterinarian who issues a prescription, a physician assistant who issues a prescription for a controlled substance in accordance with Section 303.05, a written delegation, and a written collaborative agreement required under Section 7.5 of the Physician Assistant Practice Act of 1987, an advanced practice registered nurse with prescriptive authority delegated under Section 65-40 of the Nurse Practice Act and in accordance with Section 303.05, a written delegation, and a written collaborative agreement under Section 65-35 of the Nurse Practice Act, an advanced practice registered nurse certified as a nurse practitioner, nurse midwife, or clinical nurse specialist who has been granted authority to prescribe by a hospital affiliate in accordance with Section 65-45 of the Nurse Practice Act and in accordance with Section 303.05, or an

advanced practice registered nurse certified as a nurse practitioner, nurse midwife, or clinical nurse specialist who has full practice authority pursuant to Section 65-43 of the Nurse Practice Act.

(nn) "Prescription" means a written, facsimile, or oral order, or an electronic order that complies with applicable federal requirements, of a physician licensed to practice medicine in all its branches, dentist, podiatric physician or veterinarian for any controlled substance, of an optometrist in accordance with Section 15.1 of the Illinois Optometric Practice Act of 1987, of a prescribing psychologist licensed under Section 4.2 of the Clinical Psychologist Licensing Act with prescriptive authority delegated under Section 4.3 of the Clinical Psychologist Licensing Act, of a physician assistant for a controlled substance in accordance with Section 303.05, a written delegation, and a written collaborative agreement required under Section 7.5 of the Physician Assistant Practice Act of 1987, of an advanced practice registered nurse with prescriptive authority delegated under Section 65-40 of the Nurse Practice Act who issues a prescription for a controlled substance in accordance with Section 303.05, a written delegation, and a written collaborative agreement under Section 65-35 of the Nurse Practice Act, of an advanced practice registered nurse certified as a nurse practitioner, nurse midwife, or clinical nurse specialist who has been granted authority to prescribe by a hospital affiliate in accordance with Section 65-45 of the Nurse Practice Act and in accordance with Section 303.05 when required by law, or of an advanced practice registered nurse certified as a nurse practitioner, nurse midwife, or clinical nurse specialist who has full practice authority pursuant to Section 65-43 of the Nurse Practice Act.

(nn-5) "Prescription Information Library" (PIL) means an electronic library that contains reported controlled substance data.

(nn-10) "Prescription Monitoring Program" (PMP) means the entity that collects, tracks, and stores reported data on controlled substances and select drugs pursuant to Section 316.

(oo) "Production" or "produce" means manufacture, planting, cultivating, growing, or harvesting of a controlled substance other than methamphetamine.

(pp) "Registrant" means every person who is required to register under Section 302 of this Act.

(qq) "Registry number" means the number assigned to each person authorized to handle controlled substances under the laws of the United States and of this State.

(qq-5) "Secretary" means, as the context requires, either the Secretary of the Department or the Secretary of the Department of Financial and Professional Regulation, and the Secretary's designated agents.

(rr) "State" includes the State of Illinois and any state, district, commonwealth, territory, insular possession thereof, and any area subject to the legal authority of the United States of America.

(rr-5) "Stimulant" means any drug that (i) causes an overall excitation of central nervous system functions, (ii) causes impaired consciousness and awareness, and (iii) can be habit-forming or lead to a substance use disorder ~~abuse problem~~, including, but not limited to, amphetamines and their analogs, methylphenidate and its analogs, cocaine, and phencyclidine and its analogs.

(rr-10) "Synthetic drug" includes, but is not limited to, any synthetic cannabinoids or piperazines or any synthetic cathinones as provided for in Schedule I.

(ss) "Ultimate user" means a person who lawfully possesses a controlled substance for his or her own use or for the use of a member of his or her household or for administering to an animal owned by him or her or by a member of his or her household.

(Source: P.A. 101-666, eff. 1-1-22; 102-389, eff. 1-1-22; 102-538, eff. 8-20-21; 102-813, eff. 5-13-22.)

(720 ILCS 570/201) (from Ch. 56 1/2, par. 1201)

Sec. 201. (a) The Department shall carry out the provisions of this Article. The Department or its successor agency may, by administrative rule, add additional substances to or delete or reschedule all controlled substances in the Schedules of Sections 204, 206, 208, 210 and 212 of this Act. In making a determination regarding the addition, deletion, or rescheduling of a substance, the Department shall consider the following:

(1) the actual or relative potential for misuse ~~abuse~~;

(2) the scientific evidence of its pharmacological effect, if known;

(3) the state of current scientific knowledge regarding the substance;

(4) the history and current pattern of misuse ~~abuse~~;

(5) the scope, duration, and significance of misuse ~~abuse~~;

(6) the risk to the public health;

(7) the potential of the substance to produce psychological or physiological dependence or a substance use disorder;

(8) whether the substance is an immediate precursor of a substance already controlled under this Article;

(9) the immediate harmful effect in terms of potentially fatal dosage; and

(10) the long-range effects in terms of permanent health impairment.

(b) (Blank).

(c) (Blank).

(d) If any substance is scheduled, rescheduled, or deleted as a controlled substance under Federal law and notice thereof is given to the Department, the Department shall similarly control the substance under this Act after the expiration of 30 days from publication in the Federal Register of a final order scheduling a substance as a controlled substance or rescheduling or deleting a substance, unless within that 30 day period the Department objects, or a party adversely affected files with the Department substantial written objections objecting to inclusion, rescheduling, or deletion. In that case, the Department shall publish the reasons for objection or the substantial written objections and afford all interested parties an opportunity to be heard. At the conclusion of the hearing, the Department shall publish its decision, by means of a rule, which shall be final unless altered by statute. Upon publication of objections by the Department, similar control under this Act whether by inclusion, rescheduling or deletion is stayed until the Department publishes its ruling.

(e) (Blank).

(f) (Blank).

(g) Authority to control under this Section does not extend to distilled spirits, wine, malt beverages, or tobacco as those terms are defined or used in the Liquor Control Act of 1934 and the Tobacco Products Tax Act of 1995.

(h) Persons registered with the Drug Enforcement Administration to manufacture or distribute controlled substances shall maintain adequate security and provide effective controls and procedures to guard against theft and diversion, but shall not otherwise be required to meet the physical security control requirements (such as cage or vault) for Schedule V controlled substances containing pseudoephedrine or Schedule II controlled substances containing dextromethorphan.

(Source: P.A. 97-334, eff. 1-1-12; 98-756, eff. 7-16-14.)

(720 ILCS 570/203) (from Ch. 56 1/2, par. 1203)

Sec. 203. The Department, taking into consideration the recommendations of its Prescription Monitoring Program Advisory Committee, may issue a rule scheduling a substance in Schedule I if it finds that:

(1) the substance has high potential for misuse ~~abuse~~; and

(2) the substance has no currently accepted medical use in treatment in the United States or lacks accepted safety for use in treatment under medical supervision.

(Source: P.A. 97-334, eff. 1-1-12.)

(720 ILCS 570/205) (from Ch. 56 1/2, par. 1205)

Sec. 205. The Department, taking into consideration the recommendations of its Prescription Monitoring Program Advisory Committee, may issue a rule scheduling a substance in Schedule II if it finds that:

(1) the substance has high potential for misuse ~~abuse~~;

(2) the substance has currently accepted medical use in treatment in the United States, or currently accepted medical use with severe restrictions; and

(3) the misuse ~~abuse~~ of the substance may lead to severe psychological or physiological dependence.

(Source: P.A. 97-334, eff. 1-1-12.)

(720 ILCS 570/207) (from Ch. 56 1/2, par. 1207)

Sec. 207. The Department, taking into consideration the recommendations of its Prescription Monitoring Program Advisory Committee, may issue a rule scheduling a substance in Schedule III if it finds that:

(1) the substance has a potential for misuse ~~abuse~~ less than the substances listed in Schedule I and II;

(2) the substance has currently accepted medical use in treatment in the United States; and

(3) misuse ~~abuse~~ of the substance may lead to moderate or low physiological dependence or high psychological dependence.

(Source: P.A. 97-334, eff. 1-1-12.)

(720 ILCS 570/208) (from Ch. 56 1/2, par. 1208)

Sec. 208. (a) The controlled substances listed in this Section are included in Schedule III.

(b) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers (whether optical position, or geometric), and salts of such isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation;

(1) Those compounds, mixtures, or preparations in dosage unit form containing any stimulant substances listed in Schedule II which compounds, mixtures, or preparations were listed on August 25, 1971, as excepted compounds under Title 21, Code of Federal Regulations, Section 308.32, and any other drug of the quantitative composition shown in that list for those drugs or which is the same except that it contains a lesser quantity of controlled substances;

(2) Benzphetamine;

(3) Chlorphentermine;

(4) Clortermine;

(5) Phendimetrazine.

(c) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a potential for misuse ~~abuse~~ associated with a depressant effect on the central nervous system:

(1) Any compound, mixture, or preparation containing amobarbital, secobarbital, pentobarbital or any salt thereof and one or more other active medicinal ingredients which are not listed in any schedule;

(2) Any suppository dosage form containing amobarbital, secobarbital, pentobarbital or any salt of any of these drugs and approved by the Federal Food and Drug Administration for marketing only as a suppository;

(3) Any substance which contains any quantity of a derivative of barbituric acid, or any salt thereof:

(3.1) Aprobarbital;

(3.2) Butabarbital (secbutabarbital);

(3.3) Butalbital;

(3.4) Butobarbital (butethal);

(4) Chlorhexadol;

(5) Methyprylon;

(6) Sulfondiethylmethane;

(7) Sulfonethylmethane;

(8) Sulfonmethane;

(9) Lysergic acid;

(10) Lysergic acid amide;

(10.1) Tiletamine or zolazepam or both, or any salt of either of them.

Some trade or other names for a tiletamine-zolazepam combination product: Telazol.

Some trade or other names for Tiletamine: 2-(ethylamino)-2-(2-thienyl)-cyclohexanone.

Some trade or other names for zolazepam: 4-(2-fluorophenyl)-6,8-dihydro-1,3,8-trimethylpyrazolo-[3,4-e], [1,4]-diazepin-7(1H)-one, and flupyrazapon.

(11) Any material, compound, mixture or preparation containing not more than 12.5 milligrams of pentazocine or any of its salts, per 325 milligrams of aspirin;

(12) Any material, compound, mixture or preparation containing not more than 12.5 milligrams of pentazocine or any of its salts, per 325 milligrams of acetaminophen;

(13) Any material, compound, mixture or preparation containing not more than 50 milligrams of pentazocine or any of its salts plus naloxone HCl USP 0.5 milligrams, per dosage unit;

(14) Ketamine;

(15) Thiopental.

(d) Nalorphine.

(d.5) Buprenorphine.

(e) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, as set forth below:

(1) not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium;

(2) not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active non-narcotic ingredients in recognized therapeutic amounts;

(3) (blank);

(4) (blank);

(5) not more than 1.8 grams of dihydrocodeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, non-narcotic ingredients in recognized therapeutic amounts;

(6) not more than 300 milligrams of ethylmorphine per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, non-narcotic ingredients in recognized therapeutic amounts;

(7) not more than 500 milligrams of opium per 100 milliliters or per 100 grams, or not more than 25 milligrams per dosage unit, with one or more active, non-narcotic ingredients in recognized therapeutic amounts;

(8) not more than 50 milligrams of morphine per 100 milliliters or per 100 grams with one or more active, non-narcotic ingredients in recognized therapeutic amounts.

(f) Anabolic steroids, except the following anabolic steroids that are exempt:

(1) Androgyn L.A.;

(2) Andro-Estro 90-4;

(3) depANDROGYN;

(4) DEPO-T.E.;

(5) depTESTROGEN;

(6) Duomone;

(7) DURATESTRIN;

(8) DUO-SPAN II;

(9) Estratest;

(10) Estratest H.S.;

(11) PAN ESTRA TEST;

(12) Premarin with Methyltestosterone;

(13) TEST-ESTRO Cypionates;

(14) Testosterone Cyp 50 Estradiol Cyp 2;

(15) Testosterone Cypionate-Estradiol Cypionate injection; and

(16) Testosterone Enanthate-Estradiol Valerate injection.

(g) Hallucinogenic substances.

(1) Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a U.S. Food and Drug Administration approved product. Some other names for dronabinol: (6aR-trans)-6a,7,8,10a-tetrahydro- 6,6,9-trimethyl-3-pentyl-6H-dibenzo (b,d) pyran-1-ol) or (-)-delta-9-(trans)-tetrahydrocannabinol.

(2) (Reserved).

(h) The Department may except by rule any compound, mixture, or preparation containing any stimulant or depressant substance listed in subsection (b) from the application of all or any part of this Act if the compound, mixture, or preparation contains one or more active medicinal ingredients not having a stimulant or depressant effect on the central nervous system, and if the admixtures are included therein in combinations, quantity, proportion, or concentration that vitiate the potential for misuse ~~abuse~~ of the substances which have a stimulant or depressant effect on the central nervous system.

(Source: P.A. 100-368, eff. 1-1-18.)

(720 ILCS 570/209) (from Ch. 56 1/2, par. 1209)

Sec. 209. The Department, taking into consideration the recommendations of its Prescription Monitoring Program Advisory Committee, may issue a rule scheduling a substance in Schedule IV if it finds that:

(1) the substance has a low potential for misuse ~~abuse~~ relative to substances in Schedule III;

(2) the substance has currently accepted medical use in treatment in the United States; and

(3) misuse ~~abuse~~ of the substance may lead to limited physiological dependence or psychological dependence relative to the substances in Schedule III.

(Source: P.A. 97-334, eff. 1-1-12.)

(720 ILCS 570/210) (from Ch. 56 1/2, par. 1210)

Sec. 210. (a) The controlled substances listed in this Section are included in Schedule IV.

(b) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, as set forth below:

(1) Not more than 1 milligram of difenoxin (DEA Drug Code No. 9618) and not less than 25 micrograms of atropine sulfate per dosage unit.

(2) Dextropropoxyphene (Alpha-(+)-4-dimethylamino-1, 2-diphenyl-3-methyl-2-propionoxybutane).

(c) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a potential for misuse ~~abuse~~ associated with a depressant effect on the central nervous system:

(1) Alprazolam;
(2) Barbital;
(2.1) Bromazepam;
(2.2) Camazepam;
(2.3) Carisoprodol;
(3) Chloral Betaine;
(4) Chloral Hydrate;
(5) Chlordiazepoxide;
(5.1) Clobazam;
(6) Clonazepam;
(7) Clorazepate;
(7.1) Clotiazepam;
(7.2) Cloxazolam;
(7.3) Delorazepam;
(8) Diazepam;
(8.05) Dichloralphenazone;
(8.1) Estazolam;
(9) Ethchlorvynol;
(10) Ethinamate;
(10.1) Ethyl loflazepate;
(10.2) Fludiazepam;
(10.3) Flunitrazepam;
(11) Flurazepam;
(11.1) Fospropofol;
(12) Halazepam;
(12.1) Haloxazolam;
(12.2) Ketazolam;
(12.3) Loprazolam;
(13) Lorazepam;
(13.1) Lormetazepam;
(14) Mebutamate;
(14.1) Medazepam;
(15) Meprobamate;
(16) Methohexital;
(17) Methylphenobarbital (Mephobarbital);
(17.1) Midazolam;
(17.2) Nimetazepam;
(17.3) Nitrazepam;
(17.4) Nordiazepam;
(18) Oxazepam;
(18.1) Oxazolam;

(19) Paraldehyde;
(20) Petrichloral;
(21) Phenobarbital;
(21.1) Pinazepam;
(22) Prazepam;
(22.1) Quazepam;
(23) Temazepam;
(23.1) Tetrazepam;
(23.2) Tramadol;
(24) Triazolam;
(24.5) Zaleplon;
(25) Zolpidem;
(26) Zopiclone.

(d) Any material, compound, mixture, or preparation which contains any quantity of the following substances, including its salts, isomers (whether optical, position, or geometric), and salts of such isomers, whenever the existence of such salts, isomers and salts of isomers is possible:

(1) Fenfluramine.

(e) Unless specifically excepted or unless listed in another schedule any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers (whether optical, position or geometric), and salts of such isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) Cathine ((+)-norpseudoephedrine);
(1.1) Diethylpropion;
(1.2) Fencamfamin;
(1.3) Fenproporex;
(2) Mazindol;
(2.1) Mefenorex;
(3) Phentermine;
(4) Pemoline (including organometallic complexes and chelates thereof);
(5) Pipradrol;
(6) SPA ((-)-1-dimethylamino-1, 2-diphenylethane);
(7) Modafinil;
(8) Sibutramine.

(f) Other Substances. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substance, including its salts:

(1) Butorphanol (including its optical isomers).

(g) The Department may except by rule any compound, mixture, or preparation containing any depressant substance listed in subsection (b) from the application of all or any part of this Act if the compound, mixture, or preparation contains one or more active medicinal ingredients not having a depressant effect on the central nervous system, and if the admixtures are included therein in combinations, quantity, proportion, or concentration that vitiate the potential for misuse ~~abuse~~ of the substances which have a depressant effect on the central nervous system.

(h) Except as otherwise provided in Section 216, any material, compound, mixture, or preparation that contains any quantity of the following substance having a stimulant effect on the central nervous system, including its salts, enantiomers (optical isomers) and salts of enantiomers (optical isomers):

(1) Ephedrine, its salts, optical isomers and salts of optical isomers.

(Source: P.A. 97-334, eff. 1-1-12.)

(720 ILCS 570/211) (from Ch. 56 1/2, par. 1211)

Sec. 211. The Department, taking into consideration the recommendations of its Prescription Monitoring Program Advisory Committee, may issue a rule scheduling a substance in Schedule V if it finds that:

(1) the substance has low potential for misuse ~~abuse~~ relative to the controlled substances listed in Schedule IV;

(2) the substance has currently accepted medical use in treatment in the United States; and

(3) misuse ~~abuse~~ of the substance may lead to limited physiological dependence or psychological dependence relative to the substances in Schedule IV, or the substance is a targeted methamphetamine precursor as defined in the Methamphetamine Precursor Control Act.

(Source: P.A. 97-334, eff. 1-1-12.)

(720 ILCS 570/216)

Sec. 216. Ephedrine.

(a) The following drug products containing ephedrine, its salts, optical isomers and salts of optical isomers shall be exempt from the application of Sections 312 and 313 of this Act if they: (i) may lawfully be sold over-the-counter without a prescription under the Federal Food, Drug, and Cosmetic Act; (ii) are labeled and marketed in a manner consistent with Section 341.76 of Title 21 of the Code of Federal Regulations; (iii) are manufactured and distributed for legitimate medicinal use in a manner that reduces or eliminates the likelihood of abuse; and (iv) are not marketed, advertised, or labeled for the indications of stimulation, mental alertness, weight loss, muscle enhancement, appetite control, or energy:

(1) Solid oral dosage forms, including soft gelatin caplets, which are formulated pursuant to 21 CFR 341 or its successor, and packaged in blister packs of not more than 2 tablets per blister.

(2) Anorectal preparations containing not more than 5% ephedrine.

(b) The marketing, advertising, or labeling of any product containing ephedrine, a salt of ephedrine, an optical isomer of ephedrine, or a salt of an optical isomer of ephedrine, for the indications of stimulation, mental alertness, weight loss, appetite control, or energy, is prohibited. In determining compliance with this requirement the Department may consider the following factors:

(1) The packaging of the drug product;

(2) The name and labeling of the product;

(3) The manner of distribution, advertising, and promotion of the product;

(4) Verbal representations made concerning the product;

(5) The duration, scope, and significance of ~~abuse or~~ misuse of the particular product.

(c) A violation of this Section is a Class A misdemeanor. A second or subsequent violation of this Section is a Class 4 felony.

(d) This Section does not apply to dietary supplements, herbs, or other natural products, including concentrates or extracts, which:

(1) are not otherwise prohibited by law; and

(2) may contain naturally occurring ephedrine, ephedrine alkaloids, or pseudoephedrine, or their salts, isomers, or salts of isomers, or a combination of these substances, that:

(i) are contained in a matrix of organic material; and

(ii) do not exceed 15% of the total weight of the natural product.

(e) Nothing in this Section limits the scope or terms of the Methamphetamine Precursor Control Act.

(Source: P.A. 94-694, eff. 1-15-06.)

(720 ILCS 570/312) (from Ch. 56 1/2, par. 1312)

Sec. 312. Requirements for dispensing controlled substances.

(a) A practitioner, in good faith, may dispense a Schedule II controlled substance, which is a narcotic drug listed in Section 206 of this Act; or which contains any quantity of amphetamine or methamphetamine, their salts, optical isomers or salts of optical isomers; phenmetrazine and its salts; or pentazocine; and Schedule III, IV, or V controlled substances to any person upon a written or electronic prescription of any prescriber, dated and signed by the person prescribing (or electronically validated in compliance with Section 311.5) on the day when issued and bearing the name and address of the patient for whom, or the owner of the animal for which the controlled substance is dispensed, and the full name, address and registry number under the laws of the United States relating to controlled substances of the prescriber, if he or she is required by those laws to be registered. If the prescription is for an animal it shall state the species of animal for which it is ordered. The practitioner filling the prescription shall, unless otherwise permitted, write the date of filling and his or her own signature on the face of the written prescription or, alternatively, shall indicate such filling using a unique identifier as defined in paragraph (v) of Section 3 of the Pharmacy Practice Act. The written prescription shall be retained on file by the practitioner who filled it or pharmacy in which the prescription was filled for a period of 2 years, so as to be readily accessible for inspection or removal by any officer or employee engaged in the enforcement of this Act. Whenever the practitioner's or pharmacy's copy of any prescription is removed by an officer or employee engaged in the enforcement of this Act, for the purpose of investigation or as evidence, such officer or employee shall give to the practitioner or pharmacy a receipt in lieu thereof. If the specific prescription is machine or computer

generated and printed at the prescriber's office, the date does not need to be handwritten. A prescription for a Schedule II controlled substance shall not be issued for more than a 30 day supply, except as provided in subsection (a-5), and shall be valid for up to 90 days after the date of issuance. A written prescription for Schedule III, IV or V controlled substances shall not be filled or refilled more than 6 months after the date thereof or refilled more than 5 times unless renewed, in writing, by the prescriber. A pharmacy shall maintain a policy regarding the type of identification necessary, if any, to receive a prescription in accordance with State and federal law. The pharmacy must post such information where prescriptions are filled.

(a-5) Physicians may issue multiple prescriptions (3 sequential 30-day supplies) for the same Schedule II controlled substance, authorizing up to a 90-day supply. Before authorizing a 90-day supply of a Schedule II controlled substance, the physician must meet the following conditions:

(1) Each separate prescription must be issued for a legitimate medical purpose by an individual physician acting in the usual course of professional practice.

(2) The individual physician must provide written instructions on each prescription (other than the first prescription, if the prescribing physician intends for the prescription to be filled immediately) indicating the earliest date on which a pharmacy may fill that prescription.

(3) The physician shall document in the medical record of a patient the medical necessity for the amount and duration of the 3 sequential 30-day prescriptions for Schedule II narcotics.

(a-10) Prescribers who issue a prescription for an opioid shall inform the patient that opioids are addictive and that opioid antagonists are available by prescription or from a pharmacy.

(b) In lieu of a written prescription required by this Section, a pharmacist, in good faith, may dispense Schedule III, IV, or V substances to any person either upon receiving a facsimile of a written, signed prescription transmitted by the prescriber or the prescriber's agent or upon a lawful oral prescription of a prescriber which oral prescription shall be reduced promptly to writing by the pharmacist and such written memorandum thereof shall be dated on the day when such oral prescription is received by the pharmacist and shall bear the full name and address of the ultimate user for whom, or of the owner of the animal for which the controlled substance is dispensed, and the full name, address, and registry number under the law of the United States relating to controlled substances of the prescriber prescribing if he or she is required by those laws to be so registered, and the pharmacist filling such oral prescription shall write the date of filling and his or her own signature on the face of such written memorandum thereof. The facsimile copy of the prescription or written memorandum of the oral prescription shall be retained on file by the proprietor of the pharmacy in which it is filled for a period of not less than two years, so as to be readily accessible for inspection by any officer or employee engaged in the enforcement of this Act in the same manner as a written prescription. The facsimile copy of the prescription or oral prescription and the written memorandum thereof shall not be filled or refilled more than 6 months after the date thereof or be refilled more than 5 times, unless renewed, in writing, by the prescriber.

(c) Except for any non-prescription targeted methamphetamine precursor regulated by the Methamphetamine Precursor Control Act, a controlled substance included in Schedule V shall not be distributed or dispensed other than for a medical purpose and not for the purpose of evading this Act, and then:

(1) only personally by a person registered to dispense a Schedule V controlled substance and then only to his or her patients, or

(2) only personally by a pharmacist, and then only to a person over 21 years of age who has identified himself or herself to the pharmacist by means of 2 positive documents of identification.

The dispenser shall record the name and address of the purchaser, the name and quantity of the product, the date and time of the sale, and the dispenser's signature.

No person shall purchase or be dispensed more than 120 milliliters or more than 120 grams of any Schedule V substance which contains codeine, dihydrocodeine, or any salts thereof, or ethylmorphine, or any salts thereof, in any 96-hour period. The purchaser shall sign a form, approved by the Department of Financial and Professional Regulation, attesting that he or she has not purchased any Schedule V controlled substances within the immediately preceding 96 hours.

All records of purchases and sales shall be maintained for not less than 2 years.

No person shall obtain or attempt to obtain within any consecutive 96-hour period any Schedule V substances of more than 120 milliliters or more than 120 grams containing codeine, dihydrocodeine or any of its salts, or ethylmorphine or any of its salts. Any person obtaining any such preparations or combination of preparations in excess of this limitation shall be in unlawful possession of such controlled substance.

A person qualified to dispense controlled substances under this Act and registered thereunder shall at no time maintain or keep in stock a quantity of Schedule V controlled substances in excess of 4.5 liters for each substance; a pharmacy shall at no time maintain or keep in stock a quantity of Schedule V controlled substances as defined in excess of 4.5 liters for each substance, plus the additional quantity of controlled substances necessary to fill the largest number of prescription orders filled by that pharmacy for such controlled substances in any one week in the previous year. These limitations shall not apply to Schedule V controlled substances which Federal law prohibits from being dispensed without a prescription.

No person shall distribute or dispense butyl nitrite for inhalation or other introduction into the human body for euphoric or physical effect.

(d) Every practitioner shall keep a record or log of controlled substances received by him or her and a record of all such controlled substances administered, dispensed or professionally used by him or her otherwise than by prescription. It shall, however, be sufficient compliance with this paragraph if any practitioner utilizing controlled substances listed in Schedules III, IV and V shall keep a record of all those substances dispensed and distributed by him or her other than those controlled substances which are administered by the direct application of a controlled substance, whether by injection, inhalation, ingestion, or any other means to the body of a patient or research subject. A practitioner who dispenses, other than by administering, a controlled substance in Schedule II, which is a narcotic drug listed in Section 206 of this Act, or which contains any quantity of amphetamine or methamphetamine, their salts, optical isomers or salts of optical isomers, pentazocine, or methaqualone shall do so only upon the issuance of a written prescription blank or electronic prescription issued by a prescriber.

(e) Whenever a manufacturer distributes a controlled substance in a package prepared by him or her, and whenever a wholesale distributor distributes a controlled substance in a package prepared by him or her or the manufacturer, he or she shall securely affix to each package in which that substance is contained a label showing in legible English the name and address of the manufacturer, the distributor and the quantity, kind and form of controlled substance contained therein. No person except a pharmacist and only for the purposes of filling a prescription under this Act, shall alter, deface or remove any label so affixed.

(f) Whenever a practitioner dispenses any controlled substance except a non-prescription Schedule V product or a non-prescription targeted methamphetamine precursor regulated by the Methamphetamine Precursor Control Act, he or she shall affix to the container in which such substance is sold or dispensed, a label indicating the date of initial filling, the practitioner's name and address, the name of the patient, the name of the prescriber, the directions for use and cautionary statements, if any, contained in any prescription or required by law, the proprietary name or names or the established name of the controlled substance, and the dosage and quantity, except as otherwise authorized by regulation by the Department of Financial and Professional Regulation. No person shall alter, deface or remove any label so affixed as long as the specific medication remains in the container.

(g) A person to whom or for whose use any controlled substance has been prescribed or dispensed by a practitioner, or other persons authorized under this Act, and the owner of any animal for which such substance has been prescribed or dispensed by a veterinarian, may lawfully possess such substance only in the container in which it was delivered to him or her by the person dispensing such substance.

(h) The responsibility for the proper prescribing or dispensing of controlled substances that are under the prescriber's direct control is upon the prescriber. The responsibility for the proper filling of a prescription for controlled substance drugs rests with the pharmacist. An order purporting to be a prescription issued to any individual, which is not in the regular course of professional treatment nor part of an authorized methadone maintenance program, nor in legitimate and authorized research instituted by any accredited hospital, educational institution, charitable foundation, or federal, state or local governmental agency, and which is intended to provide that individual with controlled substances sufficient to maintain that individual's or any other individual's ~~physical or psychological addiction~~, habitual or customary use, dependence, or diversion of that controlled substance is not a prescription within the meaning and intent of this Act; and the person issuing it, shall be subject to the penalties provided for violations of the law relating to controlled substances.

(i) A prescriber shall not pre-print or cause to be pre-printed a prescription for any controlled substance; nor shall any practitioner issue, fill or cause to be issued or filled, a pre-printed prescription for any controlled substance.

(i-5) A prescriber may use a machine or electronic device to individually generate a printed prescription, but the prescriber is still required to affix his or her manual signature.

(j) No person shall manufacture, dispense, deliver, possess with intent to deliver, prescribe, or administer or cause to be administered under his or her direction any anabolic steroid, for any use in humans other than the treatment of disease in accordance with the order of a physician licensed to practice medicine in all its branches for a valid medical purpose in the course of professional practice. The use of anabolic steroids for the purpose of hormonal manipulation that is intended to increase muscle mass, strength or weight without a medical necessity to do so, or for the intended purpose of improving physical appearance or performance in any form of exercise, sport, or game, is not a valid medical purpose or in the course of professional practice.

(k) Controlled substances may be mailed if all of the following conditions are met:

(1) The controlled substances are not outwardly dangerous and are not likely, of their own force, to cause injury to a person's life or health.

(2) The inner container of a parcel containing controlled substances must be marked and sealed as required under this Act and its rules, and be placed in a plain outer container or securely wrapped in plain paper.

(3) If the controlled substances consist of prescription medicines, the inner container must be labeled to show the name and address of the pharmacy or practitioner dispensing the prescription.

(4) The outside wrapper or container must be free of markings that would indicate the nature of the contents.

(l) Notwithstanding any other provision of this Act to the contrary, emergency medical services personnel may administer Schedule II, III, IV, or V controlled substances to a person in the scope of their employment without a written, electronic, or oral prescription of a prescriber.

(Source: P.A. 102-1040, eff. 1-1-23; 103-154, eff. 6-30-23.)

(720 ILCS 570/313) (from Ch. 56 1/2, par. 1313)

Sec. 313. (a) Controlled substances which are lawfully administered in hospitals or institutions licensed under the Hospital Licensing Act shall be exempt from the requirements of Sections 312, 315.6, and 316, except that the prescription for the controlled substance shall be in writing on the patient's record, signed by the prescriber, and dated, and shall state the name and quantity of controlled substances ordered and the quantity actually administered. The records of such prescriptions shall be maintained for two years and shall be available for inspection by officers and employees of the Illinois State Police and the Department of Financial and Professional Regulation.

The exemption under this subsection (a) does not apply to a prescription (including an outpatient prescription from an emergency department or outpatient clinic) for more than a 72-hour supply of a discharge medication to be consumed outside of the hospital or institution.

(b) Controlled substances that can lawfully be administered or dispensed directly to a patient in a long-term care facility licensed by the Department of Public Health as a skilled nursing facility, intermediate care facility, or long-term care facility for residents under 22 years of age, are exempt from the requirements of Section 312 except that a prescription for a Schedule II controlled substance must be either a prescription signed by the prescriber or a prescription transmitted by the prescriber or prescriber's agent to the dispensing pharmacy by facsimile. The facsimile serves as the original prescription and must be maintained for 2 years from the date of issue in the same manner as a written prescription signed by the prescriber.

(c) A prescription that is generated for a Schedule II controlled substance to be compounded for direct administration to a patient in a private residence, long-term care facility, or hospice program may be transmitted by facsimile by the prescriber or the prescriber's agent to the pharmacy providing the home infusion services. The facsimile serves as the original prescription for purposes of this paragraph (c) and it shall be maintained in the same manner as the original prescription.

(c-1) A prescription generated for a Schedule II controlled substance for a patient residing in a hospice certified by Medicare under Title XVIII of the Social Security Act or licensed by the State may be transmitted by the practitioner or the practitioner's agent to the dispensing pharmacy by facsimile or electronically as provided in Section 311.5. The practitioner or practitioner's agent must note on the prescription that the patient is a hospice patient. The facsimile or electronic record serves as the original prescription for purposes of this paragraph (c-1) and it shall be maintained in the same manner as the original prescription.

(d) Controlled substances which are lawfully administered and/or dispensed in substance use disorder ~~drug abuse~~ treatment programs licensed by the Department shall be exempt from the requirements of Sections 312 and 316, except that the prescription for such controlled substances shall be issued and authenticated on official prescription logs prepared and maintained in accordance with 77 Ill. Adm. Code

2060: Alcoholism and Substance Abuse Treatment and Intervention Licenses, and in compliance with other applicable State and federal laws. The Department-licensed drug treatment program shall report applicable prescriptions via electronic record keeping software approved by the Department. This software must be compatible with the specifications of the Department. Substance use disorder ~~Drug abuse~~ treatment programs shall report to the Department methadone prescriptions or medications dispensed through the use of Department-approved File Transfer Protocols (FTPs). Methadone prescription records must be maintained in accordance with the applicable requirements as set forth by the Department in accordance with 77 Ill. Adm. Code 2060: Alcoholism and Substance Abuse Treatment and Intervention Licenses, and in compliance with other applicable State and federal laws.

(e) Nothing in this Act shall be construed to limit the authority of a hospital pursuant to Section 65-45 of the Nurse Practice Act to grant hospital clinical privileges to an individual advanced practice registered nurse to select, order or administer medications, including controlled substances to provide services within a hospital. Nothing in this Act shall be construed to limit the authority of an ambulatory surgical treatment center pursuant to Section 65-45 of the Nurse Practice Act to grant ambulatory surgical treatment center clinical privileges to an individual advanced practice registered nurse to select, order or administer medications, including controlled substances to provide services within an ambulatory surgical treatment center.

(Source: P.A. 102-608, eff. 8-27-21.)

(720 ILCS 570/318)

Sec. 318. Confidentiality of information.

(a) Information received by the central repository under Section 316 and former Section 321 is confidential.

(a-1) To ensure the federal Health Insurance Portability and Accountability Act and confidentiality of substance use disorder patient records rules that mandate the privacy of an individual's prescription data reported to the Prescription Monitoring Program received from a retail dispenser under this Act, and in order to execute the duties and responsibilities under Section 316 of this Act and rules for disclosure under this Section, the Clinical Director of the Prescription Monitoring Program or his or her designee shall maintain direct access to all Prescription Monitoring Program data. Any request for Prescription Monitoring Program data from any other department or agency must be approved in writing by the Clinical Director of the Prescription Monitoring Program or his or her designee unless otherwise permitted by law. Prescription Monitoring Program data shall only be disclosed as permitted by law.

(a-2) As an active step to address the current opioid crisis in this State and to prevent and reduce substance use disorders ~~addiction~~ resulting from a sports injury or an accident, the Prescription Monitoring Program and the Department of Public Health shall coordinate a continuous review of the Prescription Monitoring Program and the Department of Public Health data to determine if a patient may be at risk of opioid use disorder ~~addiction~~. Each patient discharged from any medical facility with an International Classification of Disease, 10th edition code related to a sport or accident injury shall be subject to the data review. If the discharged patient is dispensed a controlled substance, the Prescription Monitoring Program shall alert the patient's prescriber as to the ~~addiction~~ risk of developing a substance use disorder and urge each to follow the Centers for Disease Control and Prevention guidelines or his or her respective profession's treatment guidelines related to the patient's injury. This subsection (a-2), other than this sentence, is inoperative on or after January 1, 2024.

(b) The Department must carry out a program to protect the confidentiality of the information described in subsection (a). The Department may disclose the information to another person only under subsection (c), (d), or (f) and may charge a fee not to exceed the actual cost of furnishing the information.

(c) The Department may disclose confidential information described in subsection (a) to any person who is engaged in receiving, processing, or storing the information.

(d) The Department may release confidential information described in subsection (a) to the following persons:

(1) A governing body that licenses practitioners and is engaged in an investigation, an adjudication, or a prosecution of a violation under any State or federal law that involves a controlled substance.

(2) An investigator for the Consumer Protection Division of the office of the Attorney General, a prosecuting attorney, the Attorney General, a deputy Attorney General, or an investigator from the office of the Attorney General, who is engaged in any of the following activities involving controlled substances:

(A) an investigation;

(B) an adjudication; or

(C) a prosecution of a violation under any State or federal law that involves a controlled substance.

(3) A law enforcement officer who is:

(A) authorized by the Illinois State Police or the office of a county sheriff or State's Attorney or municipal police department of Illinois to receive information of the type requested for the purpose of investigations involving controlled substances; or

(B) approved by the Department to receive information of the type requested for the purpose of investigations involving controlled substances; and

(C) engaged in the investigation or prosecution of a violation under any State or federal law that involves a controlled substance.

(4) Select representatives of the Department of Children and Family Services through the indirect online request process. Access shall be established by an intergovernmental agreement between the Department of Children and Family Services and the Department of Human Services.

(e) Before the Department releases confidential information under subsection (d), the applicant must demonstrate in writing to the Department that:

(1) the applicant has reason to believe that a violation under any State or federal law that involves a controlled substance has occurred; and

(2) the requested information is reasonably related to the investigation, adjudication, or prosecution of the violation described in subdivision (1).

(f) The Department may receive and release prescription record information under Section 316 and former Section 321 to:

(1) a governing body that licenses practitioners;

(2) an investigator for the Consumer Protection Division of the office of the Attorney General, a prosecuting attorney, the Attorney General, a deputy Attorney General, or an investigator from the office of the Attorney General;

(3) any Illinois law enforcement officer who is:

(A) authorized to receive the type of information released; and

(B) approved by the Department to receive the type of information released; or

(4) prescription monitoring entities in other states per the provisions outlined in subsection (g) and (h) below;

confidential prescription record information collected under Sections 316 and 321 (now repealed) that identifies vendors or practitioners, or both, who are prescribing or dispensing large quantities of Schedule II, III, IV, or V controlled substances outside the scope of their practice, pharmacy, or business, as determined by the Advisory Committee created by Section 320.

(f-5) In accordance with a confidentiality agreement entered into with the Department, a medical director, or a public health administrator and their delegated analysts, of a county or municipal health department or the Department of Public Health shall have access to data from the system for any of the following purposes:

(1) developing education programs or public health interventions relating to prescribing trends and controlled substance use; or

(2) conducting analyses and publish reports on prescribing trends in their respective jurisdictions.

At a minimum, the confidentiality agreement entered into with the Department shall:

(i) prohibit analysis and reports produced under subparagraph (2) from including information that identifies, by name, license, or address, any practitioner, dispenser, ultimate user, or other person administering a controlled substance; and

(ii) specify the appropriate technical and physical safeguards that the county or municipal health department must implement to ensure the privacy and security of data obtained from the system. The data from the system shall not be admissible as evidence, nor discoverable in any action of any kind in any court or before any tribunal, board, agency, or person. The disclosure of any such information or data, whether proper or improper, shall not waive or have any effect upon its confidentiality, non-discoverability, or non-admissibility.

(g) The information described in subsection (f) may not be released until it has been reviewed by an employee of the Department who is licensed as a prescriber or a dispenser and until that employee has

certified that further investigation is warranted. However, failure to comply with this subsection (g) does not invalidate the use of any evidence that is otherwise admissible in a proceeding described in subsection (h).

(h) An investigator or a law enforcement officer receiving confidential information under subsection (c), (d), or (f) may disclose the information to a law enforcement officer or an attorney for the office of the Attorney General for use as evidence in the following:

(1) A proceeding under any State or federal law that involves a controlled substance.

(2) A criminal proceeding or a proceeding in juvenile court that involves a controlled substance.

(i) The Department may compile statistical reports from the information described in subsection (a). The reports must not include information that identifies, by name, license or address, any practitioner, dispenser, ultimate user, or other person administering a controlled substance.

(j) Based upon federal, initial and maintenance funding, a prescriber and dispenser inquiry system shall be developed to assist the health care community in its goal of effective clinical practice and to prevent patients from diverting or abusing medications.

(1) An inquirer shall have read-only access to a stand-alone database which shall contain records for the previous 12 months.

(2) Dispensers may, upon positive and secure identification, make an inquiry on a patient or customer solely for a medical purpose as delineated within the federal HIPAA law.

(3) The Department shall provide a one-to-one secure link and encrypted software necessary to establish the link between an inquirer and the Department. Technical assistance shall also be provided.

(4) Written inquiries are acceptable but must include the fee and the requester's Drug Enforcement Administration license number and submitted upon the requester's business stationery.

(5) As directed by the Prescription Monitoring Program Advisory Committee and the Clinical Director for the Prescription Monitoring Program, aggregate data that does not indicate any prescriber, practitioner, dispenser, or patient may be used for clinical studies.

(6) Tracking analysis shall be established and used per administrative rule.

(7) Nothing in this Act or Illinois law shall be construed to require a prescriber or dispenser to make use of this inquiry system.

(8) If there is an adverse outcome because of a prescriber or dispenser making an inquiry, which is initiated in good faith, the prescriber or dispenser shall be held harmless from any civil liability.

(k) The Department shall establish, by rule, the process by which to evaluate possible erroneous association of prescriptions to any licensed prescriber or end user of the Illinois Prescription Information Library (PIL).

(l) The Prescription Monitoring Program Advisory Committee is authorized to evaluate the need for and method of establishing a patient specific identifier.

(m) Patients who identify prescriptions attributed to them that were not obtained by them shall be given access to their personal prescription history pursuant to the validation process as set forth by administrative rule.

(n) The Prescription Monitoring Program is authorized to develop operational push reports to entities with compatible electronic medical records. The process shall be covered within administrative rule established by the Department.

(o) Hospital emergency departments and freestanding healthcare facilities providing healthcare to walk-in patients may obtain, for the purpose of improving patient care, a unique identifier for each shift to utilize the PIL system.

(p) The Prescription Monitoring Program shall automatically create a log-in to the inquiry system when a prescriber or dispenser obtains or renews his or her controlled substance license. The Department of Financial and Professional Regulation must provide the Prescription Monitoring Program with electronic access to the license information of a prescriber or dispenser to facilitate the creation of this profile. The Prescription Monitoring Program shall send the prescriber or dispenser information regarding the inquiry system, including instructions on how to log into the system, instructions on how to use the system to promote effective clinical practice, and opportunities for continuing education for the prescribing of controlled substances. The Prescription Monitoring Program shall also send to all enrolled prescribers, dispensers, and designees information regarding the unsolicited reports produced pursuant to Section 314.5 of this Act.

(q) A prescriber or dispenser may authorize a designee to consult the inquiry system established by the Department under this subsection on his or her behalf, provided that all the following conditions are met:

(1) the designee so authorized is employed by the same hospital or health care system; is employed by the same professional practice; or is under contract with such practice, hospital, or health care system;

(2) the prescriber or dispenser takes reasonable steps to ensure that such designee is sufficiently competent in the use of the inquiry system;

(3) the prescriber or dispenser remains responsible for ensuring that access to the inquiry system by the designee is limited to authorized purposes and occurs in a manner that protects the confidentiality of the information obtained from the inquiry system, and remains responsible for any breach of confidentiality; and

(4) the ultimate decision as to whether or not to prescribe or dispense a controlled substance remains with the prescriber or dispenser.

The Prescription Monitoring Program shall send to registered designees information regarding the inquiry system, including instructions on how to log onto the system.

(r) The Prescription Monitoring Program shall maintain an Internet website in conjunction with its prescriber and dispenser inquiry system. This website shall include, at a minimum, the following information:

(1) current clinical guidelines developed by health care professional organizations on the prescribing of opioids or other controlled substances as determined by the Advisory Committee;

(2) accredited continuing education programs related to prescribing of controlled substances;

(3) programs or information developed by health care professionals that may be used to assess patients or help ensure compliance with prescriptions;

(4) updates from the Food and Drug Administration, the Centers for Disease Control and Prevention, and other public and private organizations which are relevant to prescribing;

(5) relevant medical studies related to prescribing;

(6) other information regarding the prescription of controlled substances; and

(7) information regarding prescription drug disposal events, including take-back programs or other disposal options or events.

The content of the Internet website shall be periodically reviewed by the Prescription Monitoring Program Advisory Committee as set forth in Section 320 and updated in accordance with the recommendation of the advisory committee.

(s) The Prescription Monitoring Program shall regularly send electronic updates to the registered users of the Program. The Prescription Monitoring Program Advisory Committee shall review any communications sent to registered users and also make recommendations for communications as set forth in Section 320. These updates shall include the following information:

(1) opportunities for accredited continuing education programs related to prescribing of controlled substances;

(2) current clinical guidelines developed by health care professional organizations on the prescribing of opioids or other drugs as determined by the Advisory Committee;

(3) programs or information developed by health care professionals that may be used to assess patients or help ensure compliance with prescriptions;

(4) updates from the Food and Drug Administration, the Centers for Disease Control and Prevention, and other public and private organizations which are relevant to prescribing;

(5) relevant medical studies related to prescribing;

(6) other information regarding prescribing of controlled substances;

(7) information regarding prescription drug disposal events, including take-back programs or other disposal options or events; and

(8) reminders that the Prescription Monitoring Program is a useful clinical tool.

(t) Notwithstanding any other provision of this Act, neither the Prescription Monitoring Program nor any other person shall disclose any information in violation of the restrictions and requirements of paragraph (3.5) of subsection (a) of Section 316 as implemented under Public Act 102-527.

(Source: P.A. 102-751, eff. 1-1-23.)

(720 ILCS 570/320)

Sec. 320. Advisory committee.

(a) There is created a Prescription Monitoring Program Advisory Committee to assist the Department of Human Services and Department of Public Health in implementing the Prescription Monitoring Program

created by this Article and to advise the Department on the professional performance of prescribers and dispensers and other matters germane to the advisory committee's field of competence.

(b) The Prescription Monitoring Program Advisory Committee shall consist of 15 members appointed by the Clinical Director of the Prescription Monitoring Program composed of prescribers and dispensers licensed to practice medicine in his or her respective profession as follows: one family or primary care physician; one pain specialist physician; 4 other physicians, one of whom may be an ophthalmologist; 2 advanced practice registered nurses; one physician assistant; one optometrist; one dentist; one clinical representative from a statewide organization representing hospitals; and 3 pharmacists. The Advisory Committee members serving on August 26, 2018 (the effective date of Public Act 100-1093) shall continue to serve until January 1, 2019. Prescriber and dispenser nominations for membership on the Committee shall be submitted by their respective professional associations. If there are more nominees than membership positions for a prescriber or dispenser category, as provided in this subsection (b), the Clinical Director of the Prescription Monitoring Program shall appoint a member or members for each profession as provided in this subsection (b), from the nominations to serve on the advisory committee. At the first meeting of the Committee in 2019 members shall draw lots for initial terms and 6 members shall serve 3 years, 5 members shall serve 2 years, and 5 members shall serve one year. Thereafter, members shall serve 3-year terms. Members may serve more than one term but no more than 3 terms. The Clinical Director of the Prescription Monitoring Program may appoint a representative of an organization representing a profession required to be appointed. The Clinical Director of the Prescription Monitoring Program shall serve as the Secretary of the committee.

(c) The advisory committee may appoint a chairperson and other officers as it deems appropriate.

(d) The members of the advisory committee shall receive no compensation for their services as members of the advisory committee, unless appropriated by the General Assembly, but may be reimbursed for their actual expenses incurred in serving on the advisory committee.

(e) The advisory committee shall:

(1) provide a uniform approach to reviewing this Act in order to determine whether changes should be recommended to the General Assembly;

(2) review current drug schedules in order to manage changes to the administrative rules pertaining to the utilization of this Act;

(3) review the following: current clinical guidelines developed by health care professional organizations on the prescribing of opioids or other controlled substances; accredited continuing education programs related to prescribing and dispensing; programs or information developed by health care professional organizations that may be used to assess patients or help ensure compliance with prescriptions; updates from the Food and Drug Administration, the Centers for Disease Control and Prevention, and other public and private organizations which are relevant to prescribing and dispensing; relevant medical studies; and other publications which involve the prescription of controlled substances;

(4) make recommendations for inclusion of these materials or other studies which may be effective resources for prescribers and dispensers on the Internet website of the inquiry system established under Section 318;

(5) semi-annually review the content of the Internet website of the inquiry system established pursuant to Section 318 to ensure this Internet website has the most current available information;

(6) semi-annually review opportunities for federal grants and other forms of funding to support projects which will increase the number of pilot programs which integrate the inquiry system with electronic health records; and

(7) semi-annually review communication to be sent to all registered users of the inquiry system established pursuant to Section 318, including recommendations for relevant accredited continuing education and information regarding prescribing and dispensing.

(f) The Advisory Committee shall select from its members 10 members of the Peer Review Committee composed of:

(1) 3 physicians;

(2) 3 pharmacists;

(3) one dentist;

(4) one advanced practice registered nurse;

(4.5) (blank);

(5) one physician assistant; and

(6) one optometrist.

The purpose of the Peer Review Committee is to establish a formal peer review of professional performance of prescribers and dispensers. The deliberations, information, and communications of the Peer Review Committee are privileged and confidential and shall not be disclosed in any manner except in accordance with current law.

(1) The Peer Review Committee shall periodically review the data contained within the prescription monitoring program to identify those prescribers or dispensers who may be prescribing or dispensing outside the currently accepted standard and practice of their profession. The Peer Review Committee member, whose profession is the same as the prescriber or dispenser being reviewed, shall prepare a preliminary report and recommendation for any non-action or action. The Prescription Monitoring Program Clinical Director and staff shall provide the necessary assistance and data as required.

(2) The Peer Review Committee may identify prescribers or dispensers who may be prescribing outside the currently accepted medical standards in the course of their professional practice and send the identified prescriber or dispenser a request for information regarding their prescribing or dispensing practices. This request for information shall be sent via certified mail, return receipt requested. A prescriber or dispenser shall have 30 days to respond to the request for information.

(3) The Peer Review Committee shall refer a prescriber or a dispenser to the Department of Financial and Professional Regulation in the following situations:

(i) if a prescriber or dispenser does not respond to three successive requests for information;

(ii) in the opinion of a majority of members of the Peer Review Committee, the prescriber or dispenser does not have a satisfactory explanation for the practices identified by the Peer Review Committee in its request for information; or

(iii) following communications with the Peer Review Committee, the prescriber or dispenser does not sufficiently rectify the practices identified in the request for information in the opinion of a majority of the members of the Peer Review Committee.

(4) The Department of Financial and Professional Regulation may initiate an investigation and discipline in accordance with current laws and rules for any prescriber or dispenser referred by the Peer Review Committee.

(5) The Peer Review Committee shall prepare an annual report starting on July 1, 2017. This report shall contain the following information: the number of times the Peer Review Committee was convened; the number of prescribers or dispensers who were reviewed by the Peer Review Committee; the number of requests for information sent out by the Peer Review Committee; and the number of prescribers or dispensers referred to the Department of Financial and Professional Regulation. The annual report shall be delivered electronically to the Department and to the General Assembly. The report to the General Assembly shall be filed with the Clerk of the House of Representatives and the Secretary of the Senate in electronic form only, in the manner that the Clerk and the Secretary shall direct. The report prepared by the Peer Review Committee shall not identify any prescriber, dispenser, or patient.

(Source: P.A. 100-513, eff. 1-1-18; 100-861, eff. 8-14-18; 100-1093, eff. 8-26-18;101-81, eff. 7-12-19; 101-414, eff. 8-16-19.)

(720 ILCS 570/410) (from Ch. 56 1/2, par. 1410)

Sec. 410. (a) Whenever any person who has not previously been convicted of any felony offense under this Act or any law of the United States or of any State relating to cannabis or controlled substances, pleads guilty to or is found guilty of possession of a controlled or counterfeit substance under subsection (c) of Section 402 or of unauthorized possession of prescription form under Section 406.2, the court, without entering a judgment and with the consent of such person, may sentence him or her to probation.

(b) When a person is placed on probation, the court shall enter an order specifying a period of probation of 24 months and shall defer further proceedings in the case until the conclusion of the period or until the filing of a petition alleging violation of a term or condition of probation.

(c) The conditions of probation shall be that the person: (1) not violate any criminal statute of any jurisdiction; (2) refrain from possessing a firearm or other dangerous weapon; (3) submit to periodic drug testing at a time and in a manner as ordered by the court, but no less than 3 times during the period of the probation, with the cost of the testing to be paid by the probationer; and (4) perform no less than 30 hours of community service, provided community service is available in the jurisdiction and is funded and approved

by the county board. The court may give credit toward the fulfillment of community service hours for participation in activities and treatment as determined by court services.

(d) The court may, in addition to other conditions, require that the person:

(1) make a report to and appear in person before or participate with the court or such courts, person, or social service agency as directed by the court in the order of probation;

(2) pay a fine and costs;

(3) work or pursue a course of study or vocational training;

(4) undergo medical or psychiatric treatment; or treatment or rehabilitation approved by the Illinois Department of Human Services;

(5) attend or reside in a facility established for the instruction or residence of defendants on probation;

(6) support his or her dependents;

(6-5) refrain from having in his or her body the presence of any illicit drug prohibited by the Cannabis Control Act, the Illinois Controlled Substances Act, or the Methamphetamine Control and Community Protection Act, unless prescribed by a physician, and submit samples of his or her blood or urine or both for tests to determine the presence of any illicit drug;

(7) and in addition, if a minor:

(i) reside with his or her parents or in a foster home;

(ii) attend school;

(iii) attend a non-residential program for youth;

(iv) contribute to his or her own support at home or in a foster home.

(e) Upon violation of a term or condition of probation, the court may enter a judgment on its original finding of guilt and proceed as otherwise provided.

(f) Upon fulfillment of the terms and conditions of probation, the court shall discharge the person and dismiss the proceedings against him or her.

(g) A disposition of probation is considered to be a conviction for the purposes of imposing the conditions of probation and for appeal, however, discharge and dismissal under this Section is not a conviction for purposes of this Act or for purposes of disqualifications or disabilities imposed by law upon conviction of a crime.

(h) A person may not have more than one discharge and dismissal under this Section within a 4-year period.

(i) If a person is convicted of an offense under this Act, the Cannabis Control Act, or the Methamphetamine Control and Community Protection Act within 5 years subsequent to a discharge and dismissal under this Section, the discharge and dismissal under this Section shall be admissible in the sentencing proceeding for that conviction as evidence in aggravation.

(j) Notwithstanding subsection (a), before a person is sentenced to probation under this Section, the court may refer the person to the drug court established in that judicial circuit pursuant to Section 15 of the Drug Court Treatment Act. The drug court team shall evaluate the person's likelihood of successfully completing a sentence of probation under this Section and shall report the results of its evaluation to the court. If the drug court team finds that the person suffers from a substance use disorder ~~abuse problem~~ that makes him or her substantially unlikely to successfully complete a sentence of probation under this Section, then the drug court shall set forth its findings in the form of a written order, and the person shall not be sentenced to probation under this Section, but shall be considered for the drug court program.

(Source: P.A. 99-480, eff. 9-9-15; 100-3, eff. 1-1-18; 100-575, eff. 1-8-18.)

(720 ILCS 570/411.2)

Sec. 411.2. Drug Treatment Fund; drug treatment grants.

(a) (Blank).

(b) (Blank).

(c) (Blank).

(d) (Blank).

(e) (Blank).

(f) (Blank).

(g) (Blank).

(h) The Drug Treatment Fund is hereby established as a special fund within the State Treasury. The Department of Human Services may make grants to persons licensed under Section 15-10 of the Substance Use Disorder Act or to municipalities or counties from funds appropriated to the Department from the Drug

Treatment Fund for the treatment of pregnant women who have a substance use disorder ~~are addicted to alcohol, cannabis, or controlled substances~~ and for the needed care of minor, unemancipated children of women undergoing residential drug treatment. If the Department of Human Services grants funds to a municipality or a county that the Department determines is not experiencing a healthcare need of ~~problem with~~ pregnant women with a substance use disorder ~~addicted to alcohol, cannabis, or controlled substances~~, or with care for minor, unemancipated children of women undergoing residential drug treatment, or intervention, the funds shall be used for the treatment of any person with a substance use disorder ~~addicted to alcohol, cannabis, or controlled substances~~. The Department may adopt such rules as it deems appropriate for the administration of such grants.

(i) (Blank).

(Source: P.A. 100-759, eff. 1-1-19; 100-987, eff. 7-1-19; 101-81, eff. 7-12-19.)

(720 ILCS 570/413) (from Ch. 56 1/2, par. 1413)

Sec. 413. (a) Twelve and one-half percent of all amounts collected as fines pursuant to the provisions of this Article shall be paid into the Youth Drug Abuse Prevention Fund, which is hereby created in the State treasury, to be used by the Department for the funding of programs and services for substance use disorder ~~drug abuse~~ treatment, and prevention and education services, for juveniles.

(b) Eighty-seven and one-half percent of the proceeds of all fines received under the provisions of this Article shall be transmitted to and deposited in the treasurer's office at the level of government as follows:

(1) If such seizure was made by a combination of law enforcement personnel representing differing units of local government, the court levying the fine shall equitably allocate 50% of the fine among these units of local government and shall allocate 37 1/2% to the county general corporate fund. In the event that the seizure was made by law enforcement personnel representing a unit of local government from a municipality where the number of inhabitants exceeds 2 million in population, the court levying the fine shall allocate 87 1/2% of the fine to that unit of local government. If the seizure was made by a combination of law enforcement personnel representing differing units of local government, and at least one of those units represents a municipality where the number of inhabitants exceeds 2 million in population, the court shall equitably allocate 87 1/2% of the proceeds of the fines received among the differing units of local government.

(2) If such seizure was made by State law enforcement personnel, then the court shall allocate 37 1/2% to the State treasury and 50% to the county general corporate fund.

(3) If a State law enforcement agency in combination with a law enforcement agency or agencies of a unit or units of local government conducted the seizure, the court shall equitably allocate 37 1/2% of the fines to or among the law enforcement agency or agencies of the unit or units of local government which conducted the seizure and shall allocate 50% to the county general corporate fund.

(c) The proceeds of all fines allocated to the law enforcement agency or agencies of the unit or units of local government pursuant to subsection (b) shall be made available to that law enforcement agency as expendable receipts for use in the enforcement of laws regulating cannabis, methamphetamine, and other controlled substances. The proceeds of fines awarded to the State treasury shall be deposited in a special fund known as the Drug Traffic Prevention Fund, except that amounts distributed to the Secretary of State shall be deposited into the Secretary of State Evidence Fund to be used as provided in Section 2-115 of the Illinois Vehicle Code. Monies from this fund may be used by the Illinois State Police or use in the enforcement of laws regulating cannabis, methamphetamine, and other controlled substances; to satisfy funding provisions of the Intergovernmental Drug Laws Enforcement Act; to defray costs and expenses associated with returning violators of the Cannabis Control Act and this Act only, as provided in those Acts, when punishment of the crime shall be confinement of the criminal in the penitentiary; and all other monies shall be paid into the general revenue fund in the State treasury.

(Source: P.A. 97-334, eff. 1-1-12.)

(720 ILCS 570/504) (from Ch. 56 1/2, par. 1504)

Sec. 504. (a) The Director and the Secretary of the Department of Financial and Professional Regulation shall each cooperate with Federal agencies and other State agencies in discharging his or her responsibilities concerning traffic in controlled substances and in suppressing the misuse ~~and abuse~~ of controlled substances. To this end he or she may:

(1) arrange for the exchange of information among governmental officials concerning the use and misuse~~, misuse and abuse~~ of controlled substances;

(2) coordinate and cooperate in training programs concerning controlled substance law enforcement at local and State levels;

(3) cooperate with the federal Drug Enforcement Administration or its successor agency; and

(4) conduct programs of eradication aimed at destroying wild illicit growth of plant species from which controlled substances may be extracted.

(b) Results, information, and evidence received from the Drug Enforcement Administration relating to the regulatory functions of this Act, including results of inspections conducted by it may be relied and acted upon by the Director and the Secretary of the Department of Financial and Professional Regulation in the exercise of their regulatory functions under this Act.

(Source: P.A. 97-334, eff. 1-1-12.)

(720 ILCS 570/508) (from Ch. 56 1/2, par. 1508)

Sec. 508. (a) The Department shall encourage research on controlled substances. In connection with the research, and in furtherance of the purposes of this Act, the Department may:

(1) establish methods to assess accurately the effect of controlled substances and identify and characterize those with potential for misuse ~~abuse~~;

(2) make studies and undertake programs of research to:

(i) develop new or improved approaches, techniques, systems, equipment and devices to strengthen the enforcement of this Act;

(ii) determine patterns of use and misuse~~, misuse, and abuse~~ of controlled substances and their social effects; and

(iii) improve methods for preventing, predicting, understanding, and dealing with the use and misuse~~, misuse and abuse~~ of controlled substances; and

(3) enter into contracts with public agencies, educational institutions, and private organizations or individuals for the purpose of conducting research, demonstrations, or special projects which relate to the use and misuse~~, misuse and abuse~~ of controlled substances.

(b) Persons authorized to engage in research may be authorized by the Department to protect the privacy of individuals who are the subjects of such research by withholding from all persons not connected with the conduct of the research the names and other identifying characteristics of such individuals. Persons who are given this authorization shall not be compelled in any civil, criminal, administrative, legislative or other proceeding to identify the individuals who are the subjects of research for which the authorization was granted, except to the extent necessary to permit the Department to determine whether the research is being conducted in accordance with the authorization.

(c) The Department may authorize the possession and dispensing of controlled substances by persons engaged in research, upon such terms and conditions as may be consistent with the public health and safety. The Department may also approve research and treatment programs involving the administration of Methadone. The use of Methadone, or any similar controlled substance by any person is prohibited in this State except as approved and authorized by the Department in accordance with its rules and regulations. To the extent of the applicable authorization, persons are exempt from prosecution in this State for possession, manufacture or delivery of controlled substances.

(d) Practitioners registered under Federal law to conduct research with Schedule I substances may conduct research with Schedule I substances within this State upon furnishing evidence of that Federal registration and notification of the scope and purpose of such research to the Department.

(Source: P.A. 96-328, eff. 8-11-09.)

(720 ILCS 570/509) (from Ch. 56 1/2, par. 1509)

Sec. 509. Whenever any court in this State grants probation to any person that the court has reason to believe is or has a substance use disorder ~~been an addict~~ or unlawful possessor of controlled substances, the court shall require, as a condition of probation, that the probationer submit to periodic tests by the Department of Corrections to determine by means of appropriate chemical detection tests whether the probationer is using controlled substances. The court may require as a condition of probation that the probationer enter an approved treatment program, if the court determines that the probationer has a substance use disorder of ~~is addicted to~~ a controlled substance. Whenever the Prisoner Review Board grants parole or the Department of Juvenile Justice grants aftercare release to a person believed to have been an unlawful possessor or person with a substance use disorder ~~addict of controlled substances~~, the Board or Department shall require as a condition of parole or aftercare release that the parolee or aftercare releasee submit to appropriate periodic chemical tests by the Department of Corrections or the Department of Juvenile Justice to determine whether the parolee or aftercare releasee is using controlled substances.

(Source: P.A. 98-558, eff. 1-1-14; 99-628, eff. 1-1-17.)

Section 99. Effective date. This Section and Section 10 take effect upon becoming law.".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 2 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Johnson, **Senate Bill No. 647** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, “Shall this bill pass?” it was decided in the affirmative by the following vote:

YEAS 58; NAYS None.

The following voted in the affirmative:

Anderson	Feigenholtz	Lewis	Sims
Aquino	Fine	Lightford	Stadelman
Belt	Fowler	Loughran Cappel	Stoller
Bennett	Gillespie	Martwick	Syverson
Bryant	Glowiak Hilton	McClure	Toro
Castro	Halpin	McConchie	Turner, D.
Cervantes	Harris, N.	Morrison	Turner, S.
Chesney	Harriss, E.	Murphy	Ventura
Collins	Hastings	Peters	Villa
Cunningham	Holmes	Plummer	Villanueva
Curran	Hunter	Porfirio	Villivalam
DeWitte	Johnson	Preston	Wilcox
Edly-Allen	Jones, E.	Rezin	Mr. President
Ellman	Joyce	Rose	
Faraci	Koehler	Simmons	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

SENATE BILL RECALLED

On motion of Senator Fine, **Senate Bill No. 857** was recalled from the order of third reading to the order of second reading.

Senator Fine offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 857

AMENDMENT NO. 1 . Amend Senate Bill 857 by replacing everything after the enacting clause with the following:

"Section 5. The Department of Human Services Act is amended by changing Section 1-17 as follows:

(20 ILCS 1305/1-17)

Sec. 1-17. Inspector General.

(a) Nature and purpose. It is the express intent of the General Assembly to ensure the health, safety, and financial condition of individuals receiving services in this State due to mental illness, developmental disability, or both by protecting those persons from acts of abuse, neglect, or both by service providers. To that end, the Office of the Inspector General for the Department of Human Services is created to investigate

and report upon allegations of the abuse, neglect, or financial exploitation of individuals receiving services within mental health facilities, developmental disabilities facilities, and community agencies operated, licensed, funded, or certified by the Department of Human Services, but not licensed or certified by any other State agency.

(b) Definitions. The following definitions apply to this Section:

"Agency" or "community agency" means (i) a community agency licensed, funded, or certified by the Department, but not licensed or certified by any other human services agency of the State, to provide mental health service or developmental disabilities service, or (ii) a program licensed, funded, or certified by the Department, but not licensed or certified by any other human services agency of the State, to provide mental health service or developmental disabilities service.

"Aggravating circumstance" means a factor that is attendant to a finding and that tends to compound or increase the culpability of the accused.

"Allegation" means an assertion, complaint, suspicion, or incident involving any of the following conduct by an employee, facility, or agency against an individual or individuals: mental abuse, physical abuse, sexual abuse, neglect, ~~or~~ financial exploitation, or material obstruction of an investigation.

"Day" means working day, unless otherwise specified.

"Deflection" means a situation in which an individual is presented for admission to a facility or agency, and the facility staff or agency staff do not admit the individual. "Deflection" includes triage, redirection, and denial of admission.

"Department" means the Department of Human Services.

"Developmental disability" means "developmental disability" as defined in the Mental Health and Developmental Disabilities Code.

"Egregious neglect" means a finding of neglect as determined by the Inspector General that (i) represents a gross failure to adequately provide for, or a callused indifference to, the health, safety, or medical needs of an individual and (ii) results in an individual's death or other serious deterioration of an individual's physical condition or mental condition.

"Employee" means any person who provides services at the facility or agency on-site or off-site. The service relationship can be with the individual or with the facility or agency. Also, "employee" includes any employee or contractual agent of the Department of Human Services or the community agency involved in providing or monitoring or administering mental health or developmental disability services. This includes but is not limited to: owners, operators, payroll personnel, contractors, subcontractors, and volunteers.

"Facility" or "State-operated facility" means a mental health facility or developmental disabilities facility operated by the Department.

"Financial exploitation" means taking unjust advantage of an individual's assets, property, or financial resources through deception, intimidation, or conversion for the employee's, facility's, or agency's own advantage or benefit.

"Finding" means the Office of Inspector General's determination regarding whether an allegation is substantiated, unsubstantiated, or unfounded.

"Health Care Worker Registry" or "Registry" means the Health Care Worker Registry under the Health Care Worker Background Check Act.

"Individual" means any person receiving mental health service, developmental disabilities service, or both from a facility or agency, while either on-site or off-site.

"Material obstruction of an investigation" means the purposeful interference with an investigation of physical abuse, sexual abuse, mental abuse, neglect, or financial exploitation and includes, but is not limited to, the withholding or altering of documentation or recorded evidence; influencing, threatening, or impeding witness testimony; presenting untruthful information during an interview; failing to cooperate with an investigation conducted by the Office of the Inspector General. If an employee, following a criminal investigation of physical abuse, sexual abuse, mental abuse, neglect, or financial exploitation, is convicted of an offense that is factually predicated on the employee presenting untruthful information during the course of the investigation, that offense constitutes obstruction of an investigation. Obstruction of an investigation does not include: an employee's lawful exercising of his or her constitutional right against self-incrimination, an employee invoking his or her lawful rights to union representation as provided by a collective bargaining agreement or the Illinois Public Labor Relations Act, or a union representative's lawful activities providing representation under a collective bargaining agreement or the Illinois Public Labor Relations Act. Obstruction of an investigation is considered material when it could significantly impair an investigator's ability to gather all relevant facts. An employee shall not be placed on the Health Care Worker

Registry for presenting untruthful information during an interview conducted by the Office of the Inspector General, unless, prior to the interview, the employee was provided with any previous signed statements he or she made during the course of the investigation.

"Mental abuse" means the use of demeaning, intimidating, or threatening words, signs, gestures, or other actions by an employee about an individual and in the presence of an individual or individuals that results in emotional distress or maladaptive behavior, or could have resulted in emotional distress or maladaptive behavior, for any individual present.

"Mental illness" means "mental illness" as defined in the Mental Health and Developmental Disabilities Code.

"Mentally ill" means having a mental illness.

"Mitigating circumstance" means a condition that (i) is attendant to a finding, (ii) does not excuse or justify the conduct in question, but (iii) may be considered in evaluating the severity of the conduct, the culpability of the accused, or both the severity of the conduct and the culpability of the accused.

"Neglect" means an employee's, agency's, or facility's failure to provide adequate medical care, personal care, or maintenance and that, as a consequence, (i) causes an individual pain, injury, or emotional distress, (ii) results in either an individual's maladaptive behavior or the deterioration of an individual's physical condition or mental condition, or (iii) places the individual's health or safety at substantial risk.

"Person with a developmental disability" means a person having a developmental disability.

"Physical abuse" means an employee's non-accidental and inappropriate contact with an individual that causes bodily harm. "Physical abuse" includes actions that cause bodily harm as a result of an employee directing an individual or person to physically abuse another individual.

"Presenting untruthful information" means making a false statement, material to an investigation of physical abuse, sexual abuse, mental abuse, neglect, or financial exploitation, knowing the statement is false.

"Recommendation" means an admonition, separate from a finding, that requires action by the facility, agency, or Department to correct a systemic issue, problem, or deficiency identified during an investigation. "Recommendation" can also mean an admonition to correct a systemic issue, problem or deficiency during a review.

"Required reporter" means any employee who suspects, witnesses, or is informed of an allegation of any one or more of the following: mental abuse, physical abuse, sexual abuse, neglect, or financial exploitation.

"Secretary" means the Chief Administrative Officer of the Department.

"Sexual abuse" means any sexual contact or intimate physical contact between an employee and an individual, including an employee's coercion or encouragement of an individual to engage in sexual behavior that results in sexual contact, intimate physical contact, sexual behavior, or intimate physical behavior. Sexual abuse also includes (i) an employee's actions that result in the sending or showing of sexually explicit images to an individual via computer, cellular phone, electronic mail, portable electronic device, or other media with or without contact with the individual or (ii) an employee's posting of sexually explicit images of an individual online or elsewhere whether or not there is contact with the individual.

"Sexually explicit images" includes, but is not limited to, any material which depicts nudity, sexual conduct, or sado-masochistic abuse, or which contains explicit and detailed verbal descriptions or narrative accounts of sexual excitement, sexual conduct, or sado-masochistic abuse.

"Substantiated" means there is a preponderance of the evidence to support the allegation.

"Unfounded" means there is no credible evidence to support the allegation.

"Unsubstantiated" means there is credible evidence, but less than a preponderance of evidence to support the allegation.

(c) Appointment. The Governor shall appoint, and the Senate shall confirm, an Inspector General. The Inspector General shall be appointed for a term of 4 years and shall function within the Department of Human Services and report to the Secretary and the Governor.

(d) Operation and appropriation. The Inspector General shall function independently within the Department with respect to the operations of the Office, including the performance of investigations and issuance of findings and recommendations and the performance of site visits and reviews of facilities and community agencies. The appropriation for the Office of Inspector General shall be separate from the overall appropriation for the Department.

(e) Powers and duties. The Inspector General shall investigate reports of suspected mental abuse, physical abuse, sexual abuse, neglect, or financial exploitation of individuals in any mental health or

developmental disabilities facility or agency and shall have authority to take immediate action to prevent any one or more of the following from happening to individuals under its jurisdiction: mental abuse, physical abuse, sexual abuse, neglect, or financial exploitation. The Inspector General shall also investigate allegations of material obstruction of an investigation by an employee. Upon written request of an agency of this State, the Inspector General may assist another agency of the State in investigating reports of the abuse, neglect, or abuse and neglect of persons with mental illness, persons with developmental disabilities, or persons with both. The Inspector General shall conduct annual site visits of each facility and may conduct reviews of facilities and community agencies. To comply with the requirements of subsection (k) of this Section, the Inspector General shall also review all reportable deaths for which there is no allegation of abuse or neglect. Nothing in this Section shall preempt any duties of the Medical Review Board set forth in the Mental Health and Developmental Disabilities Code. The Inspector General shall have no authority to investigate alleged violations of the State Officials and Employees Ethics Act. Allegations of misconduct under the State Officials and Employees Ethics Act shall be referred to the Office of the Governor's Executive Inspector General for investigation.

(f) Limitations. The Inspector General shall not conduct an investigation within an agency or facility if that investigation would be redundant to or interfere with an investigation conducted by another State agency. The Inspector General shall have no supervision over, or involvement in, the routine programmatic, licensing, funding, or certification operations of the Department. Nothing in this subsection limits investigations by the Department that may otherwise be required by law or that may be necessary in the Department's capacity as central administrative authority responsible for the operation of the State's mental health and developmental disabilities facilities.

(g) Rulemaking authority. The Inspector General shall promulgate rules establishing minimum requirements for reporting allegations as well as for initiating, conducting, and completing investigations based upon the nature of the allegation or allegations. The rules shall clearly establish that if 2 or more State agencies could investigate an allegation, the Inspector General shall not conduct an investigation that would be redundant to, or interfere with, an investigation conducted by another State agency. The rules shall further clarify the method and circumstances under which the Office of Inspector General may interact with the licensing, funding, or certification units of the Department in preventing further occurrences of mental abuse, physical abuse, sexual abuse, neglect, egregious neglect, ~~and~~ financial exploitation, and material obstruction of an investigation.

(g-5) Site visits and review authority.

(1) Site visits. The Inspector General shall conduct unannounced site visits to each facility at least annually for the purpose of reviewing and making recommendations on systemic issues relative to preventing, reporting, investigating, and responding to all of the following: mental abuse, physical abuse, sexual abuse, neglect, egregious neglect, financial exploitation, or material obstruction of an investigation.

(2) Review authority. In response to complaints or information gathered from investigations, the Inspector General shall have and may exercise the authority to initiate reviews of facilities and agencies related to preventing, reporting, investigating, and responding to all of the following: mental abuse, physical abuse, sexual abuse, neglect, egregious neglect, financial exploitation, or material obstruction of an investigation. Upon concluding a review, the Inspector General shall issue a written report setting forth its conclusions and recommendations. The report shall be distributed to the Secretary and to the director of the facility or agency that was the subject of review. Within 45 calendar days, the facility or agency shall submit a written response addressing the Inspector General's conclusions and recommendations and, in a concise and reasoned manner, the actions taken, if applicable, to: (i) protect the individual or individuals; (ii) prevent recurrences; and (iii) eliminate the problems identified. The response shall include the implementation and completion dates of such actions.

(h) Training programs. The Inspector General shall (i) establish a comprehensive program to ensure that every person authorized to conduct investigations receives ongoing training relative to investigation techniques, communication skills, and the appropriate means of interacting with persons receiving treatment for mental illness, developmental disability, or both mental illness and developmental disability, and (ii) establish and conduct periodic training programs for facility and agency employees concerning the prevention and reporting of any one or more of the following: mental abuse, physical abuse, sexual abuse, neglect, egregious neglect, ~~or~~ financial exploitation, or material obstruction of an investigation. The Inspector General shall further ensure (i) every person authorized to conduct investigations at community

agencies receives ongoing training in Title 59, Parts 115, 116, and 119 of the Illinois Administrative Code, and (ii) every person authorized to conduct investigations shall receive ongoing training in Title 59, Part 50 of the Illinois Administrative Code. Nothing in this Section shall be deemed to prevent the Office of Inspector General from conducting any other training as determined by the Inspector General to be necessary or helpful.

(i) Duty to cooperate.

(1) The Inspector General shall at all times be granted access to any facility or agency for the purpose of investigating any allegation, conducting unannounced site visits, monitoring compliance with a written response, conducting reviews of facilities and agencies, or completing any other statutorily assigned duty. ~~The Inspector General shall conduct unannounced site visits to each facility at least annually for the purpose of reviewing and making recommendations on systemic issues relative to preventing, reporting, investigating, and responding to all of the following: mental abuse, physical abuse, sexual abuse, neglect, egregious neglect, or financial exploitation.~~

(2) Any employee who fails to cooperate with an Office of the Inspector General investigation is in violation of this Act. Failure to cooperate with an investigation includes, but is not limited to, any one or more of the following: (i) creating and transmitting a false report to the Office of the Inspector General hotline, (ii) providing false information to an Office of the Inspector General Investigator during an investigation, (iii) colluding with other employees to cover up evidence, (iv) colluding with other employees to provide false information to an Office of the Inspector General investigator, (v) destroying evidence, (vi) withholding evidence, or (vii) otherwise obstructing an Office of the Inspector General investigation. Additionally, any employee who, during an unannounced site visit, ~~or~~ written response compliance check, or review fails to cooperate with requests from the Office of the Inspector General is in violation of this Act.

(j) Subpoena powers. The Inspector General shall have the power to subpoena witnesses and compel the production of all documents and physical evidence relating to his or her investigations and reviews and any hearings authorized by this Act. This subpoena power shall not extend to persons or documents of a labor organization or its representatives insofar as the persons are acting in a representative capacity to an employee whose conduct is the subject of an investigation or the documents relate to that representation. Any person who otherwise fails to respond to a subpoena or who knowingly provides false information to the Office of the Inspector General by subpoena during an investigation is guilty of a Class A misdemeanor.

(k) Reporting allegations and deaths.

(1) Allegations. If an employee witnesses, is told of, or has reason to believe an incident of mental abuse, physical abuse, sexual abuse, neglect, ~~or~~ financial exploitation, or material obstruction of an investigation has occurred, the employee, agency, or facility shall report the allegation by phone to the Office of the Inspector General hotline according to the agency's or facility's procedures, but in no event later than 4 hours after the initial discovery of the incident, allegation, or suspicion of any one or more of the following: mental abuse, physical abuse, sexual abuse, neglect, ~~or~~ financial exploitation, or material obstruction of an investigation. A required reporter as defined in subsection (b) of this Section who knowingly or intentionally fails to comply with these reporting requirements is guilty of a Class A misdemeanor.

(2) Deaths. Absent an allegation, a required reporter shall, within 24 hours after initial discovery, report by phone to the Office of the Inspector General hotline each of the following:

(i) Any death of an individual occurring within 14 calendar days after discharge or transfer of the individual from a residential program or facility.

(ii) Any death of an individual occurring within 24 hours after deflection from a residential program or facility.

(iii) Any other death of an individual occurring at an agency or facility or at any Department-funded site.

(3) Retaliation. It is a violation of this Act for any employee or administrator of an agency or facility to take retaliatory action against an employee who acts in good faith in conformance with his or her duties as a required reporter.

(l) Reporting to law enforcement. Reporting criminal acts. Within 24 hours after determining that there is credible evidence indicating that a criminal act may have been committed or that special expertise may be required in an investigation, the Inspector General shall notify the Illinois State Police or other appropriate law enforcement authority, or ensure that such notification is made. The Illinois State Police shall investigate any report from a State-operated facility indicating a possible murder, sexual assault, or

other felony by an employee. All investigations conducted by the Inspector General shall be conducted in a manner designed to ensure the preservation of evidence for possible use in a criminal prosecution.

(m) Investigative reports. Upon completion of an investigation, the Office of Inspector General shall issue an investigative report identifying whether the allegations are substantiated, unsubstantiated, or unfounded. Within 10 business days after the transmittal of a completed investigative report substantiating an allegation, finding an allegation is unsubstantiated, or if a recommendation is made, the Inspector General shall provide the investigative report on the case to the Secretary and to the director of the facility or agency where any one or more of the following occurred: mental abuse, physical abuse, sexual abuse, neglect, egregious neglect, financial exploitation, or material obstruction of an investigation. The director of the facility or agency shall be responsible for maintaining the confidentiality of the investigative report consistent with State and federal law. In a substantiated case, the investigative report shall include any mitigating or aggravating circumstances that were identified during the investigation. If the case involves substantiated neglect, the investigative report shall also state whether egregious neglect was found. An investigative report may also set forth recommendations. All investigative reports prepared by the Office of the Inspector General shall be considered confidential and shall not be released except as provided by the law of this State or as required under applicable federal law. Unsubstantiated and unfounded reports shall not be disclosed except as allowed under Section 6 of the Abused and Neglected Long Term Care Facility Residents Reporting Act. Raw data used to compile the investigative report shall not be subject to release unless required by law or a court order. "Raw data used to compile the investigative report" includes, but is not limited to, any one or more of the following: the initial complaint, witness statements, photographs, investigator's notes, police reports, or incident reports. If the allegations are substantiated, the victim, the victim's guardian, and the accused shall be provided with a redacted copy of the investigative report. Death reports where there was no allegation of abuse or neglect shall only be released pursuant to applicable State or federal law or a valid court order. Unredacted investigative reports, as well as raw data, may be shared with a local law enforcement entity, a State's Attorney's office, or a county coroner's office upon written request.

(n) Written responses, clarification requests, and reconsideration requests.

(1) Written responses. Within 30 calendar days from receipt of a substantiated investigative report or an investigative report which contains recommendations, absent a reconsideration request, the facility or agency shall file a written response that addresses, in a concise and reasoned manner, the actions taken to: (i) protect the individual; (ii) prevent recurrences; and (iii) eliminate the problems identified. The response shall include the implementation and completion dates of such actions. If the written response is not filed within the allotted 30 calendar day period, the Secretary, or the Secretary's designee, shall determine the appropriate corrective action to be taken.

(2) Requests for clarification. The facility, agency, victim or guardian, or the subject employee may request that the Office of Inspector General clarify the finding or findings for which clarification is sought.

(3) Requests for reconsideration. The facility, agency, victim or guardian, or the subject employee may request that the Office of the Inspector General reconsider the finding or findings or the recommendations. A request for reconsideration shall be subject to a multi-layer review and shall include at least one reviewer who did not participate in the investigation or approval of the original investigative report. After the multi-layer review process has been completed, the Inspector General shall make the final determination on the reconsideration request. The investigation shall be reopened if the reconsideration determination finds that additional information is needed to complete the investigative record.

(o) Disclosure of the finding by the Inspector General. The Inspector General shall disclose the finding of an investigation to the following persons: (i) the Governor, (ii) the Secretary, (iii) the director of the facility or agency, (iv) the alleged victims and their guardians, (v) the complainant, and (vi) the accused. This information shall include whether the allegations were deemed substantiated, unsubstantiated, or unfounded.

(p) Secretary review. Upon review of the Inspector General's investigative report and any agency's or facility's written response, the Secretary, or the Secretary's designee, shall accept or reject the written response and notify the Inspector General of that determination. The Secretary, or the Secretary's designee, may further direct that other administrative action be taken, including, but not limited to, any one or more of the following: (i) additional site visits, (ii) training, (iii) provision of technical assistance relative to administrative needs, licensure, or certification, or (iv) the imposition of appropriate sanctions.

(q) Action by facility or agency. Within 30 days of the date the Secretary, or the Secretary's designee, approves the written response or directs that further administrative action be taken, the facility or agency shall provide an implementation report to the Inspector General that provides the status of the action taken. The facility or agency shall be allowed an additional 30 days to send notice of completion of the action or to send an updated implementation report. If the action has not been completed within the additional 30-day period, the facility or agency shall send updated implementation reports every 60 days until completion. The Inspector General shall conduct a review of any implementation plan that takes more than 120 days after approval to complete, and shall monitor compliance through a random review of approved written responses, which may include, but are not limited to: (i) site visits, (ii) telephone contact, and (iii) requests for additional documentation evidencing compliance.

(r) Sanctions. Sanctions, if imposed by the Secretary under Subdivision (p)(iv) of this Section, shall be designed to prevent further acts of mental abuse, physical abuse, sexual abuse, neglect, egregious neglect, or financial exploitation or some combination of one or more of those acts at a facility or agency, and may include any one or more of the following:

(1) Appointment of on-site monitors.

(2) Transfer or relocation of an individual or individuals.

(3) Closure of units.

(4) Termination of any one or more of the following: (i) Department licensing, (ii) funding, or (iii) certification.

The Inspector General may seek the assistance of the Illinois Attorney General or the office of any State's Attorney in implementing sanctions.

(s) Health Care Worker Registry.

(1) Reporting to the Registry. The Inspector General shall report to the Department of Public Health's Health Care Worker Registry, a public registry, the identity and finding of each employee of a facility or agency against whom there is a final investigative report prepared by the Office of the Inspector General containing a substantiated allegation of physical or sexual abuse, financial exploitation, egregious neglect of an individual, or material obstruction of an investigation, unless the Inspector General requests a stipulated disposition of the investigative report that does not include the reporting of the employee's name to the Health Care Worker Registry and the Secretary of Human Services agrees with the requested stipulated disposition.

(2) Notice to employee. Prior to reporting the name of an employee, the employee shall be notified of the Department's obligation to report and shall be granted an opportunity to request an administrative hearing, the sole purpose of which is to determine if the substantiated finding warrants reporting to the Registry. Notice to the employee shall contain a clear and concise statement of the grounds on which the report to the Registry is based, offer the employee an opportunity for a hearing, and identify the process for requesting such a hearing. Notice is sufficient if provided by certified mail to the employee's last known address. If the employee fails to request a hearing within 30 days from the date of the notice, the Inspector General shall report the name of the employee to the Registry. Nothing in this subdivision (s)(2) shall diminish or impair the rights of a person who is a member of a collective bargaining unit under the Illinois Public Labor Relations Act or under any other federal labor statute.

(3) Registry hearings. If the employee requests an administrative hearing, the employee shall be granted an opportunity to appear before an administrative law judge to present reasons why the employee's name should not be reported to the Registry. The Department shall bear the burden of presenting evidence that establishes, by a preponderance of the evidence, that the substantiated finding warrants reporting to the Registry. After considering all the evidence presented, the administrative law judge shall make a recommendation to the Secretary as to whether the substantiated finding warrants reporting the name of the employee to the Registry. The Secretary shall render the final decision. The Department and the employee shall have the right to request that the administrative law judge consider a stipulated disposition of these proceedings.

(4) Testimony at Registry hearings. A person who makes a report or who investigates a report under this Act shall testify fully in any judicial proceeding resulting from such a report, as to any evidence of physical abuse, sexual abuse, egregious neglect, financial exploitation, or material obstruction of an investigation ~~abuse or neglect~~, or the cause thereof. No evidence shall be excluded by reason of any common law or statutory privilege relating to communications between the alleged perpetrator of abuse or neglect, or the individual alleged as the victim in the report, and the person

making or investigating the report. Testimony at hearings is exempt from the confidentiality requirements of subsection (f) of Section 10 of the Mental Health and Developmental Disabilities Confidentiality Act.

(5) Employee's rights to collateral action. No reporting to the Registry shall occur and no hearing shall be set or proceed if an employee notifies the Inspector General in writing, including any supporting documentation, that he or she is formally contesting an adverse employment action resulting from a substantiated finding by complaint filed with the Illinois Civil Service Commission, or which otherwise seeks to enforce the employee's rights pursuant to any applicable collective bargaining agreement. If an action taken by an employer against an employee as a result of a finding of physical abuse, sexual abuse, ~~or~~ egregious neglect, financial exploitation, or material obstruction of an investigation is overturned through an action filed with the Illinois Civil Service Commission or under any applicable collective bargaining agreement and if that employee's name has already been sent to the Registry, the employee's name shall be removed from the Registry.

(6) Removal from Registry. At any time after the report to the Registry, but no more than once in any 12-month period, an employee may petition the Department in writing to remove his or her name from the Registry. Upon receiving notice of such request, the Inspector General shall conduct an investigation into the petition. Upon receipt of such request, an administrative hearing will be set by the Department. At the hearing, the employee shall bear the burden of presenting evidence that establishes, by a preponderance of the evidence, that removal of the name from the Registry is in the public interest. The parties may jointly request that the administrative law judge consider a stipulated disposition of these proceedings.

(t) Review of Administrative Decisions. The Department shall preserve a record of all proceedings at any formal hearing conducted by the Department involving Health Care Worker Registry hearings. Final administrative decisions of the Department are subject to judicial review pursuant to provisions of the Administrative Review Law.

(u) Quality Care Board. There is created, within the Office of the Inspector General, a Quality Care Board to be composed of 7 members appointed by the Governor with the advice and consent of the Senate. One of the members shall be designated as chairman by the Governor. Of the initial appointments made by the Governor, 4 Board members shall each be appointed for a term of 4 years and 3 members shall each be appointed for a term of 2 years. Upon the expiration of each member's term, a successor shall be appointed for a term of 4 years. In the case of a vacancy in the office of any member, the Governor shall appoint a successor for the remainder of the unexpired term.

Members appointed by the Governor shall be qualified by professional knowledge or experience in the area of law, investigatory techniques, or in the area of care of the mentally ill or care of persons with developmental disabilities. Two members appointed by the Governor shall be persons with a disability or parents of persons with a disability. Members shall serve without compensation, but shall be reimbursed for expenses incurred in connection with the performance of their duties as members.

The Board shall meet quarterly, and may hold other meetings on the call of the chairman. Four members shall constitute a quorum allowing the Board to conduct its business. The Board may adopt rules and regulations it deems necessary to govern its own procedures.

The Board shall monitor and oversee the operations, policies, and procedures of the Inspector General to ensure the prompt and thorough investigation of allegations of neglect and abuse. In fulfilling these responsibilities, the Board may do the following:

(1) Provide independent, expert consultation to the Inspector General on policies and protocols for investigations of alleged abuse, neglect, or both abuse and neglect.

(2) Review existing regulations relating to the operation of facilities.

(3) Advise the Inspector General as to the content of training activities authorized under this Section.

(4) Recommend policies concerning methods for improving the intergovernmental relationships between the Office of the Inspector General and other State or federal offices.

(v) Annual report. The Inspector General shall provide to the General Assembly and the Governor, no later than January 1 of each year, a summary of reports and investigations made under this Act for the prior fiscal year with respect to individuals receiving mental health or developmental disabilities services. The report shall detail the imposition of sanctions, if any, and the final disposition of any corrective or administrative action directed by the Secretary. The summaries shall not contain any confidential or identifying information of any individual, but shall include objective data identifying any trends in the

number of reported allegations, the timeliness of the Office of the Inspector General's investigations, and their disposition, for each facility and Department-wide, for the most recent 3-year time period. The report shall also identify, by facility, the staff-to-patient ratios taking account of direct care staff only. The report shall also include detailed recommended administrative actions and matters for consideration by the General Assembly.

(w) Program audit. The Auditor General shall conduct a program audit of the Office of the Inspector General on an as-needed basis, as determined by the Auditor General. The audit shall specifically include the Inspector General's compliance with the Act and effectiveness in investigating reports of allegations occurring in any facility or agency. The Auditor General shall conduct the program audit according to the provisions of the Illinois State Auditing Act and shall report its findings to the General Assembly no later than January 1 following the audit period.

(x) Nothing in this Section shall be construed to mean that an individual is a victim of abuse or neglect because of health care services appropriately provided or not provided by health care professionals.

(y) Nothing in this Section shall require a facility, including its employees, agents, medical staff members, and health care professionals, to provide a service to an individual in contravention of that individual's stated or implied objection to the provision of that service on the ground that that service conflicts with the individual's religious beliefs or practices, nor shall the failure to provide a service to an individual be considered abuse under this Section if the individual has objected to the provision of that service based on his or her religious beliefs or practices.

(Source: P.A. 102-538, eff. 8-20-21; 102-883, eff. 5-13-22; 102-1071, eff. 6-10-22; 103-76, eff. 6-9-23; 103-154, eff. 6-30-23.)".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Fine, **Senate Bill No. 857** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, “Shall this bill pass?” it was decided in the affirmative by the following vote:

YEAS 58; NAYS None.

The following voted in the affirmative:

Anderson	Feigenholtz	Lewis	Sims
Aquino	Fine	Lightford	Stadelman
Belt	Fowler	Loughran Cappel	Stoller
Bennett	Gillespie	Martwick	Syverson
Bryant	Glowiak Hilton	McClure	Toro
Castro	Halpin	McConchie	Turner, D.
Cervantes	Harris, N.	Morrison	Turner, S.
Chesney	Harriss, E.	Murphy	Ventura
Collins	Hastings	Peters	Villa
Cunningham	Holmes	Plummer	Villanueva
Curran	Hunter	Porfirio	Villivalam
DeWitte	Johnson	Preston	Wilcox
Edly-Allen	Jones, E.	Rezin	Mr. President
Ellman	Joyce	Rose	
Faraci	Koehler	Simmons	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

SENATE BILL RECALLED

On motion of Senator Faraci, **Senate Bill No. 691** was recalled from the order of third reading to the order of second reading.

Senator Faraci offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 691

AMENDMENT NO. 1 . Amend Senate Bill 691 by replacing everything after the enacting clause with the following:

"Section 5. The Counties Code is amended by changing Section 5-14008 as follows:

(55 ILCS 5/5-14008)

Sec. 5-14008. Powers of commission; real property. The ~~joint~~ regional planning commission may acquire, by purchase, gift, or legacy, and hold real property for the purposes of the ~~joint~~ regional planning commission, and may sell and convey that property. The value of the real property shall be determined by an appraisal performed by an appraiser licensed under the Real Estate Appraiser Licensing Act of 2002 and who is certified to appraise the type or types of property to be valued. The appraisal report of the appraiser shall be available for public inspection. The ~~joint~~ regional planning commission may purchase the real property under contracts providing for payment in installments over a period of time of not more than 20 years and may finance the purchase of the real property under finance contracts providing for payment in installments over a period of time of not more than 20 years. ~~This Section applies only to a joint regional planning commission if it consists of 3 or fewer counties that border the Illinois River, where at least one of those counties has a population of 180,000 or more.~~

(Source: P.A. 98-196, eff. 8-9-13.)".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

READING BILLS OF THE SENATE A THIRD TIME

On motion of Senator Faraci, **Senate Bill No. 691** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, “Shall this bill pass?” it was decided in the affirmative by the following vote:

YEAS 58; NAYS None.

The following voted in the affirmative:

Anderson	Feigenholtz	Lewis	Sims
Aquino	Fine	Lightford	Stadelman
Belt	Fowler	Loughran Cappel	Stoller
Bennett	Gillespie	Martwick	Syverson
Bryant	Glowiak Hilton	McClure	Toro
Castro	Halpin	McConchie	Turner, D.
Cervantes	Harris, N.	Morrison	Turner, S.
Chesney	Harriss, E.	Murphy	Ventura
Collins	Hastings	Peters	Villa
Cunningham	Holmes	Plummer	Villanueva
Curran	Hunter	Porfirio	Villivalam
DeWitte	Johnson	Preston	Wilcox

Edly-Allen	Jones, E.	Rezin	Mr. President
Ellman	Joyce	Rose	
Faraci	Koehler	Simmons	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

On motion of Senator Porfirio, **Senate Bill No. 2601** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

YEAS 57; NAY 1.

The following voted in the affirmative:

Anderson	Fine	Lightford	Stadelman
Aquino	Fowler	Loughran Cappel	Stoller
Belt	Gillespie	Martwick	Syverson
Bennett	Glowiak Hilton	McClure	Toro
Bryant	Halpin	McConchie	Turner, D.
Castro	Harris, N.	Morrison	Turner, S.
Cervantes	Harriss, E.	Murphy	Ventura
Collins	Hastings	Peters	Villa
Cunningham	Holmes	Plummer	Villanueva
Curran	Hunter	Porfirio	Villivalam
DeWitte	Johnson	Preston	Wilcox
Edly-Allen	Jones, E.	Rezin	Mr. President
Ellman	Joyce	Rose	
Faraci	Koehler	Simmons	
Feigenholtz	Lewis	Sims	

The following voted in the negative:

Chesney

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

On motion of Senator Porfirio, **Senate Bill No. 2690** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

YEAS 57; NAY 1.

The following voted in the affirmative:

Anderson	Fine	Lightford	Stadelman
Aquino	Fowler	Loughran Cappel	Stoller
Belt	Gillespie	Martwick	Syverson
Bennett	Glowiak Hilton	McClure	Toro
Bryant	Halpin	McConchie	Turner, D.
Castro	Harris, N.	Morrison	Turner, S.

Cervantes	Harriss, E.	Murphy	Ventura
Collins	Hastings	Peters	Villa
Cunningham	Holmes	Plummer	Villanueva
Curran	Hunter	Porfirio	Villivalam
DeWitte	Johnson	Preston	Wilcox
Edly-Allen	Jones, E.	Rezin	Mr. President
Ellman	Joyce	Rose	
Faraci	Koehler	Simmons	
Feigenholtz	Lewis	Sims	

The following voted in the negative:

Chesney

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

SENATE BILL RECALLED

On motion of Senator Morrison, **Senate Bill No. 2697** was recalled from the order of third reading to the order of second reading.

Senator Morrison offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 2697

AMENDMENT NO. 2 . Amend Senate Bill 2697, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The State Employees Group Insurance Act of 1971 is amended by changing Section 6.11 as follows:

(5 ILCS 375/6.11)

Sec. 6.11. Required health benefits; Illinois Insurance Code requirements. The program of health benefits shall provide the post-mastectomy care benefits required to be covered by a policy of accident and health insurance under Section 356t of the Illinois Insurance Code. The program of health benefits shall provide the coverage required under Sections 356g, 356g.5, 356g.5-1, 356m, 356q, 356u, 356u.10, 356w, 356x, 356z.2, 356z.4, 356z.4a, 356z.6, 356z.8, 356z.9, 356z.10, 356z.11, 356z.12, 356z.13, 356z.14, 356z.15, 356z.17, 356z.22, 356z.25, 356z.26, 356z.29, 356z.30a, 356z.32, 356z.33, 356z.36, 356z.40, 356z.41, 356z.45, 356z.46, 356z.47, 356z.51, 356z.53, 356z.54, 356z.55, 356z.56, 356z.57, 356z.59, 356z.60, ~~and~~ 356z.61, ~~and~~ 356z.62, 356z.64, 356z.67, 356z.68, and 356z.70 of the Illinois Insurance Code. The program of health benefits must comply with Sections 155.22a, 155.37, 355b, 356z.19, 370c, and 370c.1 and Article XXXIIB of the Illinois Insurance Code. The program of health benefits shall provide the coverage required under Section 356m of the Illinois Insurance Code and, for the employees of the State Employee Group Insurance Program only, the coverage as also provided in Section 6.11B of this Act. The Department of Insurance shall enforce the requirements of this Section with respect to Sections 370c and 370c.1 of the Illinois Insurance Code; all other requirements of this Section shall be enforced by the Department of Central Management Services.

Rulemaking authority to implement Public Act 95-1045, if any, is conditioned on the rules being adopted in accordance with all provisions of the Illinois Administrative Procedure Act and all rules and procedures of the Joint Committee on Administrative Rules; any purported rule not so adopted, for whatever reason, is unauthorized.

(Source: P.A. 102-30, eff. 1-1-22; 102-103, eff. 1-1-22; 102-203, eff. 1-1-22; 102-306, eff. 1-1-22; 102-642, eff. 1-1-22; 102-665, eff. 10-8-21; 102-731, eff. 1-1-23; 102-768, eff. 1-1-24; 102-804, eff. 1-1-23; 102-813, eff. 5-13-22; 102-816, eff. 1-1-23; 102-860, eff. 1-1-23; 102-1093, eff. 1-1-23; 102-1117, eff. 1-13-23;

103-8, eff. 1-1-24; 103-84, eff. 1-1-24; 103-91, eff. 1-1-24; 103-420, eff. 1-1-24; 103-445, eff. 1-1-24; 103-535, eff. 8-11-23; 103-551, eff. 8-11-23; revised 8-29-23.)

Section 10. The Counties Code is amended by changing Section 5-1069.3 as follows:
(55 ILCS 5/5-1069.3)

Sec. 5-1069.3. Required health benefits. If a county, including a home rule county, is a self-insurer for purposes of providing health insurance coverage for its employees, the coverage shall include coverage for the post-mastectomy care benefits required to be covered by a policy of accident and health insurance under Section 356t and the coverage required under Sections 356g, 356g.5, 356g.5-1, 356q, 356u, 356u.10, 356w, 356x, 356z.4, 356z.4a, 356z.6, 356z.8, 356z.9, 356z.10, 356z.11, 356z.12, 356z.13, 356z.14, 356z.15, 356z.22, 356z.25, 356z.26, 356z.29, 356z.30a, 356z.32, 356z.33, 356z.36, 356z.40, 356z.41, 356z.45, 356z.46, 356z.47, 356z.48, 356z.51, 356z.53, 356z.54, 356z.56, 356z.57, 356z.59, 356z.60, ~~and~~ 356z.61, ~~and~~ 356z.62, 356z.64, 356z.67, 356z.68, and 356z.70 of the Illinois Insurance Code. The coverage shall comply with Sections 155.22a, 355b, 356z.19, and 370c of the Illinois Insurance Code. The Department of Insurance shall enforce the requirements of this Section. The requirement that health benefits be covered as provided in this Section is an exclusive power and function of the State and is a denial and limitation under Article VII, Section 6, subsection (h) of the Illinois Constitution. A home rule county to which this Section applies must comply with every provision of this Section.

Rulemaking authority to implement Public Act 95-1045, if any, is conditioned on the rules being adopted in accordance with all provisions of the Illinois Administrative Procedure Act and all rules and procedures of the Joint Committee on Administrative Rules; any purported rule not so adopted, for whatever reason, is unauthorized.

(Source: P.A. 102-30, eff. 1-1-22; 102-103, eff. 1-1-22; 102-203, eff. 1-1-22; 102-306, eff. 1-1-22; 102-443, eff. 1-1-22; 102-642, eff. 1-1-22; 102-665, eff. 10-8-21; 102-731, eff. 1-1-23; 102-804, eff. 1-1-23; 102-813, eff. 5-13-22; 102-816, eff. 1-1-23; 102-860, eff. 1-1-23; 102-1093, eff. 1-1-23; 102-1117, eff. 1-13-23; 103-84, eff. 1-1-24; 103-91, eff. 1-1-24; 103-420, eff. 1-1-24; 103-445, eff. 1-1-24; 103-535, eff. 8-11-23; 103-551, eff. 8-11-23; revised 8-29-23.)

Section 15. The Illinois Municipal Code is amended by changing Section 10-4-2.3 as follows:
(65 ILCS 5/10-4-2.3)

Sec. 10-4-2.3. Required health benefits. If a municipality, including a home rule municipality, is a self-insurer for purposes of providing health insurance coverage for its employees, the coverage shall include coverage for the post-mastectomy care benefits required to be covered by a policy of accident and health insurance under Section 356t and the coverage required under Sections 356g, 356g.5, 356g.5-1, 356q, 356u, 356u.10, 356w, 356x, 356z.4, 356z.4a, 356z.6, 356z.8, 356z.9, 356z.10, 356z.11, 356z.12, 356z.13, 356z.14, 356z.15, 356z.22, 356z.25, 356z.26, 356z.29, 356z.30a, 356z.32, 356z.33, 356z.36, 356z.40, 356z.41, 356z.45, 356z.46, 356z.47, 356z.48, 356z.51, 356z.53, 356z.54, 356z.56, 356z.57, 356z.59, 356z.60, ~~and~~ 356z.61, ~~and~~ 356z.62, 356z.64, 356z.67, 356z.68, and 356z.70 of the Illinois Insurance Code. The coverage shall comply with Sections 155.22a, 355b, 356z.19, and 370c of the Illinois Insurance Code. The Department of Insurance shall enforce the requirements of this Section. The requirement that health benefits be covered as provided in this is an exclusive power and function of the State and is a denial and limitation under Article VII, Section 6, subsection (h) of the Illinois Constitution. A home rule municipality to which this Section applies must comply with every provision of this Section.

Rulemaking authority to implement Public Act 95-1045, if any, is conditioned on the rules being adopted in accordance with all provisions of the Illinois Administrative Procedure Act and all rules and procedures of the Joint Committee on Administrative Rules; any purported rule not so adopted, for whatever reason, is unauthorized.

(Source: P.A. 102-30, eff. 1-1-22; 102-103, eff. 1-1-22; 102-203, eff. 1-1-22; 102-306, eff. 1-1-22; 102-443, eff. 1-1-22; 102-642, eff. 1-1-22; 102-665, eff. 10-8-21; 102-731, eff. 1-1-23; 102-804, eff. 1-1-23; 102-813, eff. 5-13-22; 102-816, eff. 1-1-23; 102-860, eff. 1-1-23; 102-1093, eff. 1-1-23; 102-1117, eff. 1-13-23; 103-84, eff. 1-1-24; 103-91, eff. 1-1-24; 103-420, eff. 1-1-24; 103-445, eff. 1-1-24; 103-535, eff. 8-11-23; 103-551, eff. 8-11-23; revised 8-29-23.)

Section 20. The School Code is amended by changing Section 10-22.3f as follows:
(105 ILCS 5/10-22.3f)

Sec. 10-22.3f. Required health benefits. Insurance protection and benefits for employees shall provide the post-mastectomy care benefits required to be covered by a policy of accident and health insurance under Section 356t and the coverage required under Sections 356g, 356g.5, 356g.5-1, 356q, 356u, 356u.10, 356w, 356x, 356z.4, 356z.4a, 356z.6, 356z.8, 356z.9, 356z.11, 356z.12, 356z.13, 356z.14, 356z.15, 356z.22, 356z.25, 356z.26, 356z.29, 356z.30a, 356z.32, 356z.33, 356z.36, 356z.40, 356z.41, 356z.45, 356z.46, 356z.47, 356z.51, 356z.53, 356z.54, 356z.56, 356z.57, 356z.59, 356z.60, ~~and~~ 356z.61, ~~and~~ 356z.62, 356z.64, 356z.67, 356z.68, and 356z.70 of the Illinois Insurance Code. Insurance policies shall comply with Section 356z.19 of the Illinois Insurance Code. The coverage shall comply with Sections 155.22a, 355b, and 370c of the Illinois Insurance Code. The Department of Insurance shall enforce the requirements of this Section.

Rulemaking authority to implement Public Act 95-1045, if any, is conditioned on the rules being adopted in accordance with all provisions of the Illinois Administrative Procedure Act and all rules and procedures of the Joint Committee on Administrative Rules; any purported rule not so adopted, for whatever reason, is unauthorized.

(Source: P.A. 102-30, eff. 1-1-22; 102-103, eff. 1-1-22; 102-203, eff. 1-1-22; 102-306, eff. 1-1-22; 102-642, eff. 1-1-22; 102-665, eff. 10-8-21; 102-731, eff. 1-1-23; 102-804, eff. 1-1-23; 102-813, eff. 5-13-22; 102-816, eff. 1-1-23; 102-860, eff. 1-1-23; 102-1093, eff. 1-1-23; 102-1117, eff. 1-13-23; 103-84, eff. 1-1-24; 103-91, eff. 1-1-24; 103-420, eff. 1-1-24; 103-445, eff. 1-1-24; 103-535, eff. 8-11-23; 103-551, eff. 8-11-23; revised 8-29-23.)

Section 25. The Illinois Insurance Code is amended by adding Section 356u.10 as follows:

(215 ILCS 5/356u.10 new)

Sec. 356u.10. Genetic testing and evidence-based screenings for an inherited gene mutation.

(a) In this Section, "genetic testing for an inherited mutation" means germline multi-gene testing for an inherited mutation associated with an increased risk of cancer in accordance with evidence-based, clinical practice guidelines.

(b) A group policy of accident and health insurance or managed care plan that is amended, delivered, issued, or renewed after January 1, 2026 shall provide coverage for clinical genetic testing for an inherited gene mutation for individuals with a personal or family history of cancer, as recommended by a health care professional in accordance with current evidence-based clinical practice guidelines, including, but not limited to, the current version of the National Comprehensive Cancer Network clinical practice guidelines. The coverage shall limit the total amount that a covered person is required to pay for a clinical genetic test under this subsection to an amount not to exceed $50, except for services for which cost sharing is prohibited under 42 U.S.C. 300gg-13. This subsection (b) shall not apply to coverage of genetic testing to the extent such coverage would disqualify a high-deductible health plan from eligibility for a health savings account pursuant to Section 223 of the Internal Revenue Code.

(c) For individuals with a genetic test that is positive for an inherited mutation associated with an increased risk of cancer, coverage required under this Section shall include any evidence-based screenings, as recommended by a health care professional in accordance with current evidence-based clinical practice guidelines, to the extent that the management recommendation is not already covered by the policy, except that coverage for evidence-based screenings under this subsection (c) may be subject to a deductible, coinsurance, or other cost-sharing limitation so long as the limitation is not greater than that required for other related cancer risk management benefits covered under the policy. In this subsection, "evidence-based cancer screenings" means medically recommended evidence-based screening modalities in accordance with current clinical practice guidelines.

Section 30. The Health Maintenance Organization Act is amended by changing Section 5-3 as follows:

(215 ILCS 125/5-3) (from Ch. 111 1/2, par. 1411.2)

Sec. 5-3. Insurance Code provisions.

(a) Health Maintenance Organizations shall be subject to the provisions of Sections 133, 134, 136, 137, 139, 140, 141.1, 141.2, 141.3, 143, 143c, 147, 148, 149, 151, 152, 153, 154, 154.5, 154.6, 154.7, 154.8, 155.04, 155.22a, 155.49, 355.2, 355.3, 355b, 355c, 356f, 356g.5-1, 356m, 356q, 356u.10, 356v, 356w, 356x, 356z.2, 356z.3a, 356z.4, 356z.4a, 356z.5, 356z.6, 356z.8, 356z.9, 356z.10, 356z.11, 356z.12, 356z.13, 356z.14, 356z.15, 356z.17, 356z.18, 356z.19, 356z.20, 356z.21, 356z.22, 356z.23, 356z.24, 356z.25, 356z.26, 356z.28, 356z.29, 356z.30, 356z.30a, 356z.31, 356z.32, 356z.33, 356z.34, 356z.35, 356z.36,

356z.37, 356z.38, 356z.39, 356z.40, 356z.41, 356z.44, 356z.45, 356z.46, 356z.47, 356z.48, 356z.49, 356z.50, 356z.51, 356z.53, 356z.54, 356z.55, 356z.56, 356z.57, 356z.58, 356z.59, 356z.60, 356z.61, 356z.62, 356z.64, 356z.65, 356z.67, 356z.68, 364, 364.01, 364.3, 367.2, 367.2-5, 367i, 368a, 368b, 368c, 368d, 368e, 370c, 370c.1, 401, 401.1, 402, 403, 403A, 408, 408.2, 409, 412, 444, and 444.1, paragraph (c) of subsection (2) of Section 367, and Articles IIA, VIII 1/2, XII, XII 1/2, XIII, XIII 1/2, XXV, XXVI, and XXXIIB of the Illinois Insurance Code.

(b) For purposes of the Illinois Insurance Code, except for Sections 444 and 444.1 and Articles XIII and XIII 1/2, Health Maintenance Organizations in the following categories are deemed to be "domestic companies":

(1) a corporation authorized under the Dental Service Plan Act or the Voluntary Health Services Plans Act;

(2) a corporation organized under the laws of this State; or

(3) a corporation organized under the laws of another state, 30% or more of the enrollees of which are residents of this State, except a corporation subject to substantially the same requirements in its state of organization as is a "domestic company" under Article VIII 1/2 of the Illinois Insurance Code.

(c) In considering the merger, consolidation, or other acquisition of control of a Health Maintenance Organization pursuant to Article VIII 1/2 of the Illinois Insurance Code,

(1) the Director shall give primary consideration to the continuation of benefits to enrollees and the financial conditions of the acquired Health Maintenance Organization after the merger, consolidation, or other acquisition of control takes effect;

(2)(i) the criteria specified in subsection (1)(b) of Section 131.8 of the Illinois Insurance Code shall not apply and (ii) the Director, in making his determination with respect to the merger, consolidation, or other acquisition of control, need not take into account the effect on competition of the merger, consolidation, or other acquisition of control;

(3) the Director shall have the power to require the following information:

(A) certification by an independent actuary of the adequacy of the reserves of the Health Maintenance Organization sought to be acquired;

(B) pro forma financial statements reflecting the combined balance sheets of the acquiring company and the Health Maintenance Organization sought to be acquired as of the end of the preceding year and as of a date 90 days prior to the acquisition, as well as pro forma financial statements reflecting projected combined operation for a period of 2 years;

(C) a pro forma business plan detailing an acquiring party's plans with respect to the operation of the Health Maintenance Organization sought to be acquired for a period of not less than 3 years; and

(D) such other information as the Director shall require.

(d) The provisions of Article VIII 1/2 of the Illinois Insurance Code and this Section 5-3 shall apply to the sale by any health maintenance organization of greater than 10% of its enrollee population (including, without limitation, the health maintenance organization's right, title, and interest in and to its health care certificates).

(e) In considering any management contract or service agreement subject to Section 141.1 of the Illinois Insurance Code, the Director (i) shall, in addition to the criteria specified in Section 141.2 of the Illinois Insurance Code, take into account the effect of the management contract or service agreement on the continuation of benefits to enrollees and the financial condition of the health maintenance organization to be managed or serviced, and (ii) need not take into account the effect of the management contract or service agreement on competition.

(f) Except for small employer groups as defined in the Small Employer Rating, Renewability and Portability Health Insurance Act and except for medicare supplement policies as defined in Section 363 of the Illinois Insurance Code, a Health Maintenance Organization may by contract agree with a group or other enrollment unit to effect refunds or charge additional premiums under the following terms and conditions:

(i) the amount of, and other terms and conditions with respect to, the refund or additional premium are set forth in the group or enrollment unit contract agreed in advance of the period for which a refund is to be paid or additional premium is to be charged (which period shall not be less than one year); and

(ii) the amount of the refund or additional premium shall not exceed 20% of the Health Maintenance Organization's profitable or unprofitable experience with respect to the group or other

enrollment unit for the period (and, for purposes of a refund or additional premium, the profitable or unprofitable experience shall be calculated taking into account a pro rata share of the Health Maintenance Organization's administrative and marketing expenses, but shall not include any refund to be made or additional premium to be paid pursuant to this subsection (f)). The Health Maintenance Organization and the group or enrollment unit may agree that the profitable or unprofitable experience may be calculated taking into account the refund period and the immediately preceding 2 plan years.

The Health Maintenance Organization shall include a statement in the evidence of coverage issued to each enrollee describing the possibility of a refund or additional premium, and upon request of any group or enrollment unit, provide to the group or enrollment unit a description of the method used to calculate (1) the Health Maintenance Organization's profitable experience with respect to the group or enrollment unit and the resulting refund to the group or enrollment unit or (2) the Health Maintenance Organization's unprofitable experience with respect to the group or enrollment unit and the resulting additional premium to be paid by the group or enrollment unit.

In no event shall the Illinois Health Maintenance Organization Guaranty Association be liable to pay any contractual obligation of an insolvent organization to pay any refund authorized under this Section.

(g) Rulemaking authority to implement Public Act 95-1045, if any, is conditioned on the rules being adopted in accordance with all provisions of the Illinois Administrative Procedure Act and all rules and procedures of the Joint Committee on Administrative Rules; any purported rule not so adopted, for whatever reason, is unauthorized.

(Source: P.A. 102-30, eff. 1-1-22; 102-34, eff. 6-25-21; 102-203, eff. 1-1-22; 102-306, eff. 1-1-22; 102-443, eff. 1-1-22; 102-589, eff. 1-1-22; 102-642, eff. 1-1-22; 102-665, eff. 10-8-21; 102-731, eff. 1-1-23; 102-775, eff. 5-13-22; 102-804, eff. 1-1-23; 102-813, eff. 5-13-22; 102-816, eff. 1-1-23; 102-860, eff. 1-1-23; 102-901, eff. 7-1-22; 102-1093, eff. 1-1-23; 102-1117, eff. 1-13-23; 103-84, eff. 1-1-24; 103-91, eff. 1-1-24; 103-123, eff. 1-1-24; 103-154, eff. 6-30-23; 103-420, eff. 1-1-24; 103-426, eff. 8-4-23; 103-445, eff. 1-1-24; 103-551, eff. 8-11-23; revised 8-29-23.)

Section 35. The Voluntary Health Services Plans Act is amended by changing Section 10 as follows:

(215 ILCS 165/10) (from Ch. 32, par. 604)

Sec. 10. Application of Insurance Code provisions. Health services plan corporations and all persons interested therein or dealing therewith shall be subject to the provisions of Articles IIA and XII 1/2 and Sections 3.1, 133, 136, 139, 140, 143, 143c, 149, 155.22a, 155.37, 354, 355.2, 355.3, 355b, 356g, 356g.5, 356g.5-1, 356q, 356r, 356t, 356u, 356u.10, 356v, 356w, 356x, 356y, 356z.1, 356z.2, 356z.3a, 356z.4, 356z.4a, 356z.5, 356z.6, 356z.8, 356z.9, 356z.10, 356z.11, 356z.12, 356z.13, 356z.14, 356z.15, 356z.18, 356z.19, 356z.21, 356z.22, 356z.25, 356z.26, 356z.29, 356z.30, 356z.30a, 356z.32, 356z.33, 356z.40, 356z.41, 356z.46, 356z.47, 356z.51, 356z.53, 356z.54, 356z.56, 356z.57, 356z.59, 356z.60, 356z.61, 356z.62, 356z.64, 356z.67, 356z.68, 364.01, 364.3, 367.2, 368a, 401, 401.1, 402, 403, 403A, 408, 408.2, and 412, and paragraphs (7) and (15) of Section 367 of the Illinois Insurance Code.

Rulemaking authority to implement Public Act 95-1045, if any, is conditioned on the rules being adopted in accordance with all provisions of the Illinois Administrative Procedure Act and all rules and procedures of the Joint Committee on Administrative Rules; any purported rule not so adopted, for whatever reason, is unauthorized.

(Source: P.A. 102-30, eff. 1-1-22; 102-203, eff. 1-1-22; 102-306, eff. 1-1-22; 102-642, eff. 1-1-22; 102-665, eff. 10-8-21; 102-731, eff. 1-1-23; 102-775, eff. 5-13-22; 102-804, eff. 1-1-23; 102-813, eff. 5-13-22; 102-816, eff. 1-1-23; 102-860, eff. 1-1-23; 102-901, eff. 7-1-22; 102-1093, eff. 1-1-23; 102-1117, eff. 1-13-23; 103-84, eff. 1-1-24; 103-91, eff. 1-1-24; 103-420, eff. 1-1-24; 103-445, eff. 1-1-24; 103-551, eff. 8-11-23; revised 8-29-23.)

Section 40. The Illinois Public Aid Code is amended by adding Section 5-52 as follows:

(305 ILCS 5/5-52 new)

Sec. 5-52. Genetic testing and evidence-based screenings for an inherited gene mutation.

(a) In this Section, "genetic testing for an inherited mutation" means germline multi-gene testing for an inherited mutation associated with an increased risk of cancer in accordance with evidence-based, clinical practice guidelines.

(b) Subject to federal approval, the medical assistance program, after January 1, 2026, shall provide coverage for clinical genetic testing for an inherited gene mutation for individuals with a personal or family history of cancer, as recommended by a health care professional in accordance with current evidence-based

clinical practice guidelines, including, but not limited to, the current version of the National Comprehensive Cancer Network clinical practice guidelines.

(c) For individuals with a genetic test that is positive for an inherited mutation associated with an increased risk of cancer, coverage required under this Section shall include any evidence-based screenings, as recommended by a health care professional in accordance with current evidence-based clinical practice guidelines, to the extent that the management recommendation is not already covered by the medical assistance program. In this subsection, "evidence-based cancer screenings" means medically recommended evidence-based screening modalities in accordance with current clinical practice guidelines.

Section 99. Effective date. This Section and Section 40 take effect January 1, 2025.".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 2 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Morrison, **Senate Bill No. 2697** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, “Shall this bill pass?” it was decided in the affirmative by the following vote:

YEAS 59; NAYS None.

The following voted in the affirmative:

Anderson	Feigenholtz	Lewis	Sims
Aquino	Fine	Lightford	Stadelman
Belt	Fowler	Loughran Cappel	Stoller
Bennett	Gillespie	Martwick	Syverson
Bryant	Glowiak Hilton	McClure	Toro
Castro	Halpin	McConchie	Tracy
Cervantes	Harris, N.	Morrison	Turner, D.
Chesney	Harriss, E.	Murphy	Turner, S.
Collins	Hastings	Peters	Ventura
Cunningham	Holmes	Plummer	Villa
Curran	Hunter	Porfirio	Villanueva
DeWitte	Johnson	Preston	Villivalam
Edly-Allen	Jones, E.	Rezin	Wilcox
Ellman	Joyce	Rose	Mr. President
Faraci	Koehler	Simmons	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

SENATE BILL RECALLED

On motion of Senator Fine, **Senate Bill No. 2799** was recalled from the order of third reading to the order of second reading.

Senator Fine offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 2799

AMENDMENT NO. 2 . Amend Senate Bill 2799, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1 on page 1, line 4, by replacing "Opening" with "Open"; and

on page 36, line 11, after "acts" by inserting ", except for intentional, willful, or wanton conduct".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 2 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

READING BILLS OF THE SENATE A THIRD TIME

On motion of Senator Fine, **Senate Bill No. 2799** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

YEAS 50; NAYS 9.

The following voted in the affirmative:

Aquino	Gillespie	Loughran Cappel	Stoller
Belt	Glowiak Hilton	Martwick	Syverson
Castro	Halpin	McClure	Toro
Cervantes	Harris, N.	Morrison	Tracy
Collins	Harriss, E.	Murphy	Turner, D.
Cunningham	Hastings	Peters	Ventura
DeWitte	Holmes	Porfirio	Villa
Edly-Allen	Hunter	Preston	Villanueva
Ellman	Johnson	Rezin	Villivalam
Faraci	Jones, E.	Rose	Wilcox
Feigenholtz	Joyce	Simmons	Mr. President
Fine	Koehler	Sims	
Fowler	Lightford	Stadelman	

The following voted in the negative:

Anderson	Chesney	McConchie
Bennett	Curran	Plummer
Bryant	Lewis	Turner, S.

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

On motion of Senator Belt, **Senate Bill No. 2803** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

YEAS 41; NAYS 18.

The following voted in the affirmative:

Aquino	Gillespie	Lewis	Stadelman

Belt	Glowiak Hilton	Lightford	Toro
Castro	Halpin	Loughran Cappel	Turner, D.
Cervantes	Harris, N.	Martwick	Ventura
Collins	Hastings	Morrison	Villa
Cunningham	Holmes	Murphy	Villanueva
Edly-Allen	Hunter	Peters	Villivalam
Ellman	Johnson	Porfirio	Mr. President
Faraci	Jones, E.	Preston	
Feigenholtz	Joyce	Simmons	
Fine	Koehler	Sims	

The following voted in the negative:

Anderson	DeWitte	Plummer	Tracy
Bennett	Fowler	Rezin	Turner, S.
Bryant	Harriss, E.	Rose	Wilcox
Chesney	McClure	Stoller	
Curran	McConchie	Syverson	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

On motion of Senator Lewis, **Senate Bill No. 3514** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, “Shall this bill pass?” it was decided in the affirmative by the following vote:

YEAS 58; NAYS None.

The following voted in the affirmative:

Anderson	Feigenholtz	Lewis	Stadelman
Aquino	Fine	Lightford	Stoller
Belt	Fowler	Loughran Cappel	Syverson
Bennett	Gillespie	Martwick	Toro
Bryant	Glowiak Hilton	McClure	Tracy
Castro	Halpin	McConchie	Turner, D.
Cervantes	Harris, N.	Morrison	Turner, S.
Chesney	Harriss, E.	Murphy	Ventura
Collins	Hastings	Peters	Villa
Cunningham	Holmes	Plummer	Villanueva
Curran	Hunter	Porfirio	Villivalam
DeWitte	Johnson	Preston	Wilcox
Edly-Allen	Jones, E.	Rezin	Mr. President
Ellman	Joyce	Simmons	
Faraci	Koehler	Sims	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

On motion of Senator Murphy, **Senate Bill No. 2834** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, “Shall this bill pass?” it was decided in the affirmative by the following vote:

YEAS 59; NAYS None.

The following voted in the affirmative:

Anderson	Feigenholtz	Lewis	Sims
Aquino	Fine	Lightford	Stadelman
Belt	Fowler	Loughran Cappel	Stoller
Bennett	Gillespie	Martwick	Syverson
Bryant	Glowiak Hilton	McClure	Toro
Castro	Halpin	McConchie	Tracy
Cervantes	Harris, N.	Morrison	Turner, D.
Chesney	Harriss, E.	Murphy	Turner, S.
Collins	Hastings	Peters	Ventura
Cunningham	Holmes	Plummer	Villa
Curran	Hunter	Porfirio	Villanueva
DeWitte	Johnson	Preston	Villivalam
Edly-Allen	Jones, E.	Rezin	Wilcox
Ellman	Joyce	Rose	Mr. President
Faraci	Koehler	Simmons	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

On motion of Senator Halpin, **Senate Bill No. 2850** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, “Shall this bill pass?” it was decided in the affirmative by the following vote:

YEAS 39; NAYS 19.

The following voted in the affirmative:

Aquino	Fine	Joyce	Sims
Belt	Gillespie	Koehler	Stadelman
Castro	Glowiak Hilton	Lightford	Toro
Cervantes	Halpin	Loughran Cappel	Turner, D.
Collins	Harris, N.	Martwick	Ventura
Cunningham	Hastings	Murphy	Villa
Edly-Allen	Holmes	Peters	Villanueva
Ellman	Hunter	Porfirio	Villivalam
Faraci	Johnson	Preston	Mr. President
Feigenholtz	Jones, E.	Simmons	

The following voted in the negative:

Anderson	DeWitte	McConchie	Syverson
Bennett	Fowler	Plummer	Tracy
Bryant	Harriss, E.	Rezin	Turner, S.
Chesney	Lewis	Rose	Wilcox
Curran	McClure	Stoller	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

On motion of Senator Ventura, **Senate Bill No. 2872** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

YEAS 36; NAYS 19.

The following voted in the affirmative:

Aquino	Fine	Lightford	Turner, D.
Belt	Gillespie	Martwick	Ventura
Castro	Halpin	Murphy	Villa
Cervantes	Harris, N.	Peters	Villanueva
Collins	Hastings	Porfirio	Villivalam
Cunningham	Hunter	Preston	Mr. President
Edly-Allen	Johnson	Simmons	
Ellman	Jones, E.	Sims	
Faraci	Joyce	Stadelman	
Feigenholtz	Koehler	Toro	

The following voted in the negative:

Anderson	DeWitte	McConchie	Syverson
Bennett	Fowler	Plummer	Tracy
Bryant	Harriss, E.	Rezin	Turner, S.
Chesney	Lewis	Rose	Wilcox
Curran	McClure	Stoller	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

SENATE BILL RECALLED

On motion of Senator Martwick, **Senate Bill No. 2919** was recalled from the order of third reading to the order of second reading.

Floor Amendment No. 1 was held in the Committee on Assignments.

Senator Martwick offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 2919

AMENDMENT NO. 2 . Amend Senate Bill 2919 by replacing everything after the enacting clause with the following:

"Section 5. The Code of Civil Procedure is amended by changing Sections 15-1506 and 15-1507 and by adding Sections 15-1507.2 and 15-1510.1 as follows:

(735 ILCS 5/15-1506) (from Ch. 110, par. 15-1506)

Sec. 15-1506. Judgment.

(a) Evidence. In the trial of a foreclosure, the evidence to support the allegations of the complaint shall be taken in open court, except:

(1) where an allegation of fact in the complaint is not denied by a party's verified answer or verified counterclaim, or where a party pursuant to subsection (b) of Section 2-610 of the Code of

Civil Procedure states, or is deemed to have stated, in its pleading that it has no knowledge of such allegation sufficient to form a belief and attaches the required affidavit, a sworn verification of the complaint or a separate affidavit setting forth such fact is sufficient evidence thereof against such party and no further evidence of such fact shall be required; and

(2) where all the allegations of fact in the complaint have been proved by verification of the complaint or affidavit, the court upon motion supported by an affidavit stating the amount which is due the mortgagee, shall enter a judgment of foreclosure as requested in the complaint.

(b) Instruments. In all cases the evidence of the indebtedness and the mortgage foreclosed shall be exhibited to the court and appropriately marked, and copies thereof shall be filed with the court.

(c) Summary and Default Judgments. Nothing in this Section 15-1506 shall prevent a party from obtaining a summary or default judgment authorized by Article II of the Code of Civil Procedure.

(d) Notice of Entry of Default. When any judgment in a foreclosure is entered by default, notice of such judgment shall be given in accordance with Section 2-1302 of the Code of Civil Procedure.

(e) Matters Required in Judgment. A judgment of foreclosure shall include the last date for redemption and all rulings of the court entered with respect to each request for relief set forth in the complaint. The omission of the date for redemption shall not extend the time for redemption or impair the validity of the judgment.

(f) Special Matters in Judgment. Without limiting the general authority and powers of the court, special matters may be included in the judgment of foreclosure if sought by a party in the complaint or by separate motion. Such matters may include, without limitation:

(1) a manner of sale other than public auction;

(2) a sale by sealed bid;

(3) an official or other person who shall be the officer to conduct the sale other than the one customarily designated by the court;

(4) provisions for non-exclusive broker listings or designating a duly licensed real estate broker nominated by one of the parties to exclusively list the real estate for sale;

(5) the fees or commissions to be paid out of the sale proceeds to the listing or other duly licensed broker, if any, who shall have procured the accepted bid;

(6) the fees to be paid out of the sale proceeds to an auctioneer, if any, who shall have been authorized to conduct a public auction sale;

(7) whether and in what manner and with what content signs shall be posted on the real estate;

(8) a particular time and place at which such bids shall be received;

(9) a particular newspaper or newspapers in which notice of sale shall be published;

(10) the format for the advertising of such sale, including the size, content and format of such advertising, and additional advertising of such sale;

(11) matters or exceptions to which title in the real estate may be subject at the sale;

(12) a requirement that title insurance in a specified form be provided to a purchaser at the sale, and who shall pay for such insurance;

(13) whether and to what extent bids with mortgage or other contingencies will be allowed;

(14) such other matters as approved by the court to ensure sale of the real estate for the most commercially favorable price for the type of real estate involved.

(g) Agreement of the Parties. If all of the parties agree in writing on the minimum price and that the real estate may be sold to the first person who offers in writing to purchase the real estate for such price, and on such other commercially reasonable terms and conditions as the parties may agree, then the court shall order the real estate to be sold on such terms, subject to confirmation of the sale in accordance with Section 15-1508.

(h) Postponement of Proving Priority. With the approval of the court prior to the entry of the judgment of foreclosure, a party claiming an interest in the proceeds of the sale of the mortgaged real estate may defer proving the priority of such interest until the hearing to confirm the sale.

(i) Effect of Judgment and Lien.

(1) Upon the entry of the judgment of foreclosure, all rights of a party in the foreclosure against the mortgagor provided for in the judgment of foreclosure or this Article shall be secured by a lien on the mortgaged real estate, which lien shall have the same priority as the claim to which the judgment relates and shall be terminated upon confirmation of a judicial sale in accordance with this Article.

(2) Upon the entry of the judgment of foreclosure, the rights in the real estate subject to the judgment of foreclosure of (i) all persons made a party in the foreclosure and (ii) all nonrecord

claimants given notice in accordance with paragraph (2) of subsection (c) of Section 15-1502, shall be solely as provided for in the judgment of foreclosure and in this Article.

(3) Entry of a judgment of foreclosure does not terminate or otherwise affect a bona fide lease of a dwelling unit in residential real estate in foreclosure, whether or not the lessee has been made a party in the foreclosure.

(Source: P.A. 98-514, eff. 11-19-13.)

(735 ILCS 5/15-1507) (from Ch. 110, par. 15-1507)

Sec. 15-1507. Judicial Sale.

(a) In General. Except as provided in Sections 15-1402 and 15-1403, upon entry of a judgment of foreclosure, the real estate which is the subject of the judgment shall be sold at a judicial sale in accordance with this Section 15-1507.

(b) Sale Procedures.

(1) Upon expiration of the reinstatement period and the redemption period in accordance with subsection (b) or (c) of Section 15-1603 or upon the entry of a judgment of foreclosure after the waiver of all rights of redemption, except as provided in subsection (g) of Section 15-1506, the real estate shall be sold at a sale as provided in this Article, on such terms and conditions as shall be specified by the person conducting the sale ~~court in the judgment of foreclosure~~. A sale may be conducted by any judge, ~~or~~ sheriff, or other person as set forth in paragraph (3) of subsection (f) of Section 15-1506. The person conducting the sale has the discretion to set the terms of the sale.

(2) Without limiting the general authority and powers of the court, the mortgagee, in a foreclosure under this Article may request that the judge, sheriff, or other person conduct the sale either in person, if available, or online or both.

(c) Notice of Sale. The mortgagee, or such other party designated by the court, in a foreclosure under this Article shall give public notice of the sale as follows:

(1) The notice of sale shall include at least the following information, but an immaterial error in the information shall not invalidate the legal effect of the notice:

(A) the name, address and telephone number of the person to contact for information regarding the real estate;

(B) the common address and other common description (other than legal description), if any, of the real estate;

(C) a legal description of the real estate sufficient to identify it with reasonable certainty;

(D) a description of the improvements on the real estate;

(E) the times specified in the judgment, if any, when the real estate may be inspected prior to sale;

(F) the time and place of the sale, including:~~;~~

(i) whether the sale will take place online, in person, or both; and

(ii) the website where the online bidding may take place, if applicable;

(G) the terms of the sale;

(H) the case title, case number and the court in which the foreclosure was filed;

(H-1) in the case of a condominium unit to which subsection (g) of Section 9 of the Condominium Property Act applies, the statement required by subdivision (g)(5) of Section 9 of the Condominium Property Act;

(H-2) in the case of a unit of a common interest community to which subsection (g-1) of Section 18.5 of the Condominium Property Act applies, the statement required by subdivision (g-1) of Section 18.5 of the Condominium Property Act; and

(I) such other information ordered by the Court.

(2) The notice of sale shall be published at least 3 consecutive calendar weeks (Sunday through Saturday), once in each week, the first such notice to be published not more than 45 days prior to the sale, the last such notice to be published not less than 7 days prior to the sale, by: (i) (A) advertisements in a newspaper circulated to the general public in the county in which the real estate is located, in the section of that newspaper where legal notices are commonly placed and (B) separate advertisements in the section of such a newspaper, which (except in counties with a population in excess of 3,000,000) may be the same newspaper, in which real estate other than real estate being sold as part of legal proceedings is commonly advertised to the general public; provided, that the separate advertisements in the real estate section need not include a legal description and that where both advertisements could be published in the same newspaper and that newspaper does not have separate

legal notices and real estate advertisement sections, a single advertisement with the legal description shall be sufficient; in counties with a population of more than 3,000,000, the notice required by this item (B) shall be published in a newspaper different from the newspaper that publishes the notice required by item (A), and the newspaper in which the notice required by this item (B) is published shall be a newspaper published in the township in which the real estate is located; and (ii) such other publications as may be further ordered by the court.

(3) The party who gives notice of public sale in accordance with subsection (c) of Section 15-1507 shall also give notice to all parties in the action who have appeared and have not theretofore been found by the court to be in default for failure to plead. Such notice shall be given in the manner provided in the applicable rules of court for service of papers other than process and complaint, not more than 45 days nor less than 7 days prior to the day of sale. After notice is given as required in this Section a copy thereof shall be filed in the office of the clerk of the court entering the judgment, together with a certificate of counsel or other proof that notice has been served in compliance with this Section.

(4) The party who gives notice of public sale in accordance with subsection (c) of Section 15-1507 shall again give notice in accordance with that Section of any adjourned sale; provided, however, that if the adjourned sale is to occur less than 60 days after the last scheduled sale, notice of any adjourned sale need not be given pursuant to this Section. In the event of adjournment, the person conducting the sale shall, upon adjournment, announce the date, time and place upon which the adjourned sale shall be held or post on its website the date, time, and place upon which the adjourned sale shall be held. Notwithstanding any language to the contrary, for any adjourned sale that is to be conducted more than 60 days after the date on which it was to first be held, the party giving notice of such sale shall again give notice in accordance with this Section.

(5) Notice of the sale may be given prior to the expiration of any reinstatement period or redemption period.

(6) No other notice by publication or posting shall be necessary unless required by order or rule of the court.

(7) The person named in the notice of sale to be contacted for information about the real estate may, but shall not be required, to provide additional information other than that set forth in the notice of sale.

(d) Election of Property. If the real estate which is the subject of a judgment of foreclosure is susceptible of division, the court may order it to be sold as necessary to satisfy the judgment. The court shall determine which real estate shall be sold, and the court may determine the order in which separate tracts may be sold.

(e) Receipt upon Sale. Following ~~Upon and at~~ the sale of mortgaged real estate, the person conducting the sale shall give to the purchaser a receipt of sale. The receipt shall describe the real estate purchased and shall show the amount bid, the amount paid, the total amount paid to date and the amount still to be paid therefor. An additional receipt shall be given at the time of each subsequent payment.

(f) Certificate of Sale. Upon payment in full of the amount bid, the person conducting the sale shall issue, in duplicate, and give to the purchaser a Certificate of Sale. The Certificate of Sale shall be in a recordable form, describe the real estate purchased, indicate the date and place of sale and show the amount paid therefor. The Certificate of Sale shall further indicate that it is subject to confirmation by the court. The duplicate certificate may be recorded in accordance with Section 12-121. The Certificate of Sale shall be freely assignable by endorsement thereon.

(g) Interest after Sale. Any bid at sale shall be deemed to include, without the necessity of a court order, interest at the statutory judgment rate on any unpaid portion of the sale price from the date of sale to the date of payment.

(Source: P.A. 100-685, eff. 8-3-18.)

(735 ILCS 5/15-1507.2 new)

Sec. 15-1507.2. Online judicial sale.

(a) The sheriff or other person may conduct the sale online in accordance with this Article.

(b) The sheriff or other person may engage a third-party online sale provider to assist with performance of the online sale. Any third-party online sale provider engaged by a sheriff must be acquired through a process that confirms that the provider meets the requirements set forth in this Article.

(c) In this Section, "third-party online sale provider" means any sale platform or services provider that is not the person conducting the sale or a party to the case involving the judicial sale and that is engaged by the person conducting the sale to assist with conducting the sale online in accordance with State law.

(d) The sheriff or other person may charge an additional fee payable upon the completion of the sale as a reasonable expense of the sale for costs associated with conducting the sale online as approved by the court.

(e) For any foreclosure involving residential real estate, such fee must not to exceed $400, unless a higher fee is otherwise approved by the court. Any fees not charged as a cost in the case may be agreed to and paid directly by the judge, sheriff, other person conducting the sale or a party to the case without limitation. The fees charged under this Section shall not reduce or impact the sheriff's fees set for in Section 4-5001 and 4-12001 of the Counties Code.

(f) To conduct a sale online, the sheriff or other person conducting the sale must demonstrate to the court's satisfaction documented processes and procedures for conducting online auctions, adequate record keeping, and the ability to comply with the requirements in this Article.

(g) If the sale takes place both online and in person, all bids accepted during the auction shall be simultaneously announced at the in-person sale and visible to the public online at the time the bids are placed. Any maximum bid amounts provided by bidders ahead of the sale shall not be visible to the public until the bid is placed.

(h) There shall be no fee charged to the public to view properties for sale online or to participate in any auction in person or online.

(i) Any third-party online sale provider may not maintain custody of sale funds on behalf of the judge, sheriff, or other person conducting the sale unless specifically approved by the court to maintain custody of funds on their behalf.

(j) The sheriff or other person conducting the sale shall require a person seeking to bid electronically online to complete a registration process that includes providing information relevant to properly identify the bidder, contact the bidder, and complete the sale of the property as determined by the sheriff or other person conducting the sale.

(k) If the person registering to bid is an individual, the information required shall include the individual's name, electronic mail address, and telephone number.

(l) If the person registering to bid is an entity, the information required in this Section shall include the entity's legal name, name of an individual contact person for the entity, electronic mail address, and telephone number.

(m) The sheriff or other person conducting the sale online shall require all bidders who wish to participate in bidding online to have their identity verified through an identification verification process before a bid can be placed online, which may include verification through a government issued identification, biometric verification, or other method of verification as determined by the judge, sheriff, or other person conducting the sale. If a bidder's identity cannot be verified through the verification process, then the bidder may be prohibited from participating in the online sale.

(n) The purchaser at the sale shall submit to the person conducting the sale the following information prior to the sale being finalized:

(1) All winning purchasers shall provide any required information to be checked against the federal Office for Foreign Assets Control sanction list by the person conducting the sale before finalizing the purchase of the property. The person conducting the sale shall check the winning purchaser against the sanction list before an order approving the sale may be entered.

(2) If the purchaser is an individual, the information shall include the individual's name, physical mailing address, electronic mail address, and any other information requested by the person conducting the sale to adequately identify and contact the purchaser;

(3) If the purchaser is an entity, the information shall include the entity's legal name, trade name if different from its legal name, state and date of formation, mailing address, proof of business registration with the State of Illinois, and the name of an individual contact person for the entity, electronic mail address, and the person's telephone number.

(4) If the purchaser fails to provide the required information within the time period designated by the judge, sheriff, or other person conducting the sale, the purchaser is in default and the judge, sheriff, or other person conducting the sale may void the sale and proceed with a resale.

(o) Any person conducting a sale online must obtain evidence of satisfactory internal informational security controls that meet industry standards and are maintained by the platform used to conduct online

sales. Upon the request of the court or interested party to the case, the person conducting the sale shall provide such evidence of satisfactory internal controls regarding data security that may be in the form of an annual SOC2 Report, with the ability to test and report on the design effectiveness (Type 1) and operating effectiveness (Type 2) of the platform's controls, or another form acceptable to the court ensuring performance and security requirements are met.

(p) The person conducting the sale and the third-party online sale provider may engage in activities to promote and market the sale to encourage and facilitate bidding, including listing the property on real estate websites and conduct email campaigns. The person conducting the sale or the third-party online sale provider is solely responsible for paying all fees or expenses incurred in connection with such activities.

(735 ILCS 5/15-1510.1 new)

Sec. 15-1510.1. Third-party purchaser fees and costs. Notwithstanding any other provision of law to the contrary, for the sale of residential real estate, no fee, including a buyer's premium, may be charged to a third-party bidder or purchaser who is not a party to the case at the sale of real estate under this Article beyond the winning bid amount to cover an expense of sale.".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 2 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

READING BILLS OF THE SENATE A THIRD TIME

On motion of Senator Martwick, **Senate Bill No. 2919** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, “Shall this bill pass?” it was decided in the affirmative by the following vote:

YEAS 59; NAYS None.

The following voted in the affirmative:

Anderson	Feigenholtz	Lewis	Sims
Aquino	Fine	Lightford	Stadelman
Belt	Fowler	Loughran Cappel	Stoller
Bennett	Gillespie	Martwick	Syverson
Bryant	Glowiak Hilton	McClure	Toro
Castro	Halpin	McConchie	Tracy
Cervantes	Harris, N.	Morrison	Turner, D.
Chesney	Harriss, E.	Murphy	Turner, S.
Collins	Hastings	Peters	Ventura
Cunningham	Holmes	Plummer	Villa
Curran	Hunter	Porfirio	Villanueva
DeWitte	Johnson	Preston	Villivalam
Edly-Allen	Jones, E.	Rezin	Wilcox
Ellman	Joyce	Rose	Mr. President
Faraci	Koehler	Simmons	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

On motion of Senator Johnson, **Senate Bill No. 2930** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, “Shall this bill pass?” it was decided in the affirmative by the following vote:

YEAS 39; NAYS 19.

The following voted in the affirmative:

Aquino	Fine	Koehler	Sims
Belt	Gillespie	Lightford	Stadelman
Castro	Glowiak Hilton	Loughran Cappel	Toro
Cervantes	Halpin	Martwick	Turner, D.
Collins	Harris, N.	Morrison	Ventura
Cunningham	Hastings	Murphy	Villa
Edly-Allen	Hunter	Peters	Villanueva
Ellman	Johnson	Porfirio	Villivalam
Faraci	Jones, E.	Preston	Mr. President
Feigenholtz	Joyce	Simmons	

The following voted in the negative:

Anderson	DeWitte	McConchie	Syverson
Bennett	Fowler	Plummer	Tracy
Bryant	Harriss, E.	Rezin	Turner, S.
Chesney	Lewis	Rose	Wilcox
Curran	McClure	Stoller	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

VOTE RECORDED

Senator Bryant asked and obtained unanimous consent for the Journal to reflect her intention to have voted in the negative on **Senate Bill No. 3362**, on Tuesday, April 9, 2024.

At the hour of 1:59 o'clock p.m., the Chair announced that the Senate stands at ease.

AT EASE

At the hour of 2:07 o'clock p.m., the Senate resumed consideration of business.
Senator Aquino, presiding.

REPORT FROM COMMITTEE ON ASSIGNMENTS

Senator Lightford, Chair of the Committee on Assignments, during its April 10, 2024 meeting, reported the following Legislative Measures have been assigned to the indicated Standing Committees of the Senate:

Appropriations - Public Safety and Infrastructure: **Committee Amendment No. 1 to Senate Bill 3419**.

Executive: **Floor Amendment No. 3 to Senate Bill 1; Floor Amendment No. 1 to Senate Bill 3359; Floor Amendment No. 3 to Senate Bill 3630; Committee Amendment No. 1 to Senate Bill 3731; Committee Amendment No. 1 to Senate Bill 3907**.

Licensed Activities: **Floor Amendment No. 3 to Senate Bill 2586**.

Local Government: **Floor Amendment No. 3 to Senate Bill 3597**.

State Government: **Floor Amendment No. 2 to Senate Bill 2682; Floor Amendment No. 1 to Senate Bill 3608**.

Special Committee on Criminal Law and Public Safety: **Floor Amendment No. 4 to Senate Bill 3353**.

Senator Lightford, Chair of the Committee on Assignments, during its April 10, 2024 meeting, to which was referred **Senate Bills Numbered 952, 967 and 1161** on March 31, 2023, pursuant to Rule 3-9(a), reported that the Committee recommends that the bills be approved for consideration and returned to the calendar in their former position.

The report of the Committee was concurred in.

And **Senate Bills Numbered 952, 967 and 1161** were returned to the order of third reading.

READING BILLS OF THE SENATE A THIRD TIME

On motion of Senator Stadelman, **Senate Bill No. 2935** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

YEAS 40; NAYS 17.

The following voted in the affirmative:

Aquino	Gillespie	Loughran Cappel	Toro
Belt	Glowiak Hilton	Martwick	Turner, D.
Castro	Halpin	Morrison	Ventura
Cervantes	Harris, N.	Murphy	Villa
Collins	Hastings	Peters	Villanueva
Cunningham	Hunter	Porfirio	Villivalam
Edly-Allen	Johnson	Preston	Mr. President
Ellman	Jones, E.	Rose	
Faraci	Joyce	Simmons	
Feigenholtz	Koehler	Sims	
Fine	Lightford	Stadelman	

The following voted in the negative:

Anderson	DeWitte	McConchie	Tracy
Bennett	Fowler	Plummer	Wilcox
Bryant	Harriss, E.	Rezin	
Chesney	Lewis	Stoller	
Curran	McClure	Syverson	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

Senator S. Turner asked and obtained unanimous consent for the Journal to reflect her intention to have voted in the negative on **Senate Bill No. 2935**.

On motion of Senator Hunter, **Senate Bill No. 2957** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

YEAS 59; NAYS None.

The following voted in the affirmative:

Anderson	Feigenholtz	Lewis	Sims
Aquino	Fine	Lightford	Stadelman
Belt	Fowler	Loughran Cappel	Stoller
Bennett	Gillespie	Martwick	Syverson
Bryant	Glowiak Hilton	McClure	Toro
Castro	Halpin	McConchie	Tracy
Cervantes	Harris, N.	Morrison	Turner, D.
Chesney	Harriss, E.	Murphy	Turner, S.
Collins	Hastings	Peters	Ventura
Cunningham	Holmes	Plummer	Villa
Curran	Hunter	Porfirio	Villanueva
DeWitte	Johnson	Preston	Villivalam
Edly-Allen	Jones, E.	Rezin	Wilcox
Ellman	Joyce	Rose	Mr. President
Faraci	Koehler	Simmons	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

SENATE BILL RECALLED

On motion of Senator Fine, **Senate Bill No. 2960** was recalled from the order of third reading to the order of second reading.

Senator Fine offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 2960

AMENDMENT NO. 1 . Amend Senate Bill 2960 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Small Single-Use Plastic Act.

Section 5. Definitions. As used in this Act:

"Hotel" has the meaning given in the Hotel Operators' Occupation Tax Act.

"Personal care products" includes shampoo, hair conditioner, and bath soap intended to be applied to or used on the human body in the shower or bath.

"Small, single-use plastic bottle" means a plastic bottle or container with less than a 6-ounce capacity that is intended to be nonreusable by the end user.

Section 10. Small, single-use plastic bottles at hotels.

(a) Beginning July 1, 2025, a hotel with 50 rooms or more shall not provide small, single-use plastic bottles containing personal care products in any space within a sleeping room accommodation, within bathrooms shared by the public or guests, or to a customer of the establishment staying in a sleeping room accommodation.

(b) Beginning January 1, 2026, a hotel shall not provide small, single-use plastic bottles containing personal care products in any space within a sleeping room accommodation, within bathrooms shared by the public or guests, or to a customer of the establishment staying in a sleeping room accommodation.

(c) A hotel may provide personal care products in small, single-use plastic bottles to a person at no cost, upon request, at a place other than a sleeping room accommodation, a space within the sleeping room accommodation, or a space within bathrooms shared by the public or guests.

(d) A unit of local government, including a home rule unit, shall not regulate the provision of small, single-use plastic bottles in a manner inconsistent with the regulation by the State of the provision of small, single-use plastic bottles under this Act. This Section is a limitation under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units of powers and functions exercised by the State.

Section 15. Civil penalties.

(a) A hotel in violation of this Act shall receive a written warning for the first violation from a State's Attorney or a municipal attorney. The written warning shall recite the violation and advise that subsequent violations may result in citations and penalties. Upon a second or subsequent violation, the hotel may be liable for a civil penalty of $500 for each violation after an action under subsection (b).

(b) A State's Attorney or municipal attorney may bring an action in circuit court to request a civil penalty, and a circuit court may impose a civil penalty under this Section against a hotel violating this Act.".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

READING BILLS OF THE SENATE A THIRD TIME

On motion of Senator Fine, **Senate Bill No. 2960** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, “Shall this bill pass?” it was decided in the affirmative by the following vote:

YEAS 42; NAYS 16.

The following voted in the affirmative:

Aquino	Fine	Koehler	Simmons
Belt	Gillespie	Lewis	Sims
Castro	Glowiak Hilton	Lightford	Stadelman
Cervantes	Halpin	Loughran Cappel	Toro
Collins	Harris, N.	Martwick	Turner, D.
Cunningham	Hastings	Morrison	Villa
Curran	Holmes	Murphy	Villanueva
Edly-Allen	Hunter	Peters	Villivalam
Ellman	Johnson	Porfirio	Mr. President
Faraci	Jones, E.	Preston	
Feigenholtz	Joyce	Rezin	

The following voted in the negative:

Anderson	Fowler	Rose	Wilcox
Bennett	Harriss, E.	Stoller	
Bryant	McClure	Syverson	
Chesney	McConchie	Tracy	
DeWitte	Plummer	Turner, S.	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

Senator Ventura asked and obtained unanimous consent for the Journal to reflect her intention to have voted in the affirmative on **Senate Bill No. 2960**.

On motion of Senator Edly-Allen, **Senate Bill No. 3110** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

YEAS 59; NAYS None.

The following voted in the affirmative:

Anderson	Feigenholtz	Lewis	Sims
Aquino	Fine	Lightford	Stadelman
Belt	Fowler	Loughran Cappel	Stoller
Bennett	Gillespie	Martwick	Syverson
Bryant	Glowiak Hilton	McClure	Toro
Castro	Halpin	McConchie	Tracy
Cervantes	Harris, N.	Morrison	Turner, D.
Chesney	Harriss, E.	Murphy	Turner, S.
Collins	Hastings	Peters	Ventura
Cunningham	Holmes	Plummer	Villa
Curran	Hunter	Porfirio	Villanueva
DeWitte	Johnson	Preston	Villivalam
Edly-Allen	Jones, E.	Rezin	Wilcox
Ellman	Joyce	Rose	Mr. President
Faraci	Koehler	Simmons	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

On motion of Senator Feigenholtz, **Senate Bill No. 3138** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

YEAS 58; NAYS None.

The following voted in the affirmative:

Anderson	Fine	Lightford	Stadelman
Aquino	Fowler	Loughran Cappel	Stoller
Belt	Gillespie	Martwick	Syverson
Bennett	Glowiak Hilton	McClure	Toro
Bryant	Halpin	McConchie	Tracy
Castro	Harris, N.	Morrison	Turner, D.
Cervantes	Harriss, E.	Murphy	Turner, S.
Collins	Hastings	Peters	Ventura
Cunningham	Holmes	Plummer	Villa
Curran	Hunter	Porfirio	Villanueva
DeWitte	Johnson	Preston	Villivalam

Edly-Allen	Jones, E.	Rezin	Wilcox
Ellman	Joyce	Rose	Mr. President
Faraci	Koehler	Simmons	
Feigenholtz	Lewis	Sims	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

SENATE BILL RECALLED

On motion of Senator Johnson, **Senate Bill No. 3157** was recalled from the order of third reading to the order of second reading.

Senator Johnson offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 3157

AMENDMENT NO. 2 . Amend Senate Bill 3157, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 2, line 21, after "501(c)(4),", by inserting "501(c)(5),".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 2 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Johnson, **Senate Bill No. 3157** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, “Shall this bill pass?” it was decided in the affirmative by the following vote:

YEAS 59; NAYS None.

The following voted in the affirmative:

Anderson	Feigenholtz	Lewis	Sims
Aquino	Fine	Lightford	Stadelman
Belt	Fowler	Loughran Cappel	Stoller
Bennett	Gillespie	Martwick	Syverson
Bryant	Glowiak Hilton	McClure	Toro
Castro	Halpin	McConchie	Tracy
Cervantes	Harris, N.	Morrison	Turner, D.
Chesney	Harriss, E.	Murphy	Turner, S.
Collins	Hastings	Peters	Ventura
Cunningham	Holmes	Plummer	Villa
Curran	Hunter	Porfirio	Villanueva
DeWitte	Johnson	Preston	Villivalam
Edly-Allen	Jones, E.	Rezin	Wilcox
Ellman	Joyce	Rose	Mr. President
Faraci	Koehler	Simmons	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

SENATE BILL RECALLED

On motion of Senator Koehler, **Senate Bill No. 3166** was recalled from the order of third reading to the order of second reading.

Senator Koehler offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 3166

AMENDMENT NO. 1 . Amend Senate Bill 3166 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois School Student Records Act is amended by changing Sections 2 and 5 as follows:

(105 ILCS 10/2) (from Ch. 122, par. 50-2)

(Text of Section before amendment by P.A. 102-466)

Sec. 2. As used in this Act:

(a) "Student" means any person enrolled or previously enrolled in a school.

(b) "School" means any public preschool, day care center, kindergarten, nursery, elementary or secondary educational institution, vocational school, special educational facility or any other elementary or secondary educational agency or institution and any person, agency or institution which maintains school student records from more than one school, but does not include a private or non-public school.

(c) "State Board" means the State Board of Education.

(d) "School Student Record" means any writing or other recorded information concerning a student and by which a student may be individually identified, maintained by a school or at its direction or by an employee of a school, regardless of how or where the information is stored. The following shall not be deemed school student records under this Act: writings or other recorded information maintained by an employee of a school or other person at the direction of a school for his or her exclusive use; provided that all such writings and other recorded information are destroyed not later than the student's graduation or permanent withdrawal from the school; and provided further that no such records or recorded information may be released or disclosed to any person except a person designated by the school as a substitute unless they are first incorporated in a school student record and made subject to all of the provisions of this Act. School student records shall not include information maintained by law enforcement professionals working in the school.

(e) "Student Permanent Record" means the minimum personal information necessary to a school in the education of the student and contained in a school student record. Such information may include the student's name, birth date, address, grades and grade level, parents' names and addresses, attendance records, a special education summary of performance form, and such other entries as the State Board may require or authorize.

(f) "Student Temporary Record" means all information contained in a school student record but not contained in the student permanent record. Such information may include family background information, intelligence test scores, aptitude test scores, psychological and personality test results, teacher evaluations, and other information of clear relevance to the education of the student, all subject to regulations of the State Board. The information shall include information provided under Section 8.6 of the Abused and Neglected Child Reporting Act and information contained in service logs maintained by a local education agency under subsection (d) of Section 14-8.02f of the School Code. In addition, the student temporary record shall include information regarding serious disciplinary infractions that resulted in expulsion, suspension, or the imposition of punishment or sanction. For purposes of this provision, serious disciplinary infractions means: infractions involving drugs, weapons, or bodily harm to another.

(g) "Parent" means a person who is the natural parent of the student or other person who has the primary responsibility for the care and upbringing of the student. All rights and privileges accorded to a parent under this Act shall become exclusively those of the student upon his 18th birthday, graduation from secondary school, marriage or entry into military service, whichever occurs first. Such rights and privileges may also be exercised by the student at any time with respect to the student's permanent school record.

(h) "Department" means the Department of Children and Family Services.

(Source: P.A. 101-515, eff. 8-23-19; 102-199, eff. 7-1-22; 102-558, eff. 8-20-21; 102-813, eff. 5-13-22.)

(Text of Section after amendment by P.A. 102-466)

Sec. 2. As used in this Act:

(a) "Student" means any person enrolled or previously enrolled in a school.

(b) "School" means any public preschool, day care center, kindergarten, nursery, elementary or secondary educational institution, vocational school, special educational facility or any other elementary or secondary educational agency or institution and any person, agency or institution which maintains school student records from more than one school, but does not include a private or non-public school.

(c) "State Board" means the State Board of Education.

(d) "School Student Record" means any writing or other recorded information concerning a student and by which a student may be individually identified, maintained by a school or at its direction or by an employee of a school, regardless of how or where the information is stored. The following shall not be deemed school student records under this Act: writings or other recorded information maintained by an employee of a school or other person at the direction of a school for his or her exclusive use; provided that all such writings and other recorded information are destroyed not later than the student's graduation or permanent withdrawal from the school; and provided further that no such records or recorded information may be released or disclosed to any person except a person designated by the school as a substitute unless they are first incorporated in a school student record and made subject to all of the provisions of this Act. School student records shall not include information maintained by law enforcement professionals working in the school.

(e) "Student Permanent Record" means the minimum personal information necessary to a school in the education of the student and contained in a school student record. Such information may include the student's name, birth date, address, grades and grade level, parents' names and addresses, attendance records, a special education summary of performance form, and such other entries as the State Board may require or authorize.

(f) "Student Temporary Record" means all information contained in a school student record but not contained in the student permanent record. Such information may include family background information, intelligence test scores, aptitude test scores, psychological and personality test results, teacher evaluations, and other information of clear relevance to the education of the student, all subject to regulations of the State Board. The information shall include all of the following:

(1) Information provided under Section 8.6 of the Abused and Neglected Child Reporting Act and information contained in service logs maintained by a local education agency under subsection (d) of Section 14-8.02f of the School Code.

(2) Information regarding serious disciplinary infractions that resulted in expulsion, suspension, or the imposition of punishment or sanction. For purposes of this provision, serious disciplinary infractions means: infractions involving drugs, weapons, or bodily harm to another.

(3) Information concerning a student's status and related experiences as a parent, expectant parent, or victim of domestic or sexual violence, as defined in Article 26A of the School Code, including a statement of the student or any other documentation, record, or corroborating evidence and the fact that the student has requested or obtained assistance, support, or services related to that status. Enforcement of this paragraph (3) shall follow the procedures provided in Section 26A-40 of the School Code.

(g) "Parent" means a person who is the natural parent of the student or other person who has the primary responsibility for the care and upbringing of the student. All rights and privileges accorded to a parent under this Act shall become exclusively those of the student upon his 18th birthday, graduation from secondary school, marriage or entry into military service, whichever occurs first. Such rights and privileges may also be exercised by the student at any time with respect to the student's permanent school record.

(h) "Department" means the Department of Children and Family Services.

(Source: P.A. 101-515, eff. 8-23-19; 102-199, eff. 7-1-22; 102-466, eff. 7-1-25; 102-558, eff. 8-20-21; 102-813, eff. 5-13-22.)

(105 ILCS 10/5) (from Ch. 122, par. 50-5)

Sec. 5. (a) A parent or any person specifically designated as a representative by a parent and, if the child is in the legal custody of the Department of Children and Family Services, the Department's Office of Education and Transition Services shall have the right to inspect and copy all school student permanent and temporary records of that child. A student and representatives of the Department of Human Services, for the sole purpose of assessing waiver services qualification of the student, shall have the right to inspect and copy the student's ~~his or her~~ school student permanent record. No person who is prohibited by an order of protection from inspecting or obtaining school records of a student pursuant to the Illinois Domestic

Violence Act of 1986, as now or hereafter amended, shall have any right of access to, or inspection of, the school records of that student. If a school's principal or person with like responsibilities or his designee has knowledge of such order of protection, the school shall prohibit access or inspection of the student's school records by such person.

(b) Whenever access to any person is granted pursuant to paragraph (a) of this Section, at the option of that person or the school, a qualified professional, who may be a psychologist, counsellor or other advisor, and who may be an employee of the school or employed by the parent or the Department, may be present to interpret the information contained in the student temporary record. If the school requires that a professional be present, the school shall secure and bear any cost of the presence of the professional. If the parent or the Department so requests, the school shall secure and bear any cost of the presence of a professional employed by the school.

(c) A parent's or student's or, if applicable, the Department's Office of Education and Transition Services' request to inspect and copy records, or to allow a specifically designated representative to inspect and copy records, must be granted within a reasonable time, and in no case later than 10 business days after the date of receipt of such request by the official records custodian.

(c-5) The time for response under this Section may be extended by the school district by not more than 5 business days from the original due date for any of the following reasons:

(1) the requested records are stored in whole or in part at other locations than the office having charge of the requested records;

(2) the request requires the collection of a substantial number of specified records;

(3) the request is couched in categorical terms and requires an extensive search for the records responsive to it;

(4) the requested records have not been located in the course of routine search and additional efforts are being made to locate them;

(5) the request for records cannot be complied with by the school district within the time limits prescribed by subsection (c) of this Section without unduly burdening or interfering with the operations of the school district; or

(6) there is a need for consultation, which shall be conducted with all practicable speed, with another public body or school district or among 2 or more components of a public body or school district having a substantial interest in the determination or in the subject matter of the request.

The person making a request and the school district may agree in writing to extend the time for compliance for a period to be determined by the parties. If the requester and the school district agree to extend the period for compliance, a failure by the school district to comply with any previous deadlines shall not be treated as a denial of the request for the records.

(d) The school may charge its reasonable costs for the copying of school student records, not to exceed the amounts fixed in schedules adopted by the State Board, to any person permitted to copy such records, except that no parent or student shall be denied a copy of school student records as permitted under this Section 5 for inability to bear the cost of such copying.

(e) Nothing contained in this Section 5 shall make available to a parent or student or, if applicable, the Department's Office of Education and Transition Services confidential letters and statements of recommendation furnished in connection with applications for employment to a post-secondary educational institution or the receipt of an honor or honorary recognition, provided such letters and statements are not used for purposes other than those for which they were specifically intended, and

(1) were placed in a school student record prior to January 1, 1975; or

(2) the student has waived access thereto after being advised of his right to obtain upon request the names of all such persons making such confidential recommendations.

(f) Nothing contained in this Act shall be construed to impair or limit the confidentiality of:

(1) Communications otherwise protected by law as privileged or confidential, including but not limited to, information communicated in confidence to a physician, psychologist or other psychotherapist, school social worker, school counselor, school psychologist, or school social worker, school counselor, or school psychologist intern who works under the direct supervision of a school social worker, school counselor, or school psychologist; or

(2) Information which is communicated by a student or parent in confidence to school personnel; or

(3) Information which is communicated by a student, parent, or guardian to a law enforcement professional working in the school, except as provided by court order.

(g) No school employee shall be subjected to adverse employment action, the threat of adverse employment action, or any manner of discrimination because the employee is acting or has acted to protect communications as privileged or confidential pursuant to applicable provisions of State or federal law or rule or regulation.
(Source: P.A. 102-199, eff. 7-1-22.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Koehler, **Senate Bill No. 3166** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, “Shall this bill pass?” it was decided in the affirmative by the following vote:

YEAS 59; NAYS None.

The following voted in the affirmative:

Anderson	Feigenholtz	Lewis	Sims
Aquino	Fine	Lightford	Stadelman
Belt	Fowler	Loughran Cappel	Stoller
Bennett	Gillespie	Martwick	Syverson
Bryant	Glowiak Hilton	McClure	Toro
Castro	Halpin	McConchie	Tracy
Cervantes	Harris, N.	Morrison	Turner, D.
Chesney	Harriss, E.	Murphy	Turner, S.
Collins	Hastings	Peters	Ventura
Cunningham	Holmes	Plummer	Villa
Curran	Hunter	Porfirio	Villanueva
DeWitte	Johnson	Preston	Villivalam
Edly-Allen	Jones, E.	Rezin	Wilcox
Ellman	Joyce	Rose	Mr. President
Faraci	Koehler	Simmons	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

SENATE BILL RECALLED

On motion of Senator Castro, **Senate Bill No. 3180** was recalled from the order of third reading to the order of second reading.

Senator Castro offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 3180

AMENDMENT NO. 2 . Amend Senate Bill 3180 on page 3, by deleting lines 11 through 18.

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 2 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

READING BILLS OF THE SENATE A THIRD TIME

On motion of Senator Castro, **Senate Bill No. 3180** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

YEAS 58; NAY 1.

The following voted in the affirmative:

Anderson	Feigenholtz	Lewis	Sims
Aquino	Fine	Lightford	Stadelman
Belt	Fowler	Loughran Cappel	Stoller
Bennett	Gillespie	Martwick	Syverson
Bryant	Glowiak Hilton	McClure	Toro
Castro	Halpin	McConchie	Tracy
Cervantes	Harris, N.	Morrison	Turner, D.
Chesney	Harriss, E.	Murphy	Turner, S.
Collins	Hastings	Peters	Ventura
Cunningham	Holmes	Plummer	Villa
Curran	Hunter	Porfirio	Villanueva
DeWitte	Johnson	Preston	Villivalam
Edly-Allen	Jones, E.	Rezin	Mr. President
Ellman	Joyce	Rose	
Faraci	Koehler	Simmons	

The following voted in the negative:

Wilcox

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

On motion of Senator Feigenholtz, **Senate Bill No. 3282** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

YEAS 59; NAYS None.

The following voted in the affirmative:

Anderson	Feigenholtz	Lewis	Sims
Aquino	Fine	Lightford	Stadelman
Belt	Fowler	Loughran Cappel	Stoller
Bennett	Gillespie	Martwick	Syverson

Bryant	Glowiak Hilton	McClure	Toro
Castro	Halpin	McConchie	Tracy
Cervantes	Harris, N.	Morrison	Turner, D.
Chesney	Harriss, E.	Murphy	Turner, S.
Collins	Hastings	Peters	Ventura
Cunningham	Holmes	Plummer	Villa
Curran	Hunter	Porfirio	Villanueva
DeWitte	Johnson	Preston	Villivalam
Edly-Allen	Jones, E.	Rezin	Wilcox
Ellman	Joyce	Rose	Mr. President
Faraci	Koehler	Simmons	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

On motion of Senator Cunningham, **Senate Bill No. 3314** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

YEAS 40; NAYS 18.

The following voted in the affirmative:

Aquino	Fine	Koehler	Stadelman
Belt	Gillespie	Lightford	Turner, D.
Castro	Glowiak Hilton	Loughran Cappel	Ventura
Cervantes	Halpin	Martwick	Villa
Collins	Harris, N.	Morrison	Villanueva
Cunningham	Hastings	Murphy	Villivalam
DeWitte	Holmes	Peters	Mr. President
Edly-Allen	Hunter	Porfirio	
Ellman	Johnson	Preston	
Faraci	Jones, E.	Simmons	
Feigenholtz	Joyce	Sims	

The following voted in the negative:

Anderson	Fowler	Plummer	Tracy
Bennett	Harriss, E.	Rezin	Turner, S.
Bryant	Lewis	Rose	Wilcox
Chesney	McClure	Stoller	
Curran	McConchie	Syverson	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

Senator DeWitte asked and obtained unanimous consent for the Journal to reflect his intention to have voted in the negative on **Senate Bill No. 3314**.

On motion of Senator Ellman, **Senate Bill No. 3349** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

YEAS 47; NAYS 10.

The following voted in the affirmative:

Anderson	Feigenholtz	Joyce	Rose
Aquino	Fine	Koehler	Simmons
Belt	Fowler	Lewis	Sims
Bennett	Gillespie	Lightford	Stadelman
Castro	Glowiak Hilton	Loughran Cappel	Toro
Cervantes	Halpin	Martwick	Turner, D.
Collins	Harris, N.	Morrison	Ventura
Cunningham	Hastings	Murphy	Villa
Curran	Holmes	Peters	Villanueva
Edly-Allen	Hunter	Porfirio	Villivalam
Ellman	Johnson	Preston	Mr. President
Faraci	Jones, E.	Rezin	

The following voted in the negative:

Bryant	Harriss, E.	Stoller	Wilcox
Chesney	McConchie	Syverson	
DeWitte	Plummer	Tracy	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

SENATE BILL RECALLED

On motion of Senator Martwick, **Senate Bill No. 3343** was recalled from the order of third reading to the order of second reading.

Senator Martwick offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 3343

AMENDMENT NO. 1 . Amend Senate Bill 3343 by replacing everything after the enacting clause with the following:

"Section 5. The State Officers and Employees Money Disposition Act is amended by changing Section 2 as follows:

(30 ILCS 230/2) (from Ch. 127, par. 171)

Sec. 2. Accounts of money received; payment into State treasury.

(a) Every officer, board, commission, commissioner, department, institution, arm or agency brought within the provisions of this Act by Section 1 shall keep in proper books a detailed itemized account of all moneys received for or on behalf of the State of Illinois, showing the date of receipt, the payor, and purpose and amount, and the date and manner of disbursement as hereinafter provided, and, unless a different time of payment is expressly provided by law or by rules or regulations promulgated under subsection (b) of this Section, shall pay into the State treasury the gross amount of money so received on the day of actual physical receipt with respect to any single item of receipt exceeding $10,000, within 24 hours of actual physical receipt with respect to an accumulation of receipts of $10,000 or more, or within 48 hours of actual physical receipt with respect to an accumulation of receipts exceeding $500 but less than $10,000, disregarding holidays, Saturdays and Sundays, after the receipt of same, without any deduction on account of salaries, fees, costs, charges, expenses or claims of any description whatever; provided that:

(1) the provisions of (i) Section 2505-475 of the Department of Revenue Law, (ii) any specific taxing statute authorizing a claim for credit procedure instead of the actual making of refunds, (iii) Section 505 of the Illinois Controlled Substances Act, (iv) Section 85 of the Methamphetamine Control and Community Protection Act, authorizing the Director of the Illinois State Police to dispose of forfeited property, which includes the sale and disposition of the proceeds of the sale of forfeited property, and the Department of Central Management Services to be reimbursed for costs incurred with the sales of forfeited vehicles, boats or aircraft and to pay to bona fide or innocent purchasers, conditional sales vendors or mortgagees of such vehicles, boats or aircraft their interest in such vehicles, boats or aircraft, and (v) Section 6b-2 of the State Finance Act, establishing procedures for handling cash receipts from the sale of pari-mutuel wagering tickets, shall not be deemed to be in conflict with the requirements of this Section;

(2) any fees received by the State Registrar of Vital Records pursuant to the Vital Records Act which are insufficient in amount may be returned by the Registrar as provided in that Act;

(3) any fees received by the Department of Public Health under the Food Handling Regulation Enforcement Act that are submitted for renewal of an expired food service sanitation manager certificate may be returned by the Director as provided in that Act;

(3.5) examiners of unclaimed property which is reported and remitted to the State Treasurer and custodians contracted by the State of Illinois to hold presumptively abandoned securities or virtual currency may deduct fees prior to remittance in accordance with the Revised Uniform Unclaimed Property Act ~~the State Treasurer may permit the deduction of fees by third-party unclaimed property examiners from the property recovered by the examiners for the State of Illinois during examinations of holders located outside the State under which the Office of the Treasurer has agreed to pay for the examinations based upon a percentage, in accordance with the Revised Uniform Unclaimed Property Act, of the property recovered during the examination~~; and

(4) if the amount of money received does not exceed $500, such money may be retained and need not be paid into the State treasury until the total amount of money so received exceeds $500, or until the next succeeding 1st or 15th day of each month (or until the next business day if these days fall on Sunday or a holiday), whichever is earlier, at which earlier time such money shall be paid into the State treasury, except that if a local bank or savings and loan association account has been authorized by law, any balances shall be paid into the State treasury on Monday of each week if more than $500 is to be deposited in any fund.

Single items of receipt exceeding $10,000 received after 2 p.m. on a working day may be deemed to have been received on the next working day for purposes of fulfilling the requirement that the item be deposited on the day of actual physical receipt.

No money belonging to or left for the use of the State shall be expended or applied except in consequence of an appropriation made by law and upon the warrant of the State Comptroller. However, payments made by the Comptroller to persons by direct deposit need not be made upon the warrant of the Comptroller, but if not made upon a warrant, shall be made in accordance with Section 9.02 of the State Comptroller Act. All moneys so paid into the State treasury shall, unless required by some statute to be held in the State treasury in a separate or special fund, be covered into the General Revenue Fund in the State treasury. Moneys received in the form of checks, drafts or similar instruments shall be properly endorsed, if necessary, and delivered to the State Treasurer for collection. The State Treasurer shall remit such collected funds to the depositing officer, board, commission, commissioner, department, institution, arm or agency by Treasurers Draft or through electronic funds transfer. The draft or notification of the electronic funds transfer shall be provided to the State Comptroller to allow deposit into the appropriate fund.

(b) Different time periods for the payment of public funds into the State treasury or to the State Treasurer, in excess of the periods established in subsection (a) of this Section, but not in excess of 30 days after receipt of such funds, may be established and revised from time to time by rules or regulations promulgated jointly by the State Treasurer and the State Comptroller in accordance with the Illinois Administrative Procedure Act. The different time periods established by rule or regulation under this subsection may vary according to the nature and amounts of the funds received, the locations at which the funds are received, whether compliance with the deposit requirements specified in subsection (a) of this Section would be cost effective, and such other circumstances and conditions as the promulgating authorities consider to be appropriate. The Treasurer and the Comptroller shall review all such different time periods established pursuant to this subsection every 2 years from the establishment thereof and upon such

review, unless it is determined that it is economically unfeasible for the agency to comply with the provisions of subsection (a), shall repeal such different time period.
(Source: P.A. 102-538, eff. 8-20-21.)

Section 7. The Illinois Trust Code is amended by changing Sections 809 and 810 as follows:

(760 ILCS 3/809)

Sec. 809. Control and protection of trust property. A trustee shall take reasonable steps to take control of and protect the trust property, including searching for and claiming any unclaimed or presumptively abandoned property. If a corporation is acting as co-trustee with one or more individuals, the corporate trustee shall have custody of the trust estate unless all the trustees otherwise agree.
(Source: P.A. 101-48, eff. 1-1-20.)

(760 ILCS 3/810)

Sec. 810. Recordkeeping and identification of trust property.

(a) A trustee shall keep adequate records of the administration of the trust.

(b) A trustee shall keep trust property separate from the trustee's own property.

(c) Except as otherwise provided in subsection (d), a trustee not subject to federal or state banking regulation shall cause the trust property to be designated so that the interest of the trust, to the extent feasible, appears in records maintained by a party other than a trustee or beneficiary to whom the trustee has delivered the property.

(d) If the trustee maintains records clearly indicating the respective interests, a trustee may invest as a whole the property of 2 or more separate trusts.

(e) A trustee shall maintain or cause to be maintained trust records for a minimum of 7 years after the dissolution of the trust.

(f) Prior to the destruction of trust records, a trustee shall conduct a reasonable search for any trust property that is presumptively abandoned or that has been reported and remitted to a state unclaimed property administrator.
(Source: P.A. 101-48, eff. 1-1-20.)

Section 10. The Revised Uniform Unclaimed Property Act is amended by changing Sections 15-201, 15-301, 15-501, 15-503, 15-603, 15-903, 15-906, and 15-1302 as follows:

(765 ILCS 1026/15-201)

Sec. 15-201. When property presumed abandoned. Subject to Section 15-210, the following property is presumed abandoned if it is unclaimed by the apparent owner during the period specified below:

(1) a traveler's check, 15 years after issuance;

(2) a money order, 5 years after issuance;

(3) any instrument on which a financial organization or business association is directly liable, other than a money order, 3 years after issuance;

(4) a corporate ~~state or municipal~~ bond, bearer bond, or original-issue-discount bond, 3 years after the earliest of the date the bond matures or is called or the obligation to pay the principal of the bond arises;

(5) a debt of a business association, 3 years after the obligation to pay arises;

(6) financial organization deposits as follows:

(i) a demand deposit, 3 years after the date of the last indication of interest in the property by the apparent owner;

(ii) a savings deposit, 3 years after the date of last indication of interest in the property by the apparent owner;

(iii) a time deposit for which the owner has not consented to automatic renewal of the time deposit, 3 years after the later of maturity or the date of the last indication of interest in the property by the apparent owner;

(iv) an automatically renewable time deposit for which the owner consented to the automatic renewal in a record on file with the holder, 3 years after the date of last indication of interest in the property by the apparent owner, following the completion of the initial term of the time deposit and one automatic renewal term of the time deposit;

(6.5) virtual currency, 5 years after the last indication of interest in the property;

(7) money or a credit owed to a customer as a result of a retail business transaction, other than in-store credit for returned merchandise, 3 years after the obligation arose;

(8) an amount owed by an insurance company on a life or endowment insurance policy or an annuity contract that has matured or terminated, 3 years after the obligation to pay arose under the terms of the policy or contract or, if a policy or contract for which an amount is owed on proof of death has not matured by proof of the death of the insured or annuitant, as follows:

(A) with respect to an amount owed on a life or endowment insurance policy, the earlier of:

(i) 3 years after the death of the insured; or

(ii) 2 years after the insured has attained, or would have attained if living, the limiting age under the mortality table on which the reserve for the policy is based; and

(B) with respect to an amount owed on an annuity contract, 3 years after the death of the annuitant.

(9) funds on deposit or held in trust pursuant to the Illinois Funeral or Burial Funds Act, the earliest of:

(A) 2 years after the date of death of the beneficiary;

(B) one year after the date the beneficiary has attained, or would have attained if living, the age of 105 where the holder does not know whether the beneficiary is deceased;

(C) 40 years after the contract for prepayment was executed, unless the apparent owner has indicated an interest in the property more than 40 years after the contract for prepayment was executed, in which case, 3 years after the last indication of interest in the property by the apparent owner;

(10) property distributable by a business association in the course of bankruptcy or dissolution or distributions from the termination of a retirement plan, one year after the property becomes distributable;

(11) property held by a court, including property received as proceeds of a class action, 3 years after the property becomes distributable;

(12) property held by a government or governmental subdivision, agency, or instrumentality, including municipal bond interest and unredeemed principal under the administration of a paying agent or indenture trustee, 3 years after the property becomes distributable;

(12.5) amounts payable pursuant to Section 20-175 of the Property Tax Code, 3 years after the property becomes payable;

(13) wages, commissions, bonuses, or reimbursements to which an employee is entitled, or other compensation for personal services, including amounts held on a payroll card, one year after the amount becomes payable;

(14) a deposit or refund owed to a subscriber by a utility, one year after the deposit or refund becomes payable, except that any capital credits or patronage capital retired, returned, refunded or tendered to a member of an electric cooperative, as defined in Section 3.4 of the Electric Supplier Act, or a telephone or telecommunications cooperative, as defined in Section 13-212 of the Public Utilities Act, that has remained unclaimed by the person appearing on the records of the entitled cooperative for more than 2 years, shall not be subject to, or governed by, any other provisions of this Act, but rather shall be used by the cooperative for the benefit of the general membership of the cooperative; and

(15) property not specified in this Section or Sections 15-202 through 15-208, the earlier of 3 years after the owner first has a right to demand the property or the obligation to pay or distribute the property arises.

Notwithstanding anything to the contrary in this Section 15-201, and subject to Section 15-210, a deceased owner cannot indicate interest in his or her property. If the owner is deceased and the abandonment period for the owner's property specified in this Section 15-201 is greater than 2 years, then the property, other than an amount owed by an insurance company on a life or endowment insurance policy or an annuity contract that has matured or terminated, shall instead be presumed abandoned 2 years from the date of the owner's last indication of interest in the property.

(Source: P.A. 102-288, eff. 8-6-21; 103-148, eff. 6-30-23.)

(765 ILCS 1026/15-301)

Sec. 15-301. Address of apparent owner to establish priority. In this Article, the following rules apply:

(1) The last-known address of an apparent owner is any description, code, or other indication of the location of the apparent owner which identifies the state, even if the description, code, or

indication of location is not sufficient to direct the delivery of first-class United States mail to the apparent owner.

(2) If the United States postal zip code associated with the apparent owner is for a post office located in this State, this State is deemed to be the state of the last-known address of the apparent owner unless other records associated with the apparent owner specifically identify the physical address of the apparent owner to be in another state.

(3) If the address under paragraph (2) is in another state, the other state is deemed to be the state of the last-known address of the apparent owner.

(4) The address of the apparent owner of a life or endowment insurance policy or annuity contract or its proceeds is presumed to be the address of the insured or annuitant if a person other than the insured or annuitant is entitled to the amount owed under the policy or contract and the address of the other person is not known by the insurance company and cannot be determined under Section 15-302. The address of the apparent owner of other property where ownership vests in a beneficiary upon the death of the owner is presumed to be the address of the now-deceased owner if the address of the beneficiary is not known by the holder and cannot be determined under Section 15-302.

(5) The address of the owner of other property where ownership vests in a beneficiary upon the death of the owner is presumed to be the address of the deceased owner if the address of the beneficiary is not known by the holder and cannot be determined under Section 15-302.

(Source: P.A. 100-22, eff. 1-1-18.)

(765 ILCS 1026/15-501)

Sec. 15-501. Notice to apparent owner by holder.

(a) Subject to subsections (b) and (c), the holder of property presumed abandoned shall send to the apparent owner notice by first-class United States mail that complies with Section 15-502 in a format acceptable to the administrator not more than one year nor less than 60 days before filing the report under Section 15-401 if:

(1) the holder has in its records an address for the apparent owner which the holder's records do not disclose to be invalid and is sufficient to direct the delivery of first-class United States mail to the apparent owner; and

(2) the value of the property is $50 or more.

(b) If an apparent owner has consented to receive electronic-mail delivery from the holder, the holder shall send the notice described in subsection (a) both by first-class United States mail to the apparent owner's last-known mailing address and by electronic mail, unless the holder believes that the apparent owner's electronic-mail address is invalid.

(c) The holder of virtual currency or securities presumed abandoned under Sections 15-202, 15-203, or 15-208 shall send to the apparent owner notice by certified United States mail that complies with Section 15-502 in a format acceptable to the administrator not less than 60 days before filing the report under Section 15-401 if:

(1) the holder has in its records an address for the apparent owner which the holder's records do not disclose to be invalid and is sufficient to direct the delivery of United States mail to the apparent owner; and

(2) the value of the property is $1,000 or more.

(d) In addition to other indications of an apparent owner's interest in property pursuant to Section 15-210, a signed return receipt in response to a notice sent pursuant to this Section by certified United States mail shall constitute a record communicated by the apparent owner to the holder concerning the property or the account in which the property is held.

(e) The administrator may adopt rules allowing a holder to deduct reasonable costs incurred in sending a notice by United States mail under this Section.

(Source: P.A. 100-22, eff. 1-1-18; 100-566, eff. 1-1-18.)

(765 ILCS 1026/15-503)

Sec. 15-503. Notice by administrator.

(a) The administrator shall give notice to an apparent owner that property presumed abandoned and appears to be owned by the apparent owner is held by the administrator under this Act.

(b) In providing notice under subsection (a), the administrator shall:

(1) except as otherwise provided in paragraph (2), send written notice by first-class United States mail to each apparent owner of property valued at $100 or more held by the administrator, unless the administrator determines that a mailing by first-class United States mail would not be

received by the apparent owner, and, in the case of a security held in an account for which the apparent owner had consented to receiving electronic mail from the holder, send notice by electronic mail if the electronic-mail address of the apparent owner is known to the administrator instead of by first-class United States mail; or

(2) send the notice to the apparent owner's electronic-mail address if the administrator does not have a valid United States mail address for an apparent owner, but has an electronic-mail address that the administrator does not know to be invalid.

(c) In addition to the notice under subsection (b), the administrator shall:

(1) publish twice every year ~~every 6 months~~ in at least one English language newspaper of general circulation in each county in this State notice of property held by the administrator which must include:

(A) an estimate of the total value of property available to be claimed from ~~received by~~ the administrator ~~during the preceding 6 month period, taken from the reports under Section 15-401~~;

(B) the approximate total value of claims paid by the administrator during the preceding fiscal year ~~6 month period~~;

(C) the Internet web address of the unclaimed property website maintained by the administrator;

(D) an electronic-mail address to contact the administrator to inquire about or claim property; and

(E) a statement that a person may access the Internet by a computer to search for unclaimed property and a computer may be available as a service to the public at a local public library.

(2) The administrator shall maintain a website accessible by the public and electronically searchable which contains the names reported to the administrator of apparent owners for whom property is being held by the administrator. The administrator need not list property on such website when: no owner name was reported, a claim has been initiated or is pending for the property, the administrator has made direct contact with the apparent owner of the property, and in other instances where the administrator reasonably believes exclusion of the property is in the best interests of both the State and the owner of the property.

(d) The website or database maintained under subsection (c)(2) must include instructions for filing with the administrator a claim to property and an online claim form with instructions. The website may also provide a printable claim form with instructions for its use.

(e) Tax return identification of apparent owners of abandoned property.

(1) At least annually the administrator shall notify the Department of Revenue of the names of persons appearing to be owners of abandoned property under this Section. The administrator shall also provide to the Department of Revenue the social security numbers of the persons, if available.

(2) The Department of Revenue shall notify the administrator if any person under subsection (e)(1) has filed an Illinois income tax return and shall provide the administrator with the last known address of the person as it appears in Department of Revenue records, except as prohibited by federal law. The Department of Revenue may also provide additional addresses for the same taxpayer from the records of the Department, except as prohibited by federal law.

(3) In order to facilitate the return of property under this subsection, the administrator and the Department of Revenue may enter into an interagency agreement concerning protection of confidential information, data match rules, and other issues.

(4) The administrator may deliver, as provided under Section 15-904 of this Act, property or pay the amount owing to a person matched under this Section without the person filing a claim under Section 15-903 of this Act if the following conditions are met:

(A) the value of the property that is owed the person is $5,000 or less;

(B) the property is not either tangible property or securities;

(C) the last known address for the person according to the Department of Revenue records is less than 12 months old; and

(D) the administrator has evidence sufficient to establish that the person who appears in Department of Revenue records is the owner of the property and the owner currently resides at the last known address from the Department of Revenue.

(5) If the value of the property that is owed the person is greater than $5,000, or is tangible property or securities the administrator shall provide notice to the person, informing the person that he or she is the owner of abandoned property held by the State and may file a claim with the administrator for return of the property.

(6) The administrator does not need to notify the Department of Revenue of the names or social security numbers of apparent owners of abandoned property if the administrator reasonably believes that the Department of Revenue will be unable to provide information that would provide sufficient evidence to establish that the person in the Department of Revenue's records is the apparent owner of unclaimed property in the custody of the administrator.

(f) The administrator may use additional databases to verify the identity of the person and that the person currently resides at the last known address. The administrator may utilize publicly and commercially available databases to find and update or add information for apparent owners of property held by the administrator.

(g) In addition to giving notice under subsection (b), publishing the information under subsection (c)(1) and maintaining the website or database under subsection (c)(2), the administrator may use other printed publication, telecommunication, the Internet, or other media to inform the public of the existence of unclaimed property held by the administrator.

(h) Identification of apparent owners of abandoned property using other State databases.

(1) The administrator may enter into interagency agreements with the Secretary of State and the Illinois State Board of Elections to identify persons appearing to be owners of abandoned property with databases under the control of the Secretary of State and the Illinois State Board of Elections. Such interagency agreements shall include protection of confidential information, data match rules, and other necessary and proper issues.

(2) Except as prohibited by federal law, after January 1, 2022 the administrator may provide the Secretary of State with names and other identifying information of persons appearing to be owners of abandoned property. The Secretary of State may provide the administrator with the last known address as it appears in its respective records of any person reasonably believed to be the apparent owner of abandoned property.

(3) The Illinois State Board of Elections shall, upon request, annually provide the administrator with electronic data or compilations of voter registration information. The administrator may use such electronic data or compilations of voter registration information to identify persons appearing to be owners of abandoned property.

(4) The administrator may deliver, as provided under Section 15-904, property or pay the amount owing to a person matched under this Section without the person filing a claim under Section 15-903 if:

(i) the value of the property that is owed the person is $5,000 or less;

(ii) the property is not either tangible property or securities;

(iii) the last known address for the person according to the records of the Secretary of State or Illinois State Board of Elections is less than 12 months old; and

(iv) the administrator has evidence sufficient to establish that the person who appears in the records of the Secretary of State or Illinois State Board of Elections is the owner of the property and the owner currently resides at the last known address from the Secretary of State or the Illinois State Board of Elections.

(Source: P.A. 102-288, eff. 8-6-21; 102-835, eff. 5-13-22.)

(765 ILCS 1026/15-603)

Sec. 15-603. Payment or delivery of property to administrator.

(a) Except as otherwise provided in this Section, on filing a report under Section 15-401, the holder shall pay or deliver to the administrator the property described in the report.

(b) If property in a report under Section 15-401 is an automatically renewable time deposit and the holder determines that a penalty or forfeiture in the payment of interest would result from paying the deposit to the administrator at the time of the report, the date for reporting and delivering the property to the administrator is extended until a penalty or forfeiture no longer would result from delivery of the property to the administrator. The holder shall report and deliver the property on the next regular date prescribed for reporting by the holder under this Act after this extended date, and the holder shall indicate in its report to the administrator that the property is being reported on an extended date pursuant to this subsection (b).

(c) Tangible property in a safe-deposit box may not be delivered to the administrator until a mutually agreed upon date that is no sooner than 60 days after filing the report under Section 15-401.

(d) If property reported to the administrator under Section 15-401 is a security, the administrator may:

(1) make an endorsement, instruction, or entitlement order on behalf of the apparent owner to invoke the duty of the issuer, its transfer agent, or the securities intermediary to transfer the security; or

(2) dispose of the security under Section 15-702.

(e) If the holder of property reported to the administrator under Section 15-401 is the issuer of a certificated security, the administrator may obtain a replacement certificate in physical or book-entry form under Section 8-405 of the Uniform Commercial Code. An indemnity bond is not required.

(f) The administrator shall establish procedures for the registration, issuance, method of delivery, transfer, and maintenance of securities delivered to the administrator by a holder.

(g) An issuer, holder, and transfer agent or other person acting in good faith under this Section under instructions of and on behalf of the issuer or holder is not liable to the apparent owner for a claim arising with respect to property after the property has been delivered to the administrator.

(h) A holder is not required to deliver to the administrator a security identified by the holder as a non-freely transferable security in a report filed under Section 15-401. If the administrator or holder determines that a security is no longer a non-freely transferable security, the holder shall report and deliver the security on the next regular date prescribed for delivery of securities by the holder under this Act. The holder shall make a determination annually whether a security identified in a report filed under Section 15-401 as a non-freely transferable security is no longer a non-freely transferable security.

(i) Virtual currency.

(1) If property reported to the administrator is virtual currency, the holder shall liquidate the virtual currency and remit the proceeds to the administrator.

(2) The liquidation shall occur anytime within 30 days prior to the filing of the report under Section 15-401. The owner shall not have recourse against the holder or the administrator to recover any gain in value that occurs after the liquidation of the virtual currency under this subsection.

(3) If a holder cannot liquidate virtual currency and cannot otherwise cause virtual currency to be liquidated, the holder shall promptly notify the administrator in writing and explain the reasons why the virtual currency cannot be liquidated. The administrator, in his or her absolute and sole discretion, may direct the holder to either (1) transfer the virtual currency that cannot be liquidated to a custodian selected by the administrator, or (2) continue to hold the virtual currency until the administrator or the holder determines that the virtual currency can be liquidated pursuant to this Act or there is an indication of apparent owner interest pursuant to Section 15-210.

(Source: P.A. 102-288, eff. 8-6-21.)

(765 ILCS 1026/15-903)

Sec. 15-903. Claim for property by person claiming to be owner.

(a) A person claiming to be the owner of property held under this Act by the administrator or to the proceeds from the sale thereof may file a claim for the property on a form prescribed by the administrator. The claimant must verify the claim as to its completeness and accuracy.

(b) The administrator may waive the requirement in subsection (a) and may pay or deliver property directly to a person if:

(1) the person receiving the property or payment is shown to be the apparent owner included on a report filed under Section 15-401;

(2) the administrator reasonably believes the person is entitled to receive the property or payment; and

(3) the property has a value of less than $5,000 ~~$2,000~~.

(c) The administrator may change the maximum value in subsection (b) by administrative rule.

(d) This Section is the sole administrative and legal procedure for claiming property under this Act. Compliance with this Section is required prior to exercising the exclusive judicial remedy found in Section 15-906.

(Source: P.A. 102-835, eff. 5-13-22.)

(765 ILCS 1026/15-906)

Sec. 15-906. Action by person whose claim is denied. Not later than one year after filing a claim under subsection (a) of Section 15-903, the claimant may commence a contested case pursuant to the Illinois Administrative Procedure Act to establish a claim by the preponderance of the evidence after either

receiving notice under subsection (b) of Section 15-904 or the claim is deemed denied under subsection (b) of Section 15-904. Any appeal from the administrator's decision pursuant to the Illinois Administrative Procedure Act must be taken via the provisions of the Administrative Review Law.

(Source: P.A. 102-288, eff. 8-6-21.)

(765 ILCS 1026/15-1302)

Sec. 15-1302. When agreement to locate property void.

(a) Subject to subsection (b), an agreement under Section 15-1301 is void if it is entered into during the period beginning on the date the property was presumed abandoned under this Act and ending 24 months after the payment or delivery of the property to the administrator.

(b) If a provision in an agreement described in Section 15-1301 applies to mineral proceeds for which compensation is to be paid to the other person based in whole or in part on a part of the underlying minerals or mineral proceeds not then presumed abandoned, the provision is void regardless of when the agreement was entered into.

(c) An agreement under this Article 13 which provides for compensation in an amount that is more than 10% of the amount collected is unenforceable except by the apparent owner.

(d) An apparent owner or the administrator may assert that an agreement described in this Article 13 is void on a ground other than it provides for payment of unconscionable compensation.

(e) A person attempting to collect a contingent fee for discovering, on behalf of an apparent owner, presumptively abandoned property must be licensed as a private detective pursuant to the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004.

(f) This Section does not apply to an ~~apparent owner's~~ agreement between an owner and ~~with~~ an attorney to pursue a claim for recovery of specifically identified property held by the administrator or to contest the administrator's denial of a claim for recovery of the property where the attorney has an attorney-client relationship with the owner.

(g) This Section does not apply to an apparent owner's agreement with a CPA firm licensed under the Illinois Public Accounting Act, or with an affiliate of such firm, if all of the following apply:

(1) the CPA firm has registered with the administrator and is in good standing with the Illinois Department of Financial and Professional Regulation;

(2) the apparent owner is not a natural person; and

(3) the CPA firm, or with an affiliate of such firm, also provides the apparent owner professional services to assist with the apparent owner's compliance with the reporting requirements of this Act. The administrator shall adopt rules to implement and administer the registration of CPA firms and the claims process under this paragraph (g).

(Source: P.A. 100-22, eff. 1-1-18; 100-566, eff. 1-1-18.)".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Martwick, **Senate Bill No. 3343** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, “Shall this bill pass?” it was decided in the affirmative by the following vote:

YEAS 58; NAYS None.

The following voted in the affirmative:

Anderson	Feigenholtz	Lewis	Sims
Aquino	Fine	Lightford	Stadelman
Belt	Fowler	Loughran Cappel	Stoller
Bennett	Gillespie	Martwick	Syverson
Bryant	Glowiak Hilton	McClure	Toro

Castro	Halpin	McConchie	Turner, D.
Cervantes	Harris, N.	Morrison	Turner, S.
Chesney	Harriss, E.	Murphy	Ventura
Collins	Hastings	Peters	Villa
Cunningham	Holmes	Plummer	Villanueva
Curran	Hunter	Porfirio	Villivalam
DeWitte	Johnson	Preston	Wilcox
Edly-Allen	Jones, E.	Rezin	Mr. President
Ellman	Joyce	Rose	
Faraci	Koehler	Simmons	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

SENATE BILL RECALLED

On motion of Senator Ellman, **Senate Bill No. 3350** was recalled from the order of third reading to the order of second reading.

Senator Ellman offered the following amendment and moved its adoption:

AMENDMENT NO. 3 TO SENATE BILL 3350

AMENDMENT NO. 3 . Amend Senate Bill 3350, AS AMENDED, on page 18, immediately below line 18, by inserting the following:

"Section 5. The Overdose Prevention and Harm Reduction Act is amended by changing Section 15 as follows:

(410 ILCS 710/15)

Sec. 15. Fentanyl test strips. To further promote harm reduction efforts, a pharmacist or retailer may sell fentanyl test strips over-the-counter to the public to test for the presence of fentanyl, a fentanyl analog, or a drug adulterant within a controlled substance. A county health department may distribute fentanyl test strips ~~at the county health department facility~~ for no fee.

(Source: P.A. 103-336, eff. 1-1-24.)".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 3 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Ellman, **Senate Bill No. 3350** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, “Shall this bill pass?” it was decided in the affirmative by the following vote:

YEAS 59; NAYS None.

The following voted in the affirmative:

Anderson	Feigenholtz	Lewis	Sims
Aquino	Fine	Lightford	Stadelman
Belt	Fowler	Loughran Cappel	Stoller
Bennett	Gillespie	Martwick	Syverson
Bryant	Glowiak Hilton	McClure	Toro

Castro	Halpin	McConchie	Tracy
Cervantes	Harris, N.	Morrison	Turner, D.
Chesney	Harriss, E.	Murphy	Turner, S.
Collins	Hastings	Peters	Ventura
Cunningham	Holmes	Plummer	Villa
Curran	Hunter	Porfirio	Villanueva
DeWitte	Johnson	Preston	Villivalam
Edly-Allen	Jones, E.	Rezin	Wilcox
Ellman	Joyce	Rose	Mr. President
Faraci	Koehler	Simmons	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

SENATE BILL RECALLED

On motion of Senator Morrison, **Senate Bill No. 3414** was recalled from the order of third reading to the order of second reading.

Senator Morrison offered the following amendment and moved its adoption:

AMENDMENT NO. 3 TO SENATE BILL 3414

AMENDMENT NO. 3 . Amend Senate Bill 3414, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Insurance Code is amended by changing Section 356z.59 as follows:

(215 ILCS 5/356z.59)

Sec. 356z.59. Coverage for continuous glucose monitors.

(a) A group or individual policy of accident and health insurance or a managed care plan that is amended, delivered, issued, or renewed before January 1, 2026 ~~on or after January 1, 2024~~ shall provide coverage for medically necessary continuous glucose monitors for individuals who are diagnosed with any form of diabetes mellitus ~~type 1 or type 2 diabetes~~ and require insulin for the management of their diabetes. A group or individual policy of accident and health insurance or a managed care plan that is amended, delivered, issued, or renewed on or after January 1, 2026 shall provide coverage for continuous glucose monitors, related supplies, and training in the use of continuous glucose monitors for any individual if the policy is in full alignment with Medicare and the following requirements are met:

(1) the individual is diagnosed with diabetes mellitus;

(2) the continuous glucose monitor has been prescribed by a physician licensed under the Medical Practice Act of 1987 or a certified nurse practitioner or physician assistant with a collaborative agreement with the physician;

(3) the continuous glucose monitor has been prescribed in accordance with the Food and Drug Administration's indications for use;

(4) the prescriber has concluded that the individual or individual's caregiver has sufficient training in using the continuous glucose monitor, which may be evidenced by the prescriber having prescribed a continuous glucose monitor, and has attested that the patient will be provided with that training;

(5) the individual either:

(A) uses insulin for treatment via one or more injections or infusions of insulin per day, and only one injection or infusion of one type of insulin shall be sufficient utilization of insulin to qualify for a continuous glucose monitor under this Section; or

(B) has reported a history of problematic hypoglycemia with documentation to the individual's medical provider showing at least one of the following:

(i) recurrent hypoglycemic events characterized by an altered mental or physical state, despite multiple attempts to adjust medications or modify the diabetes treatment plan, as documented by a medical provider; or

(ii) a history of at least one hypoglycemic event characterized by an altered mental or physical state requiring third-party assistance for treatment of hypoglycemia, as documented by the individual's medical provider, which may be self-reported by the individual; third-party assistance shall not, in any event, be deemed to require that the individual had been admitted to a hospital or visited an emergency department; and

(6) within 6 months prior to prescribing a continuous glucose monitor, the medical provider prescribing the continuous glucose monitor had an in-person or covered telehealth visit with the individual to evaluate the individual's diabetes control and has determined that the criteria of paragraphs (1) through (5) are met.

Notwithstanding any other provision of this Section, to qualify for a continuous glucose monitor under this Section, an individual is not required to have a diagnosis of uncontrolled diabetes; have a history of emergency room visits or hospitalizations; or show improved glycemic control.

All continuous glucose monitors covered under this Section shall be approved for use by individuals, and the choice of device shall be made based upon the individual's circumstances and medical needs in consultation with the individual's medical provider, subject to the terms of the policy.

(b) Any individual who is diagnosed with diabetes mellitus and meets the requirements of this Section shall not be required to obtain prior authorization for coverage for a continuous glucose monitor, and coverage shall be continuous once the continuous glucose monitor is prescribed.

(c) A group or individual policy of accident and health insurance or a managed care plan that is amended, delivered, issued, or renewed on or after January 1, 2026 shall not impose a deductible, coinsurance, copayment, or any other cost-sharing requirement on the coverage of a one-month supply of continuous glucose monitors, including one transmitter if necessary, as provided under this Section. The provisions of this subsection do not apply to coverage under this Section to the extent such coverage would disqualify a high-deductible health plan from eligibility for a health savings account pursuant to the federal Internal Revenue Code, 26 U.S.C. 23.

(Source: P.A. 102-1093, eff. 1-1-23; 103-154, eff. 6-30-23.)

Section 10. The Illinois Public Aid Code is amended by adding Section 5-16.8a as follows:

(305 ILCS 5/5-16.8a new)

Sec. 5-16.8a. Rules concerning continuous glucose monitor coverage. The Department shall adopt rules to implement the changes made to Section 356z.59 of the Illinois Insurance Code, as applied to the medical assistance program. The rules shall, at a minimum, provide that:

(1) the ordering provider must be a physician licensed under the Medical Practice Act of 1987 or a certified nurse practitioner or physician assistant with a collaborative agreement with the physician;

(2) continuous glucose monitors are not required to have an alarm when glucose levels are outside the pre-determined range; the capacity to generate predictive alerts in case of impending hypoglycemia; or the ability to transmit real-time glucose values and alerts to the patient and designated other persons;

(3) the beneficiary is not required to need intensive insulin therapy;

(4) the beneficiary is not required to have a recent history of emergency room visits or hospitalizations related to hypoglycemia, hyperglycemia, or ketoacidosis;

(5) if the beneficiary has gestational diabetes, the beneficiary is not required to have suboptimal glycemic control that is likely to harm the beneficiary or the fetus;

(6) if a beneficiary has diabetes mellitus and the beneficiary does not meet the coverage requirements or if the beneficiary is in a population in which continuous glucose monitor usage has not been well-studied, requests shall be reviewed, on a case-by-case basis, for medical necessity and approved if appropriate; and

(7) the beneficiary is not required to obtain prior authorization for coverage for a continuous glucose monitor, and that coverage is continuous once the continuous glucose monitor is prescribed.

Section 99. Effective date. This Act takes effect July 1, 2024.".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 3 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

READING BILLS OF THE SENATE A THIRD TIME

On motion of Senator Morrison, **Senate Bill No. 3414** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

YEAS 59; NAYS None.

The following voted in the affirmative:

Anderson	Feigenholtz	Lewis	Sims
Aquino	Fine	Lightford	Stadelman
Belt	Fowler	Loughran Cappel	Stoller
Bennett	Gillespie	Martwick	Syverson
Bryant	Glowiak Hilton	McClure	Toro
Castro	Halpin	McConchie	Tracy
Cervantes	Harris, N.	Morrison	Turner, D.
Chesney	Harriss, E.	Murphy	Turner, S.
Collins	Hastings	Peters	Ventura
Cunningham	Holmes	Plummer	Villa
Curran	Hunter	Porfirio	Villanueva
DeWitte	Johnson	Preston	Villivalam
Edly-Allen	Jones, E.	Rezin	Wilcox
Ellman	Joyce	Rose	Mr. President
Faraci	Koehler	Simmons	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

On motion of Senator Holmes, **Senate Bill No. 3448** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

YEAS 59; NAYS None.

The following voted in the affirmative:

Anderson	Feigenholtz	Lewis	Sims
Aquino	Fine	Lightford	Stadelman
Belt	Fowler	Loughran Cappel	Stoller
Bennett	Gillespie	Martwick	Syverson
Bryant	Glowiak Hilton	McClure	Toro
Castro	Halpin	McConchie	Tracy
Cervantes	Harris, N.	Morrison	Turner, D.
Chesney	Harriss, E.	Murphy	Turner, S.
Collins	Hastings	Peters	Ventura
Cunningham	Holmes	Plummer	Villa

Curran	Hunter	Porfirio	Villanueva
DeWitte	Johnson	Preston	Villivalam
Edly-Allen	Jones, E.	Rezin	Wilcox
Ellman	Joyce	Rose	Mr. President
Faraci	Koehler	Simmons	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

SENATE BILL RECALLED

On motion of Senator Glowiak Hilton, **Senate Bill No. 3547** was recalled from the order of third reading to the order of second reading.

Senator Glowiak Hilton offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 3547

AMENDMENT NO. 1 . Amend Senate Bill 3547 by replacing everything after the enacting clause with the following:

"Section 5. The Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois is amended by changing Section 2310-345 as follows:

(20 ILCS 2310/2310-345) (was 20 ILCS 2310/55.49)

Sec. 2310-345. Breast cancer; written summary regarding early detection and treatment.

(a) From funds made available for this purpose, the Department shall publish, in layman's language, a standardized written summary outlining methods for the early detection and diagnosis of breast cancer. The summary shall include recommended guidelines for screening and detection of breast cancer ~~through the use of techniques that shall include but not be limited to self-examination, clinical breast exams, and diagnostic radiology~~.

(b) The summary shall also inform ~~suggest that~~ women they should seek mammography services only from facilities that are certified to perform mammography as required by the federal Mammography Quality Standards Act of 1992.

(c) The summary shall also include the medically viable alternative methods for the treatment of breast cancer, including, but not limited to, hormonal, radiological, chemotherapeutic, or surgical treatments or combinations thereof. The summary shall contain information on breast reconstructive surgery, including, but not limited to, the use of breast implants and their side effects. The summary shall inform the patient of the advantages, disadvantages, risks, and dangers of the various procedures. The summary shall include ~~(i)~~ a statement that mammography is the primary ~~most accurate~~ method for making an early detection of breast cancer, however, no diagnostic tool is 100% effective~~, (ii) the benefits of clinical breast exams, and (iii) instructions for performing breast self-examination and a statement that it is important to perform a breast self-examination monthly~~.

(c-5) The summary shall specifically address the benefits of early detection and review the clinical standard recommendations by the Centers for Disease Control and Prevention and the American Cancer Society for mammography~~, clinical breast exams, and breast self-exams~~.

(c-10) (Blank). ~~The summary shall also inform individuals that public and private insurance providers shall pay for clinical breast exams as part of an exam, as indicated by guidelines of practice.~~

(c-15) The summary shall also inform individuals, in layman's terms, of the meaning and consequences of "dense breast tissue" under the guidelines of the Breast Imaging Reporting and Data System of the American College of Radiology and potential recommended follow-up tests or studies.

(d) In developing the summary, the Department shall consult with the Advisory Board of Cancer Control, the Illinois State Medical Society and consumer groups. The summary shall be updated by the Department every 2 years.

(e) The summaries shall additionally be translated into Spanish, and the Department shall conduct a public information campaign to distribute the summaries to the Hispanic women of this State in order to inform them of the importance of early detection and mammograms.

(f) The Department shall distribute the summary to hospitals, public health centers, physicians, and other health care professionals who are likely to perform or order diagnostic tests for breast disease or treat breast cancer by surgical or other medical methods. Those hospitals, public health centers, physicians, and other health care professionals shall make the summaries available to the public. The Department shall also distribute the summaries to any person, organization, or other interested parties upon request. The summaries may be duplicated by any person, provided the copies are identical to the current summary prepared by the Department.

(g) The summary shall display, on the inside of its cover, printed in capital letters, in bold face type, the following paragraph:

"The information contained in this brochure regarding recommendations for early detection and diagnosis of breast disease ~~and alternative breast disease treatments~~ is only for the purpose of assisting you, the patient, in understanding the medical information and advice offered by your physician. This brochure cannot serve as a substitute for the sound professional advice of your physician. The availability of this brochure or the information contained within is not intended to alter, in any way, the existing physician-patient relationship, nor the existing professional obligations of your physician in the delivery of medical services to you, the patient."

(h) The summary shall be updated when necessary.

(Source: P.A. 98-502, eff. 1-1-14; 98-886, eff. 1-1-15; 99-581, eff. 1-1-17.)

Section 10. The Radiation Protection Act of 1990 is amended by changing Section 5 as follows:

(420 ILCS 40/5) (from Ch. 111 1/2, par. 210-5)

(Section scheduled to be repealed on January 1, 2027)

Sec. 5. Limitations on application of radiation to human beings and requirements for radiation installation operators providing mammography services.

(a) No person shall intentionally administer radiation to a human being unless such person is licensed to practice ~~a~~ treatment of human ailments by virtue of the Illinois Medical, Dental or Podiatric Medical Practice Acts, or, as physician assistant, advanced practice registered nurse, technologist ~~technician~~, nurse, or other assistant, is acting under the supervision, prescription or direction of such licensed person. However, no such physician assistant, advanced practice registered nurse, technologist ~~technician~~, nurse, or other assistant acting under the supervision of a person licensed under the Medical Practice Act of 1987, shall administer radiation to human beings unless accredited by the Agency, except that persons enrolled in a course of education approved by the Agency may apply ionizing radiation to human beings as required by their course of study when under the direct supervision of a person licensed under the Medical Practice Act of 1987. No person authorized by this Section to apply ionizing radiation shall apply such radiation except to those parts of the human body specified in the Act under which such person or his supervisor is licensed. No person may operate a radiation installation where ionizing radiation is administered to human beings unless all persons who administer ionizing radiation in that radiation installation are licensed, accredited, or exempted in accordance with this Section. Nothing in this Section shall be deemed to relieve a person from complying with the provisions of Section 10.

(b) In addition, no person shall provide mammography services unless all of the following requirements are met:

(1) the mammography procedures are performed using a radiation machine that is specifically designed for mammography;

(2) the mammography procedures are performed using a radiation machine that is used solely for performing mammography procedures;

(3) the mammography procedures are performed using equipment that has been subjected to a quality assurance program that satisfies quality assurance requirements which the Agency shall establish by rule;

(4) beginning one year after the effective date of this amendatory Act of 1991, if the mammography procedure is performed by a radiologic technologist, that technologist, in addition to being accredited by the Agency to perform radiography, has satisfied training requirements specific to mammography, which the Agency shall establish by rule.

(c) Every operator of a radiation installation at which mammography services are provided shall ensure and have confirmed by each ~~mammography~~ patient that the patient is provided with a printed or digital pamphlet that has been prepared in accordance with Section 2310-345 of the Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois, which ~~which~~ is orally reviewed with the patient ~~and which contains the following:~~

~~(1) how to perform breast self-examination;~~

~~(2) that early detection of breast cancer is maximized through a combined approach, using monthly breast self-examination, a thorough physical examination performed by a physician, and mammography performed at recommended intervals;~~

~~(3) that mammography is the most accurate method for making an early detection of breast cancer, however, no diagnostic tool is 100% effective;~~

~~(4) that if the patient is self-referred and does not have a primary care physician, or if the patient is unfamiliar with the breast examination procedures, that the patient has received information regarding public health services where she can obtain a breast examination and instructions~~.

(Source: P.A. 100-513, eff. 1-1-18.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

READING BILLS OF THE SENATE A THIRD TIME

On motion of Senator Glowiak Hilton, **Senate Bill No. 3547** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, “Shall this bill pass?” it was decided in the affirmative by the following vote:

YEAS 59; NAYS None.

The following voted in the affirmative:

Anderson	Feigenholtz	Lewis	Sims
Aquino	Fine	Lightford	Stadelman
Belt	Fowler	Loughran Cappel	Stoller
Bennett	Gillespie	Martwick	Syverson
Bryant	Glowiak Hilton	McClure	Toro
Castro	Halpin	McConchie	Tracy
Cervantes	Harris, N.	Morrison	Turner, D.
Chesney	Harriss, E.	Murphy	Turner, S.
Collins	Hastings	Peters	Ventura
Cunningham	Holmes	Plummer	Villa
Curran	Hunter	Porfirio	Villanueva
DeWitte	Johnson	Preston	Villivalam
Edly-Allen	Jones, E.	Rezin	Wilcox
Ellman	Joyce	Rose	Mr. President
Faraci	Koehler	Simmons	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

On motion of Senator Castro, **Senate Bill No. 3594** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

YEAS 59; NAYS None.

The following voted in the affirmative:

Anderson	Feigenholtz	Lewis	Sims
Aquino	Fine	Lightford	Stadelman
Belt	Fowler	Loughran Cappel	Stoller
Bennett	Gillespie	Martwick	Syverson
Bryant	Glowiak Hilton	McClure	Toro
Castro	Halpin	McConchie	Tracy
Cervantes	Harris, N.	Morrison	Turner, D.
Chesney	Harriss, E.	Murphy	Turner, S.
Collins	Hastings	Peters	Ventura
Cunningham	Holmes	Plummer	Villa
Curran	Hunter	Porfirio	Villanueva
DeWitte	Johnson	Preston	Villivalam
Edly-Allen	Jones, E.	Rezin	Wilcox
Ellman	Joyce	Rose	Mr. President
Faraci	Koehler	Simmons	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

SENATE BILL RECALLED

On motion of Senator Peters, **Senate Bill No. 3646** was recalled from the order of third reading to the order of second reading.

Senator Peters offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 3646

AMENDMENT NO. 2 . Amend Senate Bill 3646, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Child Labor Law of 2024.

Section 5. Findings. The General Assembly finds that minors engaged in work are deserving of enhanced workplace protections. It is the intent of the General Assembly, in enacting this Child Labor Law of 2024, to safeguard all working minors' health, safety, welfare, and access to education and the provisions of this Act shall be interpreted to provide the greatest protection of a minor's well-being.

Section 10. Definitions. As used in this Act:

"Construction" means any constructing, altering, reconstructing, repairing, rehabilitating, refinishing, refurbishing, remodeling, remediating, renovating, custom fabricating, maintenance, landscaping, improving, wrecking, painting, decorating, demolishing, and adding to or subtracting from any building, structure, highway, roadway, street, bridge, alley, sewer, ditch, sewage disposal plant, water works, parking facility, railroad, excavation or other structure, project, development, real property or improvement, or to do any part thereof, whether or not the performance of the work herein described involves the addition to, or fabrication into, any structure, project, development, real property or improvement herein described of any

material or article of merchandise. "Construction" also includes moving construction-related materials on the job site to or from the job site.

"Department" means the Department of Labor.

"Director" means the Director of Labor.

"District superintendent of schools" means an individual employed by a board of education in accordance with Section 10-21.4 of the School Code and the chief executive officer of a school district in a city with over 500,000 inhabitants.

"Duly authorized agent" means an individual who has been designated by a regional or district superintendent of schools as his or her agent for the limited purpose of issuing employment certificates to minors under the age of 16 and may include officials of any public school district, charter school, or any State-recognized, non-public school.

"Employ" means to allow, suffer, or permit to work.

"Employer" means a person who employs a minor to work.

"Family" means a group of persons related by blood or marriage, including civil partnerships, or whose close relationship with each other is considered equivalent to a family relationship by the individuals.

"Minor" means any person under the age of 16.

"Online platform" means any public-facing website, web application, or digital application, including a mobile application. "Online platform" includes a social network, advertising network, mobile operating system, search engine, email service, or Internet access service.

"Person" means any natural person, individual, corporation, business enterprise, or other legal entity, either public or private, and any legal successor, representative, agent, or agency of that individual, corporation, business enterprise, or legal entity.

"Regional superintendent of schools" means the chief administrative officer of an educational service region as described in Section 3A-2 of the School Code.

"School hours" means, for a minor of compulsory school age who is enrolled in a public or non-public school that is registered with or recognized by the State Board of Education, the hours the minor's school is in session. "School hours" means, for a minor of compulsory school age who is not enrolled in a public or non-public school that is registered with or recognized by the State Board of Education, the hours that the minor's local public school in the district where the minor resides is in session.

"School issuing officer" means a regional or district superintendent of schools, or his or her duly authorized agent.

"Vlog" means content shared on an online platform in exchange for compensation.

"Vlogger" means an individual or family that creates video content, performed in Illinois, in exchange for compensation, and includes any proprietorship, partnership, company, or other corporate entity assuming the name or identity of a particular individual or family for the purposes of that content creation. "Vlogger" does not include any person under the age of 16 who produces his or her own vlogs.

Section 15. Employment of minors.

(a) A person shall not employ, allow, or permit a minor to work in Illinois unless that work meets the requirements of this Act and any rules adopted under this Act.

(b) A person may employ, allow, or permit a minor 14 or 15 years of age to work outside of school hours, except at work sites prohibited under Section 55, after being issued a certificate authorizing that employment.

(c) A person shall not employ, allow, or permit a minor 13 years of age or younger to work in any occupation or at any work site not explicitly authorized by or exempted from this Act.

Section 20. Exemptions.

(a) Nothing in this Act applies to the work of a minor engaged in agricultural pursuits, except that no minor under 12 years of age, except members of the farmer's own family who live with the farmer at his principal place of residence, at any time shall be employed, allowed, or permitted to work in any gainful occupation in connection with agriculture, except that any minor of 10 years of age or more shall be permitted to work in a gainful occupation in connection with agriculture during school vacations or outside of school hours.

(b) Nothing in this Act applies to the work of a minor engaged in the sale and distribution of magazines and newspapers outside of school hours.

(c) Nothing in this Act applies a minor's performance of household chores or babysitting outside of school hours if that work is performed in or about a private residence and not in connection with an established business, trade, or profession of the person employing, allowing, or permitting the minor to perform the activities.

(d) Nothing in this Act applies to the work of a minor 13 years of age or more in caddying at a golf course.

(e) Nothing in this Act applies to a minor 14 or 15 years of age who is, under the direction of the minor's school, participating in work-based learning programs in accordance with the School Code.

(f) Nothing in this Act prohibits an employer from employing, allowing, or permitting a minor 12 or 13 years of age to work as an officiant or an assistant instructor of youth sports activities for a not-for-profit youth club, park district, or municipal parks and recreation department if the employer obtains certification as provided for in Section 55 and:

(1) the parent or guardian of the minor who is working as an officiant or an assistant instructor, or an adult designated by the parent or guardian, shall be present at the youth sports activity while the minor is working;

(2) the minor may work as an officiant or an assistant instructor for a maximum of 3 hours per day on school days and a maximum of 4 hours per day on non-school days;

(3) the minor shall not exceed 10 hours of officiating and working as assistant instructor in any week;

(4) the minor shall not work later than 9:00 p.m. on any day of the week; and

(5) the participants in the youth sports activity are at least 3 years younger than the minor unless an individual 16 years of age or older is officiating or instructing the same youth sports activity with the minor.

The failure to satisfy the requirements of this subsection may result in the revocation of the minor's employment certificate.

Section 25. Allowable work hours. Except as allowed under Section 30, no employer shall employ, allow, or permit a minor to work:

(1) more than 18 hours during a week when school is in session;

(2) more than 40 hours during a week when school is not in session;

(3) more than 8 hours in any single 24-hour period;

(4) between 7 p.m. and 7 a.m. from Labor Day until June 1 or between 9 p.m. and 7 a.m. from June 1 until Labor Day; or

(5) more than 3 hours per day or more than 8 hours total of work and school hours on days when school is in session.

Section 30. Exceptions to allowable work hours.

(a) An employer may employ, allow, or permit a minor under the age of 16 to work a maximum of 8 hours on each Saturday and on Sunday during the school year if:

(1) the minor does not work outside of school hours more than 6 consecutive days in any one week; and

(2) the number of hours worked by the minor outside of school hours in any week does not exceed 24.

(b) A minor working as a live theatrical performer as described in Section 45 shall be permitted to work until 11 p.m. on nights when performances are held.

(c) A minor under 16 years of age working as a performer as described in Section 50 shall be permitted to work until 10 p.m.

(d) A park district, not-for-profit youth club, or municipal parks and recreation department may allow a minor 14 years of age or older to work in a recreational or educational activity beyond the hours identified in Section 25 as follows:

(1) From Labor Day until June 1, an employer may allow a minor to work until 9 p.m. on school days if the following conditions are met:

(A) the minor does not work more than 3 hours per day;

(B) the minor does not work on more than 2 school days in that week; and

(C) the minor does not work more than 24 total hours outside school hours in that week.

(2) From June 1 to Labor Day, an employer may allow a minor to work until 10 p.m. and no earlier than 7 a.m.

(3) For a minor who attends a school that operates a year-round schedule, an employer may allow the minor to work until 10 p.m. and no earlier than 7 a.m. during periods when school is not in session for the minor. If school is in session, then the minor who attends a school that operates a year-round schedule may work until 9 p.m. on school days and no earlier than 7 a.m., if the following conditions are met:

(A) the minor does not work more than 3 hours per day;

(B) the minor does not work on more than 2 school days in that week; and

(C) the minor does not work more than 24 total hours outside school hours in that week.

Section 35. Employer requirements.

(a) It shall be unlawful for any person to employ, allow, or permit any minor to work unless the minor obtains an employment certificate authorizing the minor to work for that person. Any person seeking to employ, allow, or permit any minor to work shall provide that minor with a notice of intention to employ to be submitted by the minor to the minor's school issuing officer with the minor's application for an employment certificate.

(b) Every employer of one or more minors shall maintain, on the premises where the work is being done, records that include the name, date of birth, and place of residence of every minor who works for that employer, notice of intention to employ the minor, and the minor's employment certificate. Authorized officers and employees of the Department, truant officers, and other school officials charged with the enforcement of school attendance requirements described in Section 26-1 of the School Code may inspect the records without notice at any time.

(c) Every employer of minors shall ensure that all minors are supervised by an adult 21 years of age or older, on site, at all times while the minor is working.

(d) No person shall employ, allow, or permit any minor to work for more than 5 hours continuously without an interval of at least 30 minutes for a meal period. No period of less than 30 minutes shall be deemed to interrupt a continuous period of work.

(e) Every employer who employs one or more minors shall post in a conspicuous place where minors are employed, allowed, or permitted to work, a notice summarizing the requirements of this Act, including a list of the occupations prohibited to minors and the Department's toll free telephone number described in Section 85. An employer with employees who do not regularly report to a physical workplace, such as employees who work remotely or travel for work, shall also provide the summary and notice by email to its employees or conspicuous posting on the employer's website or intranet site, if the site is regularly used by the employer to communicate work-related information to employees and is able to be regularly accessed by all employees, freely and without interference. The notice shall be furnished by the Department.

(f) Every employer, during the period of employment of a minor and for 3 years thereafter, shall keep on file, at the place of employment, a copy of the employment certificate issued for the minor. An employment certificate shall be valid only for the employer for whom issued and a new certificate shall not be issued for the employment of a minor except on the presentation of a new statement of intention to employ the minor. The failure of any employer to produce for inspection the employment certificate for each minor in the employer's establishment shall be a violation of this Act. The Department may specify any other record keeping requirements by rule.

(g) In the event of the work-related death of a minor engaged in work subject to this Act, the employer shall, within 24 hours, report the death to the Department and to the school official who issued the minor's work certificate for that employer. In the event of a work-related injury or illness of a minor that requires the employer to file a report with the Illinois Workers' Compensation Commission under Section 6 of the Workers' Compensation Act or Section 6 of the Workers' Occupational Diseases Act, the employer shall submit a copy of the report to the Department and to the school official who issued the minor's work certificate for that employer within 72 hours of the deadline by which the employer must file the report to the Illinois Workers' Compensation Commission. The report shall be subject to the confidentiality provisions of Section 6 of the Workers' Compensation Act or Section 6 of the Workers' Occupational Diseases Act.

Section 40. Restrictions on employment of minors.

(a) No person shall employ, allow, or permit a minor to work:

(1) in any mechanic's garage, including garage pits, repairing cars, trucks, or other vehicles or using garage lifting racks;

(2) in the oiling, cleaning, or wiping of machinery or shafting;

(3) in or about any mine or quarry;

(4) in stone cutting or polishing;

(5) in any factory work;

(6) in or about any plant manufacturing explosives or articles containing explosive components, or in the use or transportation of same;

(7) in or about plants manufacturing iron or steel, ore reduction works, smelters, foundries, forging shops, hot rolling mills or any other place in which the heating, melting, or heat treatment of metals is carried on;

(8) in the operation of machinery used in the cold rolling of heavy metal stock, or in the operation of power-driven punching, shearing, stamping, or metal plate bending machines;

(9) in or about logging, sawmills or lath, shingle, or cooperage-stock mills;

(10) in the operation of power-driven woodworking machines, or off-bearing from circular saws;

(11) in the operation and repair of freight elevators or hoisting machines and cranes;

(12) in spray painting;

(13) in occupations involving exposure to lead or its compounds;

(14) in occupations involving exposure to acids, dyes, chemicals, dust, gases, vapors, or fumes that are known or suspected to be dangerous to humans;

(15) in any occupation subject to the Amusement Ride and Attraction Safety Act;

(16) in oil refineries, gasoline blending plants, or pumping stations on oil transmission lines;

(17) in the operation of laundry, dry cleaning, or dyeing machinery;

(18) in occupations involving exposure to radioactive substances;

(19) in or about any filling station or service station, except that this prohibition does not extend to employment within attached convenience stores, food service, or retail establishments;

(20) in construction work, including demolition and repair;

(21) in any energy generation or transmission service;

(22) in public and private utilities and related services;

(23) in operations in or in connection with slaughtering, meat packing, poultry processing, and fish and seafood processing;

(24) in operations which involve working on an elevated surface, with or without use of equipment, including, but not limited to, ladders and scaffolds;

(25) in security positions or any occupations that require the use or carrying of a firearm or other weapon;

(26) in occupations which involve the handling or storage of human blood, human blood products, human body fluids, or human body tissues;

(27) in any mill, cannery, factory, workshop, coal brick or lumber yard;

(28) any occupation which is prohibited for minors under federal law; or

(29) in any other occupation or working condition determined by the Director to be hazardous.

(b) No person shall employ, allow, or permit a minor to work at:

(1) any cannabis business establishment subject to the Cannabis Regulation and Tax Act or Compassionate Use of Medical Cannabis Program Act;

(2) any establishment subject to the Live Adult Entertainment Facility Surcharge Act;

(3) any firearm range or gun range used for discharging a firearm in a sporting event, for practice or instruction in the use of a firearm, or the testing of a firearm;

(4) any establishment in which items containing alcohol for consumption are manufactured, distilled, brewed, or bottled;

(5) any establishment where the primary activity is the sale of alcohol or tobacco;

(6) an establishment operated by any holder of an owners license subject to the Illinois Gambling Act; or

(7) any other establishment which State or federal law prohibits minors from entering or patronizing.

(c) An employer shall not allow minors to draw, mix, pour, or serve any item containing alcohol or otherwise handle any open containers of alcohol. An employer shall make reasonable efforts to ensure that minors are unable to access alcohol.

(d) An employer may allow minors aged 14 and 15 to work in retail stores, except that an employer shall not allow minors to handle or be able to access any goods or products which are illegal for minors to purchase or possess.

(e) No person shall employ, allow, or permit an unlicensed minor to perform work in the practice of barber, cosmetology, esthetics, hair braiding, and nail technology services requiring a license under the Barber, Cosmetology, Esthetics, Hair Braiding, and Nail Technology Act of 1985, except for students enrolled in a school and performing barber, cosmetology, esthetics, hair braiding, and nail technology services in accordance with that Act and rules adopted under that Act.

(f) A person may employ, allow, or permit a minor to perform office or administrative support work that does not expose the minor to the work prohibited in this Section.

Section 45. Minors employed in live theatrical performances. In addition to the other requirements of this Act, an employer of a minor working in live theatrical performances, including plays, musicals, recitals, or concerts, is subject to the following requirements:

(1) An employer shall not allow a minor to work in more than 2 performances in any 24-hour period.

(2) An employer shall not allow a minor to work in more than 8 performances in any 7-day period or 9 performances if a State holiday occurs during that 7-day period.

(3) A minors shall be accompanied by a parent, guardian, or chaperone at all times while at the work site.

(4) A minor shall not work, including performing, rehearsing, or otherwise being present at the work site, in connection with the performance, for more than 8 hours in any 24-hour period, more than 6 days in any 7-day period, more than 24 hours in any 7-day period, or after 11 p.m. on any night.

(5) A minor shall not be excused from attending school except as authorized by Section 26-1 of the School Code.

Section 50. Minors employed in live or pre-recorded, distributed, broadcast performances and modeling.

(a) Notwithstanding the provisions of this Act, minors under 16 years of age may be employed as models or performers on live or pre-recorded radio or television, in motion pictures, or in other entertainment-related performances, subject to conditions that may be imposed by rule by the Department.

(b) Notwithstanding the provisions of this Act, an employer who employs a minor under 16 years of age in a television, motion picture, or related entertainment production may allow the minor to work until 10 p.m. without seeking a waiver from the Department. An employer may apply to the Director, or the Director's authorized representative, for a waiver permitting a minor to work outside of the hours allowed by this Act.

(1) A waiver request for a minor to work between 10 p.m. and 12:30 a.m. or between 5 a.m. and 7 a.m. shall be granted if the Director, or the Director's authorized representative, is satisfied that all of the following conditions are met:

(A) the employment shall not be detrimental to the health or welfare of the minor;

(B) the minor shall be supervised adequately;

(C) the education of the minor shall not be neglected; and

(D) the total number of hours to be worked that day and week is not over the limits established in this Act or any rules adopted under this Act.

(2) A waiver request for a minor to work between 12:30 a.m. and 5 a.m. shall be granted if the Director, or the Director's authorized representative, is satisfied that all of the following conditions are met:

(A) the employment shall not be detrimental to the health or welfare of the minor;

(B) the minor shall be supervised adequately;

(C) the education of the minor shall not be jeopardized;

(D) performance by the minor during that time is critical to the success of the production, as demonstrated by true and accurate statements by the employer that filming cannot be completed at any other time of day;

(E) the filming primarily requires exterior footage of sunset, nighttime, or dawn;

(F) the filming is scheduled on the most optimal day of the week for the minor's schooling;

(G) the employer provides a schedule to the Department of schooling and rest periods on the day before, the day of, and the day after the overnight hours to be worked;

(H) the age of the minor is taken into account as provided by this Act or any rules adopted under this Act;

(I) the total number of hours to be worked that day and week is not over the limits established in this Act or any rules adopted under this Act; and

(J) the waiver request was received by the Department at least 72 hours prior to the overnight hours to be worked.

(c) An employer applying for the waiver shall submit to the Director, or the Director's authorized representative, a completed application on the form that the Director provides. The waiver shall contain signatures that show the consent of a parent or legal guardian of the minor, the employer, and an authorized representative of a collective bargaining unit if a collective bargaining unit represents the minor upon employment.

Section 55. Employment certificates.

(a) Any employer who employs, allows, or permits a minor to work shall ensure that the minor holds a valid employment certificate issued by a school issuing officer.

(b) An application for an employment certificate must be submitted by the minor and the minor's parent or legal guardian to the minor's school issuing officer as follows.

(1) The application shall be signed by the applicant's parent or legal guardian.

(2) The application shall be submitted in person by the minor desiring employment, unless the school issuing officer determines that the minor may utilize a remote application process.

(3) The minor shall be accompanied by his or her parent, guardian, or custodian, whether applying in person or remotely.

(4) The following papers shall be submitted with the application:

(A) A statement of intention to employ signed by the prospective employer, or by someone duly authorized by them, setting forth the specific nature of the occupation in which he intends to employ the minor and the exact hours of the day and number of hours per day and days per week during which the minor shall be employed.

(B) Evidence of age showing that the minor is of the age required by this Act, which evidence shall be documentary, and shall be required in the order designated, as follows:

(i) a birth certificate; or

(ii) if a birth certificate is unavailable, the parent or legal guardian may present other reliable proof of the minor's identity and age that is supported by a sworn statement explaining why the birth certificate is not available. Other reliable proof of the minor's identity and age includes a passport, visa, or other governmental documentation of the minor's identity. If the student was not born in the United States, the school issuing officer must accept birth certificates or other reliable proof from a foreign government.

(C) A statement on a form approved by the Department and signed by the school issuing officer, showing the minor's name, address, grade last completed, the hours the minor's school is in session, and other relevant information, as determined by the school issuing officer, about the minor's school schedule, and the names of the minor's parent or legal guardian. If any of the information required to be on the work permit changes, the issuing officer must update the work permit and provide an updated copy to the Department, the minor's employer, and the minor's parent or legal guardian. If the minor does not have a permanent home address or is otherwise eligible for services under the federal McKinney-Vento Homeless Assistance Act, the lack of a birth certificate or permanent home address alone shall not be a barrier to receiving an employment certificate.

(D) A statement of physical fitness signed by a health care professional who has examined the minor, certifying that the minor is physically fit to be employed in all legal

occupations or to be employed in legal occupations under limitations specified, or, at the discretion of the school issuing officer, the minor's most recent school physical. If the statement of physical fitness is limited, the employment certificate issued thereon shall state clearly the limitations upon its use, and shall be valid only when used under the limitations so stated. In any case where the health care professional deems it advisable that he or she may issue a certificate of physical fitness for a specified period of time, at the expiration of which the person for whom it was issued shall appear and be re-examined before being permitted to continue work. Examinations shall be made in accordance with the standards and procedures prescribed by the Director, in consultation with the Director of the Department of Public Health and the State Superintendent of Education, and shall be recorded on a form furnished by the Department. When made by public health or public school physicians, the examination shall be made without charge to the minor. If a public health or public school health care professional is not available, a statement from a private health care professional who has examined the minor may be accepted, provided that the examination is made in accordance with the standards and procedures established by the Department. For purposes of this paragraph, "health care professional" means a physician licensed to practice medicine in all its branches, a licensed advanced practice registered nurse, or a licensed physician assistant.

(5) The school issuing officer shall have authority to verify the representations provided in the employment certificate application as required by Section 55. A school issuing officer shall not charge a fee for the consideration of an employment certificate application.

(6) It shall be the duty of the school board or local school authority to designate a place or places where certificates shall be issued and recorded, and physical examinations made without fee, and to establish and maintain the necessary records and clerical services for carrying out the provisions of this Act.

(c) Upon receipt of an application for an employment certificate, a school issuing officer shall issue an employment certificate only after examining and approving the written application and other papers required under this Section, and determining that the employment shall not be detrimental to the minor's health, welfare, and education. The school issuing officer shall consider any report of death, injury, or illness of a minor at that workplace, received under the requirements of Section 35, in the prior 2 years in determining whether the employment shall be detrimental to the minor's health, welfare, and education. Upon issuing an employment certificate to a minor, the school issuing officer shall notify the principal of the school attended by the minor, and provide copies to the Department, the minor's employer, and the minor's parent or legal guardian. The employment certificate shall be valid for a period of one year from the date of issuance, unless suspended or revoked.

(d) If the school issuing officer refuses to issue a certificate to a minor, the school issuing officer shall send to the principal of the school attended by the minor a notice of the refusal, including the name and address of the minor and of the minor's parent or legal guardian, and the reason for the refusal to issue the certificate.

(e) If a minor from another state seeks to obtain an Illinois employment certificate, the Department shall work with the State Superintendent of Education, or his or her duly authorized agents, to issue the certificate if the State Superintendent of Education deems that all requirements for issuance have been met.

(f) Upon request, the school issuing officer shall issue a certificate of age to any person between 16 and 20 years of age upon presentation of the same proof of age as is required for the issuance of employment certificates under this Act.

(g) Any certificate duly issued in accordance with this Act shall be prima facie evidence of the age of the minor for whom issued in any proceeding involving the employment of the minor under this Act, as to any act occurring subsequent to its issuance, or until revoked.

(h) The Department may suspend any certificate as an emergency action imperatively required for the health, safety, welfare, or education of the minor if:

(1) the parent or legal guardian of a minor, the school issuing officer, or the principal of the school attended by the minor for whom an employment certificate has been issued has asked for the revocation of the certificate by petition to the Department in writing, stating the reasons he or she believes that the employment is interfering with the health, safety, welfare, or education of the minor; or

(2) in the judgment of the Director, the employment certificate was improperly issued or if the minor is illegally employed.

If the certificate is suspended, the Department shall notify the employer of the minor, the parent or guardian of the minor, the minor's school principal, and the school issuing officer of the suspension in writing and shall schedule an administrative hearing to take place within 21 days after the date of any suspension. The minor shall not thereafter be employed, allowed, or permitted to work unless and until his or her employment certificate has been reinstated. After the hearing, an administrative law judge shall issue a final order either reinstating or revoking the employment certificate. If the certificate is revoked, the employer shall not thereafter employ, permit, or allow the minor to work until the minor has obtained a new employment certificate authorizing the minor's employment by that employer.

Section 57. Prohibition on retaliation. An employer, or agent or officer of an employer, violates this Act if he or she takes an adverse action against, or in any other manner discriminates against, any person because that person has:

(1) exercised a right under this Act;

(2) made a complaint to the minor's employer or to the Director, or the Director's authorized representative;

(3) caused to be instituted or is about to cause to be instituted any proceeding under or related to this Act;

(4) participated in or cooperated with an investigation or proceeding under this Act; or

(5) testified or is about to testify in an investigation or proceeding under this Act.

(b) An employer, or agent or officer of an employer, does not violate this Act if he or she discharges a minor from employment because the employment was found to be unlawful or the Department suspended or revoked the minor's employment certificate.

Section 60. Department powers.

(a) The Department shall make, adopt, and enforce reasonable rules relating to the administration and enforcement of the provisions of this Act, including the issuance of employment certificates authorized under this Act, as may be deemed expedient. The rules shall be designed to protect the health, safety, welfare, and education of minors and to ensure that the conditions under which minors are employed, allowed, or permitted to work shall not impair their health, welfare, development, or education.

(b) In order to promote uniformity and efficiency of issuance, the Department shall, in consultation with the State Superintendent of Education, formulate the forms on which certificates shall be issued and also forms needed in connection with the issuance, and it shall supply the forms to the school issuing officers.

Section 65. Investigation.

(a) It shall be the duty of the Department to enforce the provisions of this Act. The Department shall have the power to conduct investigations in connection with the administration and enforcement of this Act and the authorized officers and employees of the Department are hereby authorized and empowered, to visit and inspect, at all reasonable times and as often as possible, all places covered by this Act.

(b) The Director, or the Director's authorized representative, may compel by subpoena, the attendance and testimony of witnesses and the production of books, payrolls, records, papers, and other evidence in any investigation or hearing and may administer oaths to witnesses.

(c) No employer may interfere with or obstruct an investigation conducted under this Act.

Section 70. Enforcement.

(a) The Department shall conduct hearings in accordance with the Illinois Administrative Procedure Act if, upon investigation, the Department finds cause to believe the Act, or any rules adopted thereunder, has been violated; or to consider whether to reinstate or revoke a minor's employment certificate in accordance with Section 55.

(b) After the hearing, if supported by the evidence, the Department may issue and cause to be served on any party an order to cease and desist from violation of the Act, take further affirmative or other action as deemed reasonable to eliminate the effect of the violation, and may revoke any certificate issued under the Act and determine the amount of any civil penalty allowed by the Act. The Department may serve orders by certified mail or by sending a copy by email to an email address previously designated by the party for purposes of receiving notice under this Act. An email address provided by the party in the course of the

administrative proceeding shall not be used in any subsequent proceedings, unless the party designates that email address for the subsequent proceeding.

(c) Any party to a proceeding under the Act may apply for and obtain judicial review of an order of the Department entered under this Act in accordance with the provisions of the Administrative Review Law, and the Department in proceedings under this Section may obtain an order of court for the enforcement of its order.

(d) Whenever it appears that any employer has violated a valid order of the Department issued under this Act, the Director may commence an action and obtain from the court an order upon the employer commanding them to obey the order of the Department or be adjudged guilty of contempt of court and punished accordingly.

Section 75. Civil penalties.

(a) Any person employing, allowing, or permitting a minor to work who violates any of the provisions of this Act or any rule adopted under the Act shall be subject to civil penalties as follows:

(1) if a minor dies while working for an employer who is found by the Department to have been employing, allowing, or permitting the minor to work in violation of this Act, the employer is subject to a penalty not to exceed $60,000, payable to the Department;

(2) if a minor receives an illness or an injury that is required to be reported to the Department under Section 35 while working for an employer who is found by the Department to have been employing, allowing, or permitting the minor to work in violation of this Act, the employer is subject to a penalty not to exceed $30,000, payable to the Department;

(3) an employer who employs, allows, or permits a minor to work in violation of Section 40 shall be subject to a penalty not to exceed $15,000, payable to the Department;

(4) an employer who fails to post or provide the required notice under subsection (g) of Section 35 shall be subject to a penalty not to exceed $500, payable to the Department; and

(5) an employer who commits any other violation of this Act shall be subject to a penalty not to exceed $10,000, payable to the Department.

In determining the amount of the penalty, the appropriateness of the penalty to the size of the business of the employer charged and the gravity of the violation shall be considered.

Each day during which any violation of this Act continues shall constitute a separate and distinct offense, and the employment of any minor in violation of the Act shall, with respect to each minor so employed, constitute a separate and distinct offense.

(b) Any administrative determination by the Department of the amount of each penalty shall be final unless reviewed as provided in Section 70.

(c) The amount of the penalty, when finally determined, may be recovered in a civil action brought by the Director in any circuit court, in which litigation the Director shall be represented by the Attorney General. In an action brought by the Department, the Department may request, and the Court may impose on a defendant employer, an additional civil penalty of up to an amount equal to the penalties assessed by the Department to be distributed to an impacted minor. In an action concerning multiple minors, any such penalty imposed by the Court shall be distributed equally among the minors employed in violation of this Act by the defendant employer.

(d) Penalties recovered under this Section shall be paid by certified check, money order, or by an electronic payment system designated by the Department, and deposited into the Child Labor and Day and Temporary Labor Services Enforcement Fund, a special fund in the State treasury. Moneys in the Fund shall be used, subject to appropriation, for exemplary programs, demonstration projects, and other activities or purposes related to the enforcement of this Act or for the activities or purposes related to the enforcement of the Day and Temporary Labor Services Act, or for the activities or purposes related to the enforcement of the Private Employment Agency Act.

Section 80. Criminal penalties.

(a) Any person who engages in any of the following activities shall be guilty of a Class A misdemeanor and shall be subject to a civil penalty of no less than $500 and no more than $2,500:

(1) employs, allows, or permits any minor to work in violation of this Act, or of any rule, order, or ruling issued under the provisions of this Act;

(2) obstructs the Department, its inspectors or deputies, or any other person authorized to inspect places of employment under this Act; or

(3) willfully fails to comply with the provisions of this Act.

(b) Whenever in the opinion of the Department a violation of this Act has occurred, it shall report the violation to the Attorney General who shall prosecute all violations reported.

(c) The amount of the penalty, when finally determined, shall be ordered by the court, in an action brought for a criminal violation, to be paid to the Department.

(d) Penalties recovered under this Section shall be paid into the Child Labor and Day and Temporary Labor Services Enforcement Fund.

Section 85. Department reporting and outreach.

(a) The Department shall maintain a toll-free telephone number to facilitate information requests concerning the issuance of certificates under this Act and the reporting of violations of this Act.

(b) The Department shall conduct ongoing outreach and education efforts concerning this Act targeted toward school districts, employers, and other appropriate community organizations. The Department shall, to the extent possible, coordinate these outreach and education activities with other appropriate local, State, and federal agencies.

(c) The Department shall file with the General Assembly, no later than January 1 each year, a report of its activities regarding administration and enforcement of this Act for the preceding fiscal year.

Section 90. Child performers; trust fund.

(a) As used in this Section:

"Artistic or creative services" includes, but is not limited to, services as: an actor, actress, dancer, musician, comedian, singer, stunt person, voice-over artist, runway or print model, other performer or entertainer, songwriter, musical producer, arranger, writer, director, producer, production executive, choreographer, composer, conductor, or designer.

"Child performer" means an unemancipated person under the age of 16 who is employed in this State and who agrees to render artistic or creative services.

(b) In addition to the requirements of Section 55, the person authorized to issue employment certificates must determine that a trust account, established by the child performer's parent or guardian, that meets the requirements of subsection (c) has been established designating the minor as the beneficiary of the trust account before an employment certificate for work as a child performer may be issued for a minor under the age of 16 years. The person authorized to issue employment certificates shall issue a temporary employment certificate having a duration of not more than 15 days without the establishment of a trust fund to permit a minor to provide artistic or creative services. No more than one temporary employment certificate may be issued for each child performer. The Department shall prescribe the form in which temporary employment certificates shall be issued and shall make the forms available on its website.

(c) A trust account subject to this Section must provide, at a minimum, the following:

(1) that at least 15% of the gross earnings of the child performer shall be deposited into the account; (2) that the funds in the account shall be available only to the child performer;

(2) that the account shall be held by a bank, corporate fiduciary, or trust company, as those terms are defined in the Corporate Fiduciary Act;

(3) that the funds in the account shall become available to the child performer upon the child performer attaining the age of 18 years or until the child performer is declared emancipated; and

(4) that the account meets the requirements of the Illinois Uniform Transfers to Minors Act.

(d) The parent or guardian of the child performer shall provide the employer with the information necessary to transfer moneys into the trust account. Once the child performer's employer deposits the money into the trust account, the child performer's employer shall have no further obligation or duty to monitor or account for the money. The trustee or trustees of the trust shall be the only individual, individuals, entity, or entities with the obligation or duty to monitor and account for money once it has been deposited by the child performer's employer.

(e) If the parent or guardian of the child performer fails to provide the employer with the information necessary to transfer funds into the trust account within 30 days after an employment certificate has been issued, the funds that were to be transferred to the trust account shall be transferred to the Office of the State Treasurer in accordance with Section 15-608 of the Revised Uniform Unclaimed Property Act.

(f) This Section does not apply to an employer of a child performer employed to perform services as an extra, services as a background performer, or services in a similar capacity.

(g) The Department may adopt rules to implement this Section.

Section 95. Minors featured in vlogs.

(a) A minor under the age of 16 is considered engaged in the work of vlogging when the following criteria are met at any time during the previous 12-month period:

(1) at least 30% of the vlogger's compensated video content produced within a 30-day period included the likeness, name, or photograph of the minor. Content percentage is measured by the percentage of time the likeness, name, or photograph of the minor visually appears or is the subject of an oral narrative in a video segment, as compared to the total length of the segment; and

(2) the number of views received per video segment on any online platform met the online platform's threshold for the generation of compensation or the vlogger received actual compensation for video content equal to or greater than $0.10 per view.

(b) With the exception of Section 100, the provisions of this Act do not apply to a minor engaged in the work of vlogging.

(c) All vloggers whose content features a minor under the age of 16 engaged in the work of vlogging shall maintain the following records and shall provide them to the minor on an ongoing basis:

(1) the name and documentary proof of the age of the minor engaged in the work of vlogging;

(2) the number of vlogs that generated compensation as described in subsection (a) during the reporting period;

(3) the total number of minutes of the vlogs that the vlogger received compensation for during the reporting period;

(4) the total number of minutes each minor was featured in vlogs during the reporting period;

(5) the total compensation generated from vlogs featuring a minor during the reporting period; and

(6) the amount deposited into the trust account for the benefit of the minor engaged in the working of vlogging, as required by Section 100.

(d) If a vlogger whose vlog content features minors under the age of 16 engaged in the work of vlogging fails to maintain the records as provided in subsection (c), the minor may commence a civil action to enforce the provisions of this Section.

Section 100. Minor engaged in the work of vlogging; trust fund.

(a) A minor satisfying the criteria described in subsection (a) of Section 95 must be compensated by the vlogger. The vlogger must set aside gross earnings on the video content, including the likeness, name, or photograph of the minor in a trust account to be preserved for the benefit of the minor upon reaching the age of majority, according to the following distribution:

(1) where only one minor meets the content threshold described in Section 95, the percentage of total gross earnings on any video segment, including the likeness, name, or photograph of the minor that is equal to or greater than half of the content percentage that includes the minor as described in Section 95; or

(2) where more than one minor meets the content threshold described in Section 95 and a video segment includes more than one of those minors, the percentage described in paragraph (1) for all minors in any segment must be equally divided between the minors, regardless of differences in percentage of content provided by the individual minors.

(b) A trust account required under this Section must provide, at a minimum, the following:

(1) that the funds in the account shall be available only to the minor engaged in the work of vlogging;

(2) that the account shall be held by a bank, corporate fiduciary, or trust company, as those terms are defined in the Corporate Fiduciary Act;

(3) that the funds in the account shall become available to the minor engaged in the work of vlogging upon the minor attaining the age of 18 years or until the minor is declared emancipated; and

(4) that the account meets the requirements of the Illinois Uniform Transfers to Minors Act.

(c) If a vlogger knowingly or recklessly violates this Section, a minor satisfying the criteria described in subsection (a) of Section 95 may commence an action to enforce the provisions of this Section regarding the trust account. The court may award, to a minor who prevails in any action brought in accordance with this Section, the following damages:

(1) actual damages;

(2) punitive damages; and

(3) the costs of the action, including attorney's fees and litigation costs.

(d) This Section does not affect a right or remedy available under any other law of the State.

(e) Nothing in this Section shall be interpreted to have any effect on a party that is neither the vlogger nor the minor engaged in the work of vlogging.

Section 105. No limitations on other laws. Nothing in this Act shall limit another State agency's authority to enforce violations of any other State law.

Section 110. Severability. If any part of this Act is decided to be unconstitutional and void, the decision shall not affect the validity of the remaining parts of this Act unless the part held void is indispensable to the operation of the remaining parts.

Section 115. Procedural changes from prior law. In accordance with Section 4 of the Statute on Statutes, any procedural change as compared to prior law effected by the repeal of the Child Labor Law and the enactment of this Act shall be applied retroactively. Any substantive change as compared to prior law effected by the repeal of the Child Labor Law and the enactment of this Act shall be applied prospectively only. Any changes to the remedies available to redress a legal violation are procedural in nature.

(820 ILCS 205/Act rep.)

Section 900. The Child Labor Law is repealed.

Section 905. The School Code is amended by changing Section 26-1 as follows:

(105 ILCS 5/26-1) (from Ch. 122, par. 26-1)

Sec. 26-1. Compulsory school age; exemptions. Whoever has custody or control of any child (i) between the ages of 7 and 17 years (unless the child has already graduated from high school) for school years before the 2014-2015 school year or (ii) between the ages of 6 (on or before September 1) and 17 years (unless the child has already graduated from high school) beginning with the 2014-2015 school year shall cause such child to attend some public school in the district wherein the child resides the entire time it is in session during the regular school term, except as provided in Section 10-19.1, and during a required summer school program established under Section 10-22.33B; provided, that the following children shall not be required to attend the public schools:

1. Any child attending a private or a parochial school where children are taught the branches of education taught to children of corresponding age and grade in the public schools, and where the instruction of the child in the branches of education is in the English language;

2. Any child who is physically or mentally unable to attend school, such disability being certified to the county or district truant officer by a competent physician licensed in Illinois to practice medicine and surgery in all its branches, a chiropractic physician licensed under the Medical Practice Act of 1987, a licensed advanced practice registered nurse, a licensed physician assistant, or a Christian Science practitioner residing in this State and listed in the Christian Science Journal; or who is excused for temporary absence for cause by the principal or teacher of the school which the child attends, with absence for cause by illness being required to include the mental or behavioral health of the child for up to 5 days for which the child need not provide a medical note, in which case the child shall be given the opportunity to make up any school work missed during the mental or behavioral health absence and, after the second mental health day used, may be referred to the appropriate school support personnel; the exemptions in this paragraph (2) do not apply to any female who is pregnant or the mother of one or more children, except where a female is unable to attend school due to a complication arising from her pregnancy and the existence of such complication is certified to the county or district truant officer by a competent physician;

3. Any child necessarily and lawfully employed according to the provisions of the Child Labor Law of 2024 ~~law regulating child labor~~ may be excused from attendance at school by the county superintendent of schools or the superintendent of the public school which the child should be attending, on certification of the facts by and the recommendation of the school board of the public school district in which the child resides. In districts having part-time continuation schools, children so excused shall attend such schools at least 8 hours each week;

4. Any child over 12 and under 14 years of age while in attendance at confirmation classes;

5. Any child absent from a public school on a particular day or days or at a particular time of day for the reason that he is unable to attend classes or to participate in any examination, study, or work requirements on a particular day or days or at a particular time of day because of religious reasons, including the observance of a religious holiday or participation in religious instruction, or because the tenets of his religion forbid secular activity on a particular day or days or at a particular time of day. A school board may require the parent or guardian of a child who is to be excused from attending school because of religious reasons to give notice, not exceeding 5 days, of the child's absence to the school principal or other school personnel. Any child excused from attending school under this paragraph 5 shall not be required to submit a written excuse for such absence after returning to school. A district superintendent shall develop and distribute to schools appropriate procedures regarding a student's absence for religious reasons, how schools are notified of a student's impending absence for religious reasons, and the requirements of Section 26-2b of this Code;

6. Any child 16 years of age or older who (i) submits to a school district evidence of necessary and lawful employment pursuant to paragraph 3 of this Section and (ii) is enrolled in a graduation incentives program pursuant to Section 26-16 of this Code or an alternative learning opportunities program established pursuant to Article 13B of this Code;

7. A child in any of grades 6 through 12 absent from a public school on a particular day or days or at a particular time of day for the purpose of sounding "Taps" at a military honors funeral held in this State for a deceased veteran. In order to be excused under this paragraph 7, the student shall notify the school's administration at least 2 days prior to the date of the absence and shall provide the school's administration with the date, time, and location of the military honors funeral. The school's administration may waive this 2-day notification requirement if the student did not receive at least 2 days advance notice, but the student shall notify the school's administration as soon as possible of the absence. A student whose absence is excused under this paragraph 7 shall be counted as if the student attended school for purposes of calculating the average daily attendance of students in the school district. A student whose absence is excused under this paragraph 7 must be allowed a reasonable time to make up school work missed during the absence. If the student satisfactorily completes the school work, the day of absence shall be counted as a day of compulsory attendance and he or she may not be penalized for that absence; and

8. Any child absent from a public school on a particular day or days or at a particular time of day for the reason that his or her parent or legal guardian is an active duty member of the uniformed services and has been called to duty for, is on leave from, or has immediately returned from deployment to a combat zone or combat-support postings. Such a student shall be granted 5 days of excused absences in any school year and, at the discretion of the school board, additional excused absences to visit the student's parent or legal guardian relative to such leave or deployment of the parent or legal guardian. In the case of excused absences pursuant to this paragraph 8, the student and parent or legal guardian shall be responsible for obtaining assignments from the student's teacher prior to any period of excused absence and for ensuring that such assignments are completed by the student prior to his or her return to school from such period of excused absence.

Any child from a public middle school or high school, subject to guidelines established by the State Board of Education, shall be permitted by a school board one school day-long excused absence per school year for the child who is absent from school to engage in a civic event. The school board may require that the student provide reasonable advance notice of the intended absence to the appropriate school administrator and require that the student provide documentation of participation in a civic event to the appropriate school administrator.

(Source: P.A. 102-266, eff. 1-1-22; 102-321, eff. 1-1-22; 102-406, eff. 8-19-21; 102-813, eff. 5-13-22; 102-981, eff. 1-1-23.)

Section 910. The Child Care Act of 1969 is amended by changing Section 2.17 as follows:

(225 ILCS 10/2.17) (from Ch. 23, par. 2212.17)

Sec. 2.17. "Foster family home" means the home of an individual or family:

(1) that is licensed or approved by the state in which it is situated as a foster family home that meets the standards established for the licensing or approval; and

(2) in which a child in foster care has been placed in the care of an individual who resides with the child and who has been licensed or approved by the state to be a foster parent and:

(A) who the Department of Children and Family Services deems capable of adhering to the reasonable and prudent parent standard;

(B) who provides 24-hour substitute care for children placed away from their parents or other caretakers; and

(3) who provides the care for no more than 6 children, except the Director of Children and Family Services, pursuant to Department regulations, may waive the numerical limitation of foster children who may be cared for in a foster family home for any of the following reasons to allow: (i) a parenting youth in foster care to remain with the child of the parenting youth; (ii) siblings to remain together; (iii) a child with an established meaningful relationship with the family to remain with the family; or (iv) a family with special training or skills to provide care to a child who has a severe disability. The family's or relative's own children, under 18 years of age, shall be included in determining the maximum number of children served.

For purposes of this Section, a "relative" includes any person, 21 years of age or over, other than the parent, who (i) is currently related to the child in any of the following ways by blood or adoption: grandparent, sibling, great-grandparent, uncle, aunt, nephew, niece, first cousin, great-uncle, or great-aunt; or (ii) is the spouse of such a relative; or (iii) is a child's step-father, step-mother, or adult step-brother or step-sister; or (iv) is a fictive kin; "relative" also includes a person related in any of the foregoing ways to a sibling of a child, even though the person is not related to the child, when the child and its sibling are placed together with that person. For purposes of placement of children pursuant to Section 7 of the Children and Family Services Act and for purposes of licensing requirements set forth in Section 4 of this Act, for children under the custody or guardianship of the Department pursuant to the Juvenile Court Act of 1987, after a parent signs a consent, surrender, or waiver or after a parent's rights are otherwise terminated, and while the child remains in the custody or guardianship of the Department, the child is considered to be related to those to whom the child was related under this Section prior to the signing of the consent, surrender, or waiver or the order of termination of parental rights.

The term "foster family home" includes homes receiving children from any State-operated institution for child care; or from any agency established by a municipality or other political subdivision of the State of Illinois authorized to provide care for children outside their own homes. The term "foster family home" does not include an "adoption-only home" as defined in Section 2.23 of this Act. The types of foster family homes are defined as follows:

(a) "Boarding home" means a foster family home which receives payment for regular full-time care of a child or children.

(b) "Free home" means a foster family home other than an adoptive home which does not receive payments for the care of a child or children.

(c) "Adoptive home" means a foster family home which receives a child or children for the purpose of adopting the child or children, but does not include an adoption-only home.

(d) "Work-wage home" means a foster family home which receives a child or children who pay part or all of their board by rendering some services to the family not prohibited by the Child Labor Law of 2024 or by standards or regulations of the Department prescribed under this Act. The child or children may receive a wage in connection with the services rendered the foster family.

(e) "Agency-supervised home" means a foster family home under the direct and regular supervision of a licensed child welfare agency, of the Department of Children and Family Services, of a circuit court, or of any other State agency which has authority to place children in child care facilities, and which receives no more than 8 children, unless of common parentage, who are placed and are regularly supervised by one of the specified agencies.

(f) "Independent home" means a foster family home, other than an adoptive home, which receives no more than 4 children, unless of common parentage, directly from parents, or other legally responsible persons, by independent arrangement and which is not subject to direct and regular supervision of a specified agency except as such supervision pertains to licensing by the Department.

(g) "Host home" means an emergency foster family home under the direction and regular supervision of a licensed child welfare agency, contracted to provide short-term crisis intervention services to youth served under the Comprehensive Community-Based Youth Services program, under the direction of the Department of Human Services. The youth shall not be under the custody or guardianship of the Department pursuant to the Juvenile Court Act of 1987.

(Source: P.A. 102-688, eff. 7-1-22; 103-564, eff. 11-17-23.)

Section 915. The Private Employment Agency Act is amended by changing Sections 10 and 12.6 as follows:

(225 ILCS 515/10) (from Ch. 111, par. 910)

Sec. 10. Licensee prohibitions. No licensee shall send or cause to be sent any female help or servants, inmate, or performer to enter any questionable place, or place of bad repute, house of ill-fame, or assignation house, or to any house or place of amusement kept for immoral purposes, or place resorted to for the purpose of prostitution or gambling house, the character of which licensee knows either actually or by reputation.

No licensee shall permit questionable characters, prostitutes, gamblers, intoxicated persons, or procurers to frequent the agency.

No licensee shall accept any application for employment made by or on behalf of any child, or shall place or assist in placing any such child in any employment whatever, in violation of the Child Labor Law of 2024. A violation of any provision of this Section shall be a Class A misdemeanor.

No licensee shall publish or cause to be published any fraudulent or misleading notice or advertisement of its employment agencies by means of cards, circulars, or signs, or in newspapers or other publications; and all letterheads, receipts, and blanks shall contain the full name and address of the employment agency and licensee shall state in all notices and advertisements the fact that licensee is, or conducts, a private employment agency.

No licensee shall print, publish, or paint on any sign or window, or insert in any newspaper or publication, a name similar to that of the Illinois Public Employment Office.

No licensee shall print or stamp on any receipt or on any contract used by that agency any part of this Act, unless the entire Section from which that part is taken is printed or stamped thereon.

All written communications sent out by any licensee, directly or indirectly, to any person or firm with regard to employees or employment shall contain therein definite information that such person is a private employment agency.

No licensee or his or her employees shall knowingly give any false or misleading information, or make any false or misleading promise to any applicant who shall apply for employment or employees.

(Source: P.A. 90-372, eff. 7-1-98.)

(225 ILCS 515/12.6)

Sec. 12.6. Child Labor and Day and Temporary Labor Services Enforcement Fund. All moneys received as fees and penalties under this Act shall be deposited into the Child Labor and Day and Temporary Labor Services Enforcement Fund and may be used for the purposes set forth in Section 75 ~~17.3~~ of the Child Labor Law of 2024.

(Source: P.A. 99-422, eff. 1-1-16.)

Section 920. The Day and Temporary Labor Services Act is amended by changing Section 67 as follows:

(820 ILCS 175/67)

Sec. 67. Action for civil penalties brought by an interested party.

(a) Upon a reasonable belief that a day and temporary labor service agency or a third party client covered by this Act is in violation of any part of this Act, an interested party may initiate a civil action in the county where the alleged offenses occurred or where any party to the action resides, asserting that a violation of the Act has occurred, pursuant to the following sequence of events:

(1) The interested party submits to the Department of Labor a complaint describing the violation and naming the day or temporary labor service agency or third party client alleged to have violated this Act.

(2) The Department sends notice of complaint to the named parties alleged to have violated this Act and the interested party. The named parties may either contest the alleged violation or cure the alleged violation.

(3) The named parties contest or cure the alleged violation within 30 days after the receipt of the notice of complaint or, if the named party does not respond within 30 days, the Department issues a notice of right to sue to the interested party as described in paragraph (4).

(4) The Department issues a notice of right to sue to the interested party, if one or more of the following has occurred:

(i) the named party has cured the alleged violation to the satisfaction of the Director;

(ii) the Director has determined that the allegation is unjustified or that the Department does not have jurisdiction over the matter or the parties; or

(iii) the Director has determined that the allegation is justified or has not made a determination, and either has decided not to exercise jurisdiction over the matter or has concluded administrative enforcement of the matter.

(b) If within 180 days after service of the notice of complaint to the parties, the Department has not (i) resolved the contest and cure period, (ii) with the mutual agreement of the parties, extended the time for the named party to cure the violation and resolve the complaint, or (iii) issued a right to sue letter, the interested party may initiate a civil action for penalties. The parties may extend the 180-day period by mutual agreement. The limitations period for the interested party to bring an action for the alleged violation of the Act shall be tolled for the 180-day period and for the period of any mutually agreed extensions. At the end of the 180-day period, or any mutually agreed extensions, the Department shall issue a right to sue letter to the interested party.

(c) Any claim or action filed under this Section must be made within 3 years of the alleged conduct resulting in the complaint plus any period for which the limitations period has been tolled.

(d) In an action brought pursuant to this Section, an interested party may recover against the covered entity any statutory penalties set forth in Section 70 and injunctive relief. An interested party who prevails in a civil action shall receive 10% of any statutory penalties assessed, plus any attorneys' fees and expenses in bringing the action. The remaining 90% of any statutory penalties assessed shall be deposited into the Child Labor and Day and Temporary Labor Services Enforcement Fund and shall be used exclusively for the purposes set forth in Section 17.3 of the Child Labor Law of 2024.

(Source: P.A. 103-437, eff. 8-4-23.)

Section 925. The Workers' Compensation Act is amended by changing Sections 7 and 8 as follows:

(820 ILCS 305/7) (from Ch. 48, par. 138.7)

Sec. 7. The amount of compensation which shall be paid for an accidental injury to the employee resulting in death is:

(a) If the employee leaves surviving a widow, widower, child or children, the applicable weekly compensation rate computed in accordance with subparagraph 2 of paragraph (b) of Section 8, shall be payable during the life of the widow or widower and if any surviving child or children shall not be physically or mentally incapacitated then until the death of the widow or widower or until the youngest child shall reach the age of 18, whichever shall come later; provided that if such child or children shall be enrolled as a full time student in any accredited educational institution, the payments shall continue until such child has attained the age of 25. In the event any surviving child or children shall be physically or mentally incapacitated, the payments shall continue for the duration of such incapacity.

The term "child" means a child whom the deceased employee left surviving, including a posthumous child, a child legally adopted, a child whom the deceased employee was legally obligated to support or a child to whom the deceased employee stood in loco parentis. The term "children" means the plural of "child".

The term "physically or mentally incapacitated child or children" means a child or children incapable of engaging in regular and substantial gainful employment.

In the event of the remarriage of a widow or widower, where the decedent did not leave surviving any child or children who, at the time of such remarriage, are entitled to compensation benefits under this Act, the surviving spouse shall be paid a lump sum equal to 2 years compensation benefits and all further rights of such widow or widower shall be extinguished.

If the employee leaves surviving any child or children under 18 years of age who at the time of death shall be entitled to compensation under this paragraph (a) of this Section, the weekly compensation payments herein provided for such child or children shall in any event continue for a period of not less than 6 years.

Any beneficiary entitled to compensation under this paragraph (a) of this Section shall receive from the special fund provided in paragraph (f) of this Section, in addition to the compensation herein provided, supplemental benefits in accordance with paragraph (g) of Section 8.

(b) If no compensation is payable under paragraph (a) of this Section and the employee leaves surviving a parent or parents who at the time of the accident were totally dependent upon the earnings of the employee then weekly payments equal to the compensation rate payable in the case where the employee

leaves surviving a widow or widower, shall be paid to such parent or parents for the duration of their lives, and in the event of the death of either, for the life of the survivor.

(c) If no compensation is payable under paragraphs (a) or (b) of this Section and the employee leaves surviving any child or children who are not entitled to compensation under the foregoing paragraph (a) but who at the time of the accident were nevertheless in any manner dependent upon the earnings of the employee, or leaves surviving a parent or parents who at the time of the accident were partially dependent upon the earnings of the employee, then there shall be paid to such dependent or dependents for a period of 8 years weekly compensation payments at such proportion of the applicable rate if the employee had left surviving a widow or widower as such dependency bears to total dependency. In the event of the death of any such beneficiary the share of such beneficiary shall be divided equally among the surviving beneficiaries and in the event of the death of the last such beneficiary all the rights under this paragraph shall be extinguished.

(d) If no compensation is payable under paragraphs (a), (b) or (c) of this Section and the employee leaves surviving any grandparent, grandparents, grandchild or grandchildren or collateral heirs dependent upon the employee's earnings to the extent of 50% or more of total dependency, then there shall be paid to such dependent or dependents for a period of 5 years weekly compensation payments at such proportion of the applicable rate if the employee had left surviving a widow or widower as such dependency bears to total dependency. In the event of the death of any such beneficiary the share of such beneficiary shall be divided equally among the surviving beneficiaries and in the event of the death of the last such beneficiary all rights hereunder shall be extinguished.

(e) The compensation to be paid for accidental injury which results in death, as provided in this Section, shall be paid to the persons who form the basis for determining the amount of compensation to be paid by the employer, the respective shares to be in the proportion of their respective dependency at the time of the accident on the earnings of the deceased. The Commission or an Arbitrator thereof may, in its or his discretion, order or award the payment to the parent or grandparent of a child for the latter's support the amount of compensation which but for such order or award would have been paid to such child as its share of the compensation payable, which order or award may be modified from time to time by the Commission in its discretion with respect to the person to whom shall be paid the amount of the order or award remaining unpaid at the time of the modification.

The payments of compensation by the employer in accordance with the order or award of the Commission discharges such employer from all further obligation as to such compensation.

(f) The sum of $8,000 for burial expenses shall be paid by the employer to the widow or widower, other dependent, next of kin or to the person or persons incurring the expense of burial.

In the event the employer failed to provide necessary first aid, medical, surgical or hospital service, he shall pay the cost thereof to the person or persons entitled to compensation under paragraphs (a), (b), (c) or (d) of this Section, or to the person or persons incurring the obligation therefore, or providing the same.

On January 15 and July 15, 1981, and on January 15 and July 15 of each year thereafter the employer shall within 60 days pay a sum equal to 1/8 of 1% of all compensation payments made by him after July 1, 1980, either under this Act or the Workers' Occupational Diseases Act, whether by lump sum settlement or weekly compensation payments, but not including hospital, surgical or rehabilitation payments, made during the first 6 months and during the second 6 months respectively of the fiscal year next preceding the date of the payments, into a special fund which shall be designated the "Second Injury Fund", of which the State Treasurer is ex-officio custodian, such special fund to be held and disbursed for the purposes hereinafter stated in paragraphs (f) and (g) of Section 8, either upon the order of the Commission or of a competent court. Said special fund shall be deposited the same as are State funds and any interest accruing thereon shall be added thereto every 6 months. It is subject to audit the same as State funds and accounts and is protected by the General bond given by the State Treasurer. It is considered always appropriated for the purposes of disbursements as provided in Section 8, paragraph (f), of this Act, and shall be paid out and disbursed as therein provided and shall not at any time be appropriated or diverted to any other use or purpose.

On January 15, 1991, the employer shall further pay a sum equal to one half of 1% of all compensation payments made by him from January 1, 1990 through June 30, 1990 either under this Act or under the Workers' Occupational Diseases Act, whether by lump sum settlement or weekly compensation payments, but not including hospital, surgical or rehabilitation payments, into an additional Special Fund which shall be designated as the "Rate Adjustment Fund". On March 15, 1991, the employer shall pay into the Rate Adjustment Fund a sum equal to one half of 1% of all such compensation payments made from

July 1, 1990 through December 31, 1990. Within 60 days after July 15, 1991, the employer shall pay into the Rate Adjustment Fund a sum equal to one half of 1% of all such compensation payments made from January 1, 1991 through June 30, 1991. Within 60 days after January 15 of 1992 and each subsequent year through 1996, the employer shall pay into the Rate Adjustment Fund a sum equal to one half of 1% of all such compensation payments made in the last 6 months of the preceding calendar year. Within 60 days after July 15 of 1992 and each subsequent year through 1995, the employer shall pay into the Rate Adjustment Fund a sum equal to one half of 1% of all such compensation payments made in the first 6 months of the same calendar year. Within 60 days after January 15 of 1997 and each subsequent year through 2005, the employer shall pay into the Rate Adjustment Fund a sum equal to three-fourths of 1% of all such compensation payments made in the last 6 months of the preceding calendar year. Within 60 days after July 15 of 1996 and each subsequent year through 2004, the employer shall pay into the Rate Adjustment Fund a sum equal to three-fourths of 1% of all such compensation payments made in the first 6 months of the same calendar year. Within 60 days after July 15 of 2005, the employer shall pay into the Rate Adjustment Fund a sum equal to 1% of such compensation payments made in the first 6 months of the same calendar year. Within 60 days after January 15 of 2006 and each subsequent year, the employer shall pay into the Rate Adjustment Fund a sum equal to 1.25% of such compensation payments made in the last 6 months of the preceding calendar year. Within 60 days after July 15 of 2006 and each subsequent year, the employer shall pay into the Rate Adjustment Fund a sum equal to 1.25% of such compensation payments made in the first 6 months of the same calendar year. The administrative costs of collecting assessments from employers for the Rate Adjustment Fund shall be paid from the Rate Adjustment Fund. The cost of an actuarial audit of the Fund shall be paid from the Rate Adjustment Fund. The State Treasurer is ex officio custodian of such Special Fund and the same shall be held and disbursed for the purposes hereinafter stated in paragraphs (f) and (g) of Section 8 upon the order of the Commission or of a competent court. The Rate Adjustment Fund shall be deposited the same as are State funds and any interest accruing thereon shall be added thereto every 6 months. It shall be subject to audit the same as State funds and accounts and shall be protected by the general bond given by the State Treasurer. It is considered always appropriated for the purposes of disbursements as provided in paragraphs (f) and (g) of Section 8 of this Act and shall be paid out and disbursed as therein provided and shall not at any time be appropriated or diverted to any other use or purpose. Within 5 days after the effective date of this amendatory Act of 1990, the Comptroller and the State Treasurer shall transfer $1,000,000 from the General Revenue Fund to the Rate Adjustment Fund. By February 15, 1991, the Comptroller and the State Treasurer shall transfer $1,000,000 from the Rate Adjustment Fund to the General Revenue Fund. The Comptroller and Treasurer are authorized to make transfers at the request of the Chairman up to a total of $19,000,000 from the Second Injury Fund, the General Revenue Fund, and the Workers' Compensation Benefit Trust Fund to the Rate Adjustment Fund to the extent that there is insufficient money in the Rate Adjustment Fund to pay claims and obligations. Amounts may be transferred from the General Revenue Fund only if the funds in the Second Injury Fund or the Workers' Compensation Benefit Trust Fund are insufficient to pay claims and obligations of the Rate Adjustment Fund. All amounts transferred from the Second Injury Fund, the General Revenue Fund, and the Workers' Compensation Benefit Trust Fund shall be repaid from the Rate Adjustment Fund within 270 days of a transfer, together with interest at the rate earned by moneys on deposit in the Fund or Funds from which the moneys were transferred.

Upon a finding by the Commission, after reasonable notice and hearing, that any employer has willfully and knowingly failed to pay the proper amounts into the Second Injury Fund or the Rate Adjustment Fund required by this Section or if such payments are not made within the time periods prescribed by this Section, the employer shall, in addition to such payments, pay a penalty of 20% of the amount required to be paid or $2,500, whichever is greater, for each year or part thereof of such failure to pay. This penalty shall only apply to obligations of an employer to the Second Injury Fund or the Rate Adjustment Fund accruing after the effective date of this amendatory Act of 1989. All or part of such a penalty may be waived by the Commission for good cause shown.

Any obligations of an employer to the Second Injury Fund and Rate Adjustment Fund accruing prior to the effective date of this amendatory Act of 1989 shall be paid in full by such employer within 5 years of the effective date of this amendatory Act of 1989, with at least one-fifth of such obligation to be paid during each year following the effective date of this amendatory Act of 1989. If the Commission finds, following reasonable notice and hearing, that an employer has failed to make timely payment of any obligation accruing under the preceding sentence, the employer shall, in addition to all other payments required by this Section, be liable for a penalty equal to 20% of the overdue obligation or $2,500, whichever is greater, for

each year or part thereof that obligation is overdue. All or part of such a penalty may be waived by the Commission for good cause shown.

The Chairman of the Illinois Workers' Compensation Commission shall, annually, furnish to the Director of the Department of Insurance a list of the amounts paid into the Second Injury Fund and the Rate Adjustment Fund by each insurance company on behalf of their insured employers. The Director shall verify to the Chairman that the amounts paid by each insurance company are accurate as best as the Director can determine from the records available to the Director. The Chairman shall verify that the amounts paid by each self-insurer are accurate as best as the Chairman can determine from records available to the Chairman. The Chairman may require each self-insurer to provide information concerning the total compensation payments made upon which contributions to the Second Injury Fund and the Rate Adjustment Fund are predicated and any additional information establishing that such payments have been made into these funds. Any deficiencies in payments noted by the Director or Chairman shall be subject to the penalty provisions of this Act.

The State Treasurer, or his duly authorized representative, shall be named as a party to all proceedings in all cases involving claim for the loss of, or the permanent and complete loss of the use of one eye, one foot, one leg, one arm or one hand.

The State Treasurer or his duly authorized agent shall have the same rights as any other party to the proceeding, including the right to petition for review of any award. The reasonable expenses of litigation, such as medical examinations, testimony, and transcript of evidence, incurred by the State Treasurer or his duly authorized representative, shall be borne by the Second Injury Fund.

If the award is not paid within 30 days after the date the award has become final, the Commission shall proceed to take judgment thereon in its own name as is provided for other awards by paragraph (g) of Section 19 of this Act and take the necessary steps to collect the award.

Any person, corporation or organization who has paid or become liable for the payment of burial expenses of the deceased employee may in his or its own name institute proceedings before the Commission for the collection thereof.

For the purpose of administration, receipts and disbursements, the Special Fund provided for in paragraph (f) of this Section shall be administered jointly with the Special Fund provided for in Section 7, paragraph (f) of the Workers' Occupational Diseases Act.

(g) All compensation, except for burial expenses provided in this Section to be paid in case accident results in death, shall be paid in installments equal to the percentage of the average earnings as provided for in Section 8, paragraph (b) of this Act, at the same intervals at which the wages or earnings of the employees were paid. If this is not feasible, then the installments shall be paid weekly. Such compensation may be paid in a lump sum upon petition as provided in Section 9 of this Act. However, in addition to the benefits provided by Section 9 of this Act where compensation for death is payable to the deceased's widow, widower or to the deceased's widow, widower and one or more children, and where a partial lump sum is applied for by such beneficiary or beneficiaries within 18 months after the deceased's death, the Commission may, in its discretion, grant a partial lump sum of not to exceed 100 weeks of the compensation capitalized at their present value upon the basis of interest calculated at 3% per annum with annual rests, upon a showing that such partial lump sum is for the best interest of such beneficiary or beneficiaries.

(h) In case the injured employee is under 16 years of age at the time of the accident and is illegally employed, the amount of compensation payable under paragraphs (a), (b), (c), (d) and (f) of this Section shall be increased 50%.

Nothing herein contained repeals or amends the provisions of the Child Labor Law of 2024 relating to the employment of minors under the age of 16 years.

However, where an employer has on file an employment certificate issued pursuant to the Child Labor Law of 2024 or work permit issued pursuant to the Federal Fair Labor Standards Act, as amended, or a birth certificate properly and duly issued, such certificate, permit or birth certificate is conclusive evidence as to the age of the injured minor employee for the purposes of this Section only.

(i) Whenever the dependents of a deceased employee are noncitizens not residing in the United States, Mexico or Canada, the amount of compensation payable is limited to the beneficiaries described in paragraphs (a), (b) and (c) of this Section and is 50% of the compensation provided in paragraphs (a), (b) and (c) of this Section, except as otherwise provided by treaty.

In a case where any of the persons who would be entitled to compensation is living at any place outside of the United States, then payment shall be made to the personal representative of the deceased

employee. The distribution by such personal representative to the persons entitled shall be made to such persons and in such manner as the Commission orders.

(Source: P.A. 102-1030, eff. 5-27-22.)

(820 ILCS 305/8) (from Ch. 48, par. 138.8)

Sec. 8. The amount of compensation which shall be paid to the employee for an accidental injury not resulting in death is:

(a) The employer shall provide and pay the negotiated rate, if applicable, or the lesser of the health care provider's actual charges or according to a fee schedule, subject to Section 8.2, in effect at the time the service was rendered for all the necessary first aid, medical and surgical services, and all necessary medical, surgical and hospital services thereafter incurred, limited, however, to that which is reasonably required to cure or relieve from the effects of the accidental injury, even if a health care provider sells, transfers, or otherwise assigns an account receivable for procedures, treatments, or services covered under this Act. If the employer does not dispute payment of first aid, medical, surgical, and hospital services, the employer shall make such payment to the provider on behalf of the employee. The employer shall also pay for treatment, instruction and training necessary for the physical, mental and vocational rehabilitation of the employee, including all maintenance costs and expenses incidental thereto. If as a result of the injury the employee is unable to be self-sufficient the employer shall further pay for such maintenance or institutional care as shall be required.

The employee may at any time elect to secure his own physician, surgeon and hospital services at the employer's expense, or,

Upon agreement between the employer and the employees, or the employees' exclusive representative, and subject to the approval of the Illinois Workers' Compensation Commission, the employer shall maintain a list of physicians, to be known as a Panel of Physicians, who are accessible to the employees. The employer shall post this list in a place or places easily accessible to his employees. The employee shall have the right to make an alternative choice of physician from such Panel if he is not satisfied with the physician first selected. If, due to the nature of the injury or its occurrence away from the employer's place of business, the employee is unable to make a selection from the Panel, the selection process from the Panel shall not apply. The physician selected from the Panel may arrange for any consultation, referral or other specialized medical services outside the Panel at the employer's expense. Provided that, in the event the Commission shall find that a doctor selected by the employee is rendering improper or inadequate care, the Commission may order the employee to select another doctor certified or qualified in the medical field for which treatment is required. If the employee refuses to make such change the Commission may relieve the employer of his obligation to pay the doctor's charges from the date of refusal to the date of compliance.

Any vocational rehabilitation counselors who provide service under this Act shall have appropriate certifications which designate the counselor as qualified to render opinions relating to vocational rehabilitation. Vocational rehabilitation may include, but is not limited to, counseling for job searches, supervising a job search program, and vocational retraining including education at an accredited learning institution. The employee or employer may petition to the Commission to decide disputes relating to vocational rehabilitation and the Commission shall resolve any such dispute, including payment of the vocational rehabilitation program by the employer.

The maintenance benefit shall not be less than the temporary total disability rate determined for the employee. In addition, maintenance shall include costs and expenses incidental to the vocational rehabilitation program.

When the employee is working light duty on a part-time basis or full-time basis and earns less than he or she would be earning if employed in the full capacity of the job or jobs, then the employee shall be entitled to temporary partial disability benefits. Temporary partial disability benefits shall be equal to two-thirds of the difference between the average amount that the employee would be able to earn in the full performance of his or her duties in the occupation in which he or she was engaged at the time of accident and the gross amount which he or she is earning in the modified job provided to the employee by the employer or in any other job that the employee is working.

Every hospital, physician, surgeon or other person rendering treatment or services in accordance with the provisions of this Section shall upon written request furnish full and complete reports thereof to, and permit their records to be copied by, the employer, the employee or his dependents, as the case may be, or any other party to any proceeding for compensation before the Commission, or their attorneys.

Notwithstanding the foregoing, the employer's liability to pay for such medical services selected by the employee shall be limited to:

(1) all first aid and emergency treatment; plus

(2) all medical, surgical and hospital services provided by the physician, surgeon or hospital initially chosen by the employee or by any other physician, consultant, expert, institution or other provider of services recommended by said initial service provider or any subsequent provider of medical services in the chain of referrals from said initial service provider; plus

(3) all medical, surgical and hospital services provided by any second physician, surgeon or hospital subsequently chosen by the employee or by any other physician, consultant, expert, institution or other provider of services recommended by said second service provider or any subsequent provider of medical services in the chain of referrals from said second service provider. Thereafter the employer shall select and pay for all necessary medical, surgical and hospital treatment and the employee may not select a provider of medical services at the employer's expense unless the employer agrees to such selection. At any time the employee may obtain any medical treatment he desires at his own expense. This paragraph shall not affect the duty to pay for rehabilitation referred to above.

(4) The following shall apply for injuries occurring on or after June 28, 2011 (the effective date of Public Act 97-18) and only when an employer has an approved preferred provider program pursuant to Section 8.1a on the date the employee sustained his or her accidental injuries:

(A) The employer shall, in writing, on a form promulgated by the Commission, inform the employee of the preferred provider program;

(B) Subsequent to the report of an injury by an employee, the employee may choose in writing at any time to decline the preferred provider program, in which case that would constitute one of the two choices of medical providers to which the employee is entitled under subsection (a)(2) or (a)(3); and

(C) Prior to the report of an injury by an employee, when an employee chooses non-emergency treatment from a provider not within the preferred provider program, that would constitute the employee's one choice of medical providers to which the employee is entitled under subsection (a)(2) or (a)(3).

When an employer and employee so agree in writing, nothing in this Act prevents an employee whose injury or disability has been established under this Act, from relying in good faith, on treatment by prayer or spiritual means alone, in accordance with the tenets and practice of a recognized church or religious denomination, by a duly accredited practitioner thereof, and having nursing services appropriate therewith, without suffering loss or diminution of the compensation benefits under this Act. However, the employee shall submit to all physical examinations required by this Act. The cost of such treatment and nursing care shall be paid by the employee unless the employer agrees to make such payment.

Where the accidental injury results in the amputation of an arm, hand, leg or foot, or the enucleation of an eye, or the loss of any of the natural teeth, the employer shall furnish an artificial of any such members lost or damaged in accidental injury arising out of and in the course of employment, and shall also furnish the necessary braces in all proper and necessary cases. In cases of the loss of a member or members by amputation, the employer shall, whenever necessary, maintain in good repair, refit or replace the artificial limbs during the lifetime of the employee. Where the accidental injury accompanied by physical injury results in damage to a denture, eye glasses or contact eye lenses, or where the accidental injury results in damage to an artificial member, the employer shall replace or repair such denture, glasses, lenses, or artificial member.

The furnishing by the employer of any such services or appliances is not an admission of liability on the part of the employer to pay compensation.

The furnishing of any such services or appliances or the servicing thereof by the employer is not the payment of compensation.

(b) If the period of temporary total incapacity for work lasts more than 3 working days, weekly compensation as hereinafter provided shall be paid beginning on the 4th day of such temporary total incapacity and continuing as long as the total temporary incapacity lasts. In cases where the temporary total incapacity for work continues for a period of 14 days or more from the day of the accident compensation shall commence on the day after the accident.

1. The compensation rate for temporary total incapacity under this paragraph (b) of this Section shall be equal to 66 2/3% of the employee's average weekly wage computed in accordance with

Section 10, provided that it shall be not less than 66 2/3% of the sum of the Federal minimum wage under the Fair Labor Standards Act, or the Illinois minimum wage under the Minimum Wage Law, whichever is more, multiplied by 40 hours. This percentage rate shall be increased by 10% for each spouse and child, not to exceed 100% of the total minimum wage calculation, nor exceed the employee's average weekly wage computed in accordance with the provisions of Section 10, whichever is less.

2. The compensation rate in all cases other than for temporary total disability under this paragraph (b), and other than for serious and permanent disfigurement under paragraph (c) and other than for permanent partial disability under subparagraph (2) of paragraph (d) or under paragraph (e), of this Section shall be equal to 66 2/3% of the employee's average weekly wage computed in accordance with the provisions of Section 10, provided that it shall be not less than 66 2/3% of the sum of the Federal minimum wage under the Fair Labor Standards Act, or the Illinois minimum wage under the Minimum Wage Law, whichever is more, multiplied by 40 hours. This percentage rate shall be increased by 10% for each spouse and child, not to exceed 100% of the total minimum wage calculation, nor exceed the employee's average weekly wage computed in accordance with the provisions of Section 10, whichever is less.

2.1. The compensation rate in all cases of serious and permanent disfigurement under paragraph (c) and of permanent partial disability under subparagraph (2) of paragraph (d) or under paragraph (e) of this Section shall be equal to 60% of the employee's average weekly wage computed in accordance with the provisions of Section 10, provided that it shall be not less than 66 2/3% of the sum of the Federal minimum wage under the Fair Labor Standards Act, or the Illinois minimum wage under the Minimum Wage Law, whichever is more, multiplied by 40 hours. This percentage rate shall be increased by 10% for each spouse and child, not to exceed 100% of the total minimum wage calculation, nor exceed the employee's average weekly wage computed in accordance with the provisions of Section 10, whichever is less.

3. As used in this Section the term "child" means a child of the employee including any child legally adopted before the accident or whom at the time of the accident the employee was under legal obligation to support or to whom the employee stood in loco parentis, and who at the time of the accident was under 18 years of age and not emancipated. The term "children" means the plural of "child".

4. All weekly compensation rates provided under subparagraphs 1, 2 and 2.1 of this paragraph (b) of this Section shall be subject to the following limitations:

The maximum weekly compensation rate from July 1, 1975, except as hereinafter provided, shall be 100% of the State's average weekly wage in covered industries under the Unemployment Insurance Act, that being the wage that most closely approximates the State's average weekly wage.

The maximum weekly compensation rate, for the period July 1, 1984, through June 30, 1987, except as hereinafter provided, shall be $293.61. Effective July 1, 1987 and on July 1 of each year thereafter the maximum weekly compensation rate, except as hereinafter provided, shall be determined as follows: if during the preceding 12 month period there shall have been an increase in the State's average weekly wage in covered industries under the Unemployment Insurance Act, the weekly compensation rate shall be proportionately increased by the same percentage as the percentage of increase in the State's average weekly wage in covered industries under the Unemployment Insurance Act during such period.

The maximum weekly compensation rate, for the period January 1, 1981 through December 31, 1983, except as hereinafter provided, shall be 100% of the State's average weekly wage in covered industries under the Unemployment Insurance Act in effect on January 1, 1981. Effective January 1, 1984 and on January 1, of each year thereafter the maximum weekly compensation rate, except as hereinafter provided, shall be determined as follows: if during the preceding 12 month period there shall have been an increase in the State's average weekly wage in covered industries under the Unemployment Insurance Act, the weekly compensation rate shall be proportionately increased by the same percentage as the percentage of increase in the State's average weekly wage in covered industries under the Unemployment Insurance Act during such period.

From July 1, 1977 and thereafter such maximum weekly compensation rate in death cases under Section 7, and permanent total disability cases under paragraph (f) or subparagraph 18 of paragraph (3) of this Section and for temporary total disability under paragraph (b) of this Section and for amputation of a member or enucleation of an eye under paragraph (e) of this Section shall be

increased to 133-1/3% of the State's average weekly wage in covered industries under the Unemployment Insurance Act.

For injuries occurring on or after February 1, 2006, the maximum weekly benefit under paragraph (d)1 of this Section shall be 100% of the State's average weekly wage in covered industries under the Unemployment Insurance Act.

4.1. Any provision herein to the contrary notwithstanding, the weekly compensation rate for compensation payments under subparagraph 18 of paragraph (e) of this Section and under paragraph (f) of this Section and under paragraph (a) of Section 7 and for amputation of a member or enucleation of an eye under paragraph (e) of this Section, shall in no event be less than 50% of the State's average weekly wage in covered industries under the Unemployment Insurance Act.

4.2. Any provision to the contrary notwithstanding, the total compensation payable under Section 7 shall not exceed the greater of $500,000 or 25 years.

5. For the purpose of this Section this State's average weekly wage in covered industries under the Unemployment Insurance Act on July 1, 1975 is hereby fixed at $228.16 per week and the computation of compensation rates shall be based on the aforesaid average weekly wage until modified as hereinafter provided.

6. The Department of Employment Security of the State shall on or before the first day of December, 1977, and on or before the first day of June, 1978, and on the first day of each December and June of each year thereafter, publish the State's average weekly wage in covered industries under the Unemployment Insurance Act and the Illinois Workers' Compensation Commission shall on the 15th day of January, 1978 and on the 15th day of July, 1978 and on the 15th day of each January and July of each year thereafter, post and publish the State's average weekly wage in covered industries under the Unemployment Insurance Act as last determined and published by the Department of Employment Security. The amount when so posted and published shall be conclusive and shall be applicable as the basis of computation of compensation rates until the next posting and publication as aforesaid.

7. The payment of compensation by an employer or his insurance carrier to an injured employee shall not constitute an admission of the employer's liability to pay compensation.

(c) For any serious and permanent disfigurement to the hand, head, face, neck, arm, leg below the knee or the chest above the axillary line, the employee is entitled to compensation for such disfigurement, the amount determined by agreement at any time or by arbitration under this Act, at a hearing not less than 6 months after the date of the accidental injury, which amount shall not exceed 150 weeks (if the accidental injury occurs on or after the effective date of this amendatory Act of the 94th General Assembly but before February 1, 2006) or 162 weeks (if the accidental injury occurs on or after February 1, 2006) at the applicable rate provided in subparagraph 2.1 of paragraph (b) of this Section.

No compensation is payable under this paragraph where compensation is payable under paragraphs (d), (e) or (f) of this Section.

A duly appointed member of a fire department in a city, the population of which exceeds 500,000 according to the last federal or State census, is eligible for compensation under this paragraph only where such serious and permanent disfigurement results from burns.

(d) 1. If, after the accidental injury has been sustained, the employee as a result thereof becomes partially incapacitated from pursuing his usual and customary line of employment, he shall, except in cases compensated under the specific schedule set forth in paragraph (e) of this Section, receive compensation for the duration of his disability, subject to the limitations as to maximum amounts fixed in paragraph (b) of this Section, equal to 66-2/3% of the difference between the average amount which he would be able to earn in the full performance of his duties in the occupation in which he was engaged at the time of the accident and the average amount which he is earning or is able to earn in some suitable employment or business after the accident. For accidental injuries that occur on or after September 1, 2011, an award for wage differential under this subsection shall be effective only until the employee reaches the age of 67 or 5 years from the date the award becomes final, whichever is later.

2. If, as a result of the accident, the employee sustains serious and permanent injuries not covered by paragraphs (c) and (e) of this Section or having sustained injuries covered by the aforesaid paragraphs (c) and (e), he shall have sustained in addition thereto other injuries which injuries do not incapacitate him from pursuing the duties of his employment but which would disable him from pursuing other suitable occupations, or which have otherwise resulted in physical impairment; or if such injuries partially incapacitate him from pursuing the duties of his usual and customary line of employment but do not result in

an impairment of earning capacity, or having resulted in an impairment of earning capacity, the employee elects to waive his right to recover under the foregoing subparagraph 1 of paragraph (d) of this Section then in any of the foregoing events, he shall receive in addition to compensation for temporary total disability under paragraph (b) of this Section, compensation at the rate provided in subparagraph 2.1 of paragraph (b) of this Section for that percentage of 500 weeks that the partial disability resulting from the injuries covered by this paragraph bears to total disability. If the employee shall have sustained a fracture of one or more vertebra or fracture of the skull, the amount of compensation allowed under this Section shall be not less than 6 weeks for a fractured skull and 6 weeks for each fractured vertebra, and in the event the employee shall have sustained a fracture of any of the following facial bones: nasal, lachrymal, vomer, zygoma, maxilla, palatine or mandible, the amount of compensation allowed under this Section shall be not less than 2 weeks for each such fractured bone, and for a fracture of each transverse process not less than 3 weeks. In the event such injuries shall result in the loss of a kidney, spleen or lung, the amount of compensation allowed under this Section shall be not less than 10 weeks for each such organ. Compensation awarded under this subparagraph 2 shall not take into consideration injuries covered under paragraphs (c) and (e) of this Section and the compensation provided in this paragraph shall not affect the employee's right to compensation payable under paragraphs (b), (c) and (e) of this Section for the disabilities therein covered.

(e) For accidental injuries in the following schedule, the employee shall receive compensation for the period of temporary total incapacity for work resulting from such accidental injury, under subparagraph 1 of paragraph (b) of this Section, and shall receive in addition thereto compensation for a further period for the specific loss herein mentioned, but shall not receive any compensation under any other provisions of this Act. The following listed amounts apply to either the loss of or the permanent and complete loss of use of the member specified, such compensation for the length of time as follows:

1. Thumb-

70 weeks if the accidental injury occurs on or after the effective date of this amendatory Act of the 94th General Assembly but before February 1, 2006.

76 weeks if the accidental injury occurs on or after February 1, 2006.

2. First, or index finger-

40 weeks if the accidental injury occurs on or after the effective date of this amendatory Act of the 94th General Assembly but before February 1, 2006.

43 weeks if the accidental injury occurs on or after February 1, 2006.

3. Second, or middle finger-

35 weeks if the accidental injury occurs on or after the effective date of this amendatory Act of the 94th General Assembly but before February 1, 2006.

38 weeks if the accidental injury occurs on or after February 1, 2006.

4. Third, or ring finger-

25 weeks if the accidental injury occurs on or after the effective date of this amendatory Act of the 94th General Assembly but before February 1, 2006.

27 weeks if the accidental injury occurs on or after February 1, 2006.

5. Fourth, or little finger-

20 weeks if the accidental injury occurs on or after the effective date of this amendatory Act of the 94th General Assembly but before February 1, 2006.

22 weeks if the accidental injury occurs on or after February 1, 2006.

6. Great toe-

35 weeks if the accidental injury occurs on or after the effective date of this amendatory Act of the 94th General Assembly but before February 1, 2006.

38 weeks if the accidental injury occurs on or after February 1, 2006.

7. Each toe other than great toe-

12 weeks if the accidental injury occurs on or after the effective date of this amendatory Act of the 94th General Assembly but before February 1, 2006.

13 weeks if the accidental injury occurs on or after February 1, 2006.

8. The loss of the first or distal phalanx of the thumb or of any finger or toe shall be considered to be equal to the loss of one-half of such thumb, finger or toe and the compensation payable shall be one-half of the amount above specified. The loss of more than one phalanx shall be considered as the loss of the entire thumb, finger or toe. In no case shall the amount received for more than one finger exceed the amount provided in this schedule for the loss of a hand.

9. Hand-

190 weeks if the accidental injury occurs on or after the effective date of this amendatory Act of the 94th General Assembly but before February 1, 2006.

205 weeks if the accidental injury occurs on or after February 1, 2006.

190 weeks if the accidental injury occurs on or after June 28, 2011 (the effective date of Public Act 97-18) and if the accidental injury involves carpal tunnel syndrome due to repetitive or cumulative trauma, in which case the permanent partial disability shall not exceed 15% loss of use of the hand, except for cause shown by clear and convincing evidence and in which case the award shall not exceed 30% loss of use of the hand.

The loss of 2 or more digits, or one or more phalanges of 2 or more digits, of a hand may be compensated on the basis of partial loss of use of a hand, provided, further, that the loss of 4 digits, or the loss of use of 4 digits, in the same hand shall constitute the complete loss of a hand.

10. Arm-

235 weeks if the accidental injury occurs on or after the effective date of this amendatory Act of the 94th General Assembly but before February 1, 2006.

253 weeks if the accidental injury occurs on or after February 1, 2006.

Where an accidental injury results in the amputation of an arm below the elbow, such injury shall be compensated as a loss of an arm. Where an accidental injury results in the amputation of an arm above the elbow, compensation for an additional 15 weeks (if the accidental injury occurs on or after the effective date of this amendatory Act of the 94th General Assembly but before February 1, 2006) or an additional 17 weeks (if the accidental injury occurs on or after February 1, 2006) shall be paid, except where the accidental injury results in the amputation of an arm at the shoulder joint, or so close to shoulder joint that an artificial arm cannot be used, or results in the disarticulation of an arm at the shoulder joint, in which case compensation for an additional 65 weeks (if the accidental injury occurs on or after the effective date of this amendatory Act of the 94th General Assembly but before February 1, 2006) or an additional 70 weeks (if the accidental injury occurs on or after February 1, 2006) shall be paid.

11. Foot-

155 weeks if the accidental injury occurs on or after the effective date of this amendatory Act of the 94th General Assembly but before February 1, 2006.

167 weeks if the accidental injury occurs on or after February 1, 2006.

12. Leg-

200 weeks if the accidental injury occurs on or after the effective date of this amendatory Act of the 94th General Assembly but before February 1, 2006.

215 weeks if the accidental injury occurs on or after February 1, 2006.

Where an accidental injury results in the amputation of a leg below the knee, such injury shall be compensated as loss of a leg. Where an accidental injury results in the amputation of a leg above the knee, compensation for an additional 25 weeks (if the accidental injury occurs on or after the effective date of this amendatory Act of the 94th General Assembly but before February 1, 2006) or an additional 27 weeks (if the accidental injury occurs on or after February 1, 2006) shall be paid, except where the accidental injury results in the amputation of a leg at the hip joint, or so close to the hip joint that an artificial leg cannot be used, or results in the disarticulation of a leg at the hip joint, in which case compensation for an additional 75 weeks (if the accidental injury occurs on or after the effective date of this amendatory Act of the 94th General Assembly but before February 1, 2006) or an additional 81 weeks (if the accidental injury occurs on or after February 1, 2006) shall be paid.

13. Eye-

150 weeks if the accidental injury occurs on or after the effective date of this amendatory Act of the 94th General Assembly but before February 1, 2006.

162 weeks if the accidental injury occurs on or after February 1, 2006.

Where an accidental injury results in the enucleation of an eye, compensation for an additional 10 weeks (if the accidental injury occurs on or after the effective date of this amendatory Act of the 94th General Assembly but before February 1, 2006) or an additional 11 weeks (if the accidental injury occurs on or after February 1, 2006) shall be paid.

14. Loss of hearing of one ear-

50 weeks if the accidental injury occurs on or after the effective date of this amendatory Act of the 94th General Assembly but before February 1, 2006.

54 weeks if the accidental injury occurs on or after February 1, 2006.

Total and permanent loss of hearing of both ears-

200 weeks if the accidental injury occurs on or after the effective date of this amendatory Act of the 94th General Assembly but before February 1, 2006.

215 weeks if the accidental injury occurs on or after February 1, 2006.

15. Testicle-

50 weeks if the accidental injury occurs on or after the effective date of this amendatory Act of the 94th General Assembly but before February 1, 2006.

54 weeks if the accidental injury occurs on or after February 1, 2006.

Both testicles-

150 weeks if the accidental injury occurs on or after the effective date of this amendatory Act of the 94th General Assembly but before February 1, 2006.

162 weeks if the accidental injury occurs on or after February 1, 2006.

16. For the permanent partial loss of use of a member or sight of an eye, or hearing of an ear, compensation during that proportion of the number of weeks in the foregoing schedule provided for the loss of such member or sight of an eye, or hearing of an ear, which the partial loss of use thereof bears to the total loss of use of such member, or sight of eye, or hearing of an ear.

(a) Loss of hearing for compensation purposes shall be confined to the frequencies of 1,000, 2,000 and 3,000 cycles per second. Loss of hearing ability for frequency tones above 3,000 cycles per second are not to be considered as constituting disability for hearing.

(b) The percent of hearing loss, for purposes of the determination of compensation claims for occupational deafness, shall be calculated as the average in decibels for the thresholds of hearing for the frequencies of 1,000, 2,000 and 3,000 cycles per second. Pure tone air conduction audiometric instruments, approved by nationally recognized authorities in this field, shall be used for measuring hearing loss. If the losses of hearing average 30 decibels or less in the 3 frequencies, such losses of hearing shall not then constitute any compensable hearing disability. If the losses of hearing average 85 decibels or more in the 3 frequencies, then the same shall constitute and be total or 100% compensable hearing loss.

(c) In measuring hearing impairment, the lowest measured losses in each of the 3 frequencies shall be added together and divided by 3 to determine the average decibel loss. For every decibel of loss exceeding 30 decibels an allowance of 1.82% shall be made up to the maximum of 100% which is reached at 85 decibels.

(d) If a hearing loss is established to have existed on July 1, 1975 by audiometric testing the employer shall not be liable for the previous loss so established nor shall he be liable for any loss for which compensation has been paid or awarded.

(e) No consideration shall be given to the question of whether or not the ability of an employee to understand speech is improved by the use of a hearing aid.

(f) No claim for loss of hearing due to industrial noise shall be brought against an employer or allowed unless the employee has been exposed for a period of time sufficient to cause permanent impairment to noise levels in excess of the following:

Sound Level DBA Slow Response	Hours Per Day
90	8
92	6
95	4
97	3
100	2
102	1-1/2
105	1
110	1/2
115	1/4

This subparagraph (f) shall not be applied in cases of hearing loss resulting from trauma or explosion.

17. In computing the compensation to be paid to any employee who, before the accident for which he claims compensation, had before that time sustained an injury resulting in the loss by amputation or partial loss by amputation of any member, including hand, arm, thumb or fingers, leg, foot or any toes, such loss or partial loss of any such member shall be deducted from any award made

for the subsequent injury. For the permanent loss of use or the permanent partial loss of use of any such member or the partial loss of sight of an eye, for which compensation has been paid, then such loss shall be taken into consideration and deducted from any award for the subsequent injury.

18. The specific case of loss of both hands, both arms, or both feet, or both legs, or both eyes, or of any two thereof, or the permanent and complete loss of the use thereof, constitutes total and permanent disability, to be compensated according to the compensation fixed by paragraph (f) of this Section. These specific cases of total and permanent disability do not exclude other cases.

Any employee who has previously suffered the loss or permanent and complete loss of the use of any of such members, and in a subsequent independent accident loses another or suffers the permanent and complete loss of the use of any one of such members the employer for whom the injured employee is working at the time of the last independent accident is liable to pay compensation only for the loss or permanent and complete loss of the use of the member occasioned by the last independent accident.

19. In a case of specific loss and the subsequent death of such injured employee from other causes than such injury leaving a widow, widower, or dependents surviving before payment or payment in full for such injury, then the amount due for such injury is payable to the widow or widower and, if there be no widow or widower, then to such dependents, in the proportion which such dependency bears to total dependency.

Beginning July 1, 1980, and every 6 months thereafter, the Commission shall examine the Second Injury Fund and when, after deducting all advances or loans made to such Fund, the amount therein is $500,000 then the amount required to be paid by employers pursuant to paragraph (f) of Section 7 shall be reduced by one-half. When the Second Injury Fund reaches the sum of $600,000 then the payments shall cease entirely. However, when the Second Injury Fund has been reduced to $400,000, payment of one-half of the amounts required by paragraph (f) of Section 7 shall be resumed, in the manner herein provided, and when the Second Injury Fund has been reduced to $300,000, payment of the full amounts required by paragraph (f) of Section 7 shall be resumed, in the manner herein provided. The Commission shall make the changes in payment effective by general order, and the changes in payment become immediately effective for all cases coming before the Commission thereafter either by settlement agreement or final order, irrespective of the date of the accidental injury.

On August 1, 1996 and on February 1 and August 1 of each subsequent year, the Commission shall examine the special fund designated as the "Rate Adjustment Fund" and when, after deducting all advances or loans made to said fund, the amount therein is $4,000,000, the amount required to be paid by employers pursuant to paragraph (f) of Section 7 shall be reduced by one-half. When the Rate Adjustment Fund reaches the sum of $5,000,000 the payment therein shall cease entirely. However, when said Rate Adjustment Fund has been reduced to $3,000,000 the amounts required by paragraph (f) of Section 7 shall be resumed in the manner herein provided.

(f) In case of complete disability, which renders the employee wholly and permanently incapable of work, or in the specific case of total and permanent disability as provided in subparagraph 18 of paragraph (e) of this Section, compensation shall be payable at the rate provided in subparagraph 2 of paragraph (b) of this Section for life.

An employee entitled to benefits under paragraph (f) of this Section shall also be entitled to receive from the Rate Adjustment Fund provided in paragraph (f) of Section 7 of the supplementary benefits provided in paragraph (g) of this Section 8.

If any employee who receives an award under this paragraph afterwards returns to work or is able to do so, and earns or is able to earn as much as before the accident, payments under such award shall cease. If such employee returns to work, or is able to do so, and earns or is able to earn part but not as much as before the accident, such award shall be modified so as to conform to an award under paragraph (d) of this Section. If such award is terminated or reduced under the provisions of this paragraph, such employees have the right at any time within 30 months after the date of such termination or reduction to file petition with the Commission for the purpose of determining whether any disability exists as a result of the original accidental injury and the extent thereof.

Disability as enumerated in subdivision 18, paragraph (e) of this Section is considered complete disability.

If an employee who had previously incurred loss or the permanent and complete loss of use of one member, through the loss or the permanent and complete loss of the use of one hand, one arm, one foot, one leg, or one eye, incurs permanent and complete disability through the loss or the permanent and complete

loss of the use of another member, he shall receive, in addition to the compensation payable by the employer and after such payments have ceased, an amount from the Second Injury Fund provided for in paragraph (f) of Section 7, which, together with the compensation payable from the employer in whose employ he was when the last accidental injury was incurred, will equal the amount payable for permanent and complete disability as provided in this paragraph of this Section.

The custodian of the Second Injury Fund provided for in paragraph (f) of Section 7 shall be joined with the employer as a party respondent in the application for adjustment of claim. The application for adjustment of claim shall state briefly and in general terms the approximate time and place and manner of the loss of the first member.

In its award the Commission or the Arbitrator shall specifically find the amount the injured employee shall be weekly paid, the number of weeks compensation which shall be paid by the employer, the date upon which payments begin out of the Second Injury Fund provided for in paragraph (f) of Section 7 of this Act, the length of time the weekly payments continue, the date upon which the pension payments commence and the monthly amount of the payments. The Commission shall 30 days after the date upon which payments out of the Second Injury Fund have begun as provided in the award, and every month thereafter, prepare and submit to the State Comptroller a voucher for payment for all compensation accrued to that date at the rate fixed by the Commission. The State Comptroller shall draw a warrant to the injured employee along with a receipt to be executed by the injured employee and returned to the Commission. The endorsed warrant and receipt is a full and complete acquittance to the Commission for the payment out of the Second Injury Fund. No other appropriation or warrant is necessary for payment out of the Second Injury Fund. The Second Injury Fund is appropriated for the purpose of making payments according to the terms of the awards.

As of July 1, 1980 to July 1, 1982, all claims against and obligations of the Second Injury Fund shall become claims against and obligations of the Rate Adjustment Fund to the extent there is insufficient money in the Second Injury Fund to pay such claims and obligations. In that case, all references to "Second Injury Fund" in this Section shall also include the Rate Adjustment Fund.

(g) Every award for permanent total disability entered by the Commission on and after July 1, 1965 under which compensation payments shall become due and payable after the effective date of this amendatory Act, and every award for death benefits or permanent total disability entered by the Commission on and after the effective date of this amendatory Act shall be subject to annual adjustments as to the amount of the compensation rate therein provided. Such adjustments shall first be made on July 15, 1977, and all awards made and entered prior to July 1, 1975 and on July 15 of each year thereafter. In all other cases such adjustment shall be made on July 15 of the second year next following the date of the entry of the award and shall further be made on July 15 annually thereafter. If during the intervening period from the date of the entry of the award, or the last periodic adjustment, there shall have been an increase in the State's average weekly wage in covered industries under the Unemployment Insurance Act, the weekly compensation rate shall be proportionately increased by the same percentage as the percentage of increase in the State's average weekly wage in covered industries under the Unemployment Insurance Act. The increase in the compensation rate under this paragraph shall in no event bring the total compensation rate to an amount greater than the prevailing maximum rate at the time that the annual adjustment is made. Such increase shall be paid in the same manner as herein provided for payments under the Second Injury Fund to the injured employee, or his dependents, as the case may be, out of the Rate Adjustment Fund provided in paragraph (f) of Section 7 of this Act. Payments shall be made at the same intervals as provided in the award or, at the option of the Commission, may be made in quarterly payment on the 15th day of January, April, July and October of each year. In the event of a decrease in such average weekly wage there shall be no change in the then existing compensation rate. The within paragraph shall not apply to cases where there is disputed liability and in which a compromise lump sum settlement between the employer and the injured employee, or his dependents, as the case may be, has been duly approved by the Illinois Workers' Compensation Commission.

Provided, that in cases of awards entered by the Commission for injuries occurring before July 1, 1975, the increases in the compensation rate adjusted under the foregoing provision of this paragraph (g) shall be limited to increases in the State's average weekly wage in covered industries under the Unemployment Insurance Act occurring after July 1, 1975.

For every accident occurring on or after July 20, 2005 but before the effective date of this amendatory Act of the 94th General Assembly (Senate Bill 1283 of the 94th General Assembly), the annual adjustments to the compensation rate in awards for death benefits or permanent total disability, as provided in this Act, shall be paid by the employer. The adjustment shall be made by the employer on July 15 of the second year

next following the date of the entry of the award and shall further be made on July 15 annually thereafter. If during the intervening period from the date of the entry of the award, or the last periodic adjustment, there shall have been an increase in the State's average weekly wage in covered industries under the Unemployment Insurance Act, the employer shall increase the weekly compensation rate proportionately by the same percentage as the percentage of increase in the State's average weekly wage in covered industries under the Unemployment Insurance Act. The increase in the compensation rate under this paragraph shall in no event bring the total compensation rate to an amount greater than the prevailing maximum rate at the time that the annual adjustment is made. In the event of a decrease in such average weekly wage there shall be no change in the then existing compensation rate. Such increase shall be paid by the employer in the same manner and at the same intervals as the payment of compensation in the award. This paragraph shall not apply to cases where there is disputed liability and in which a compromise lump sum settlement between the employer and the injured employee, or his or her dependents, as the case may be, has been duly approved by the Illinois Workers' Compensation Commission.

The annual adjustments for every award of death benefits or permanent total disability involving accidents occurring before July 20, 2005 and accidents occurring on or after the effective date of this amendatory Act of the 94th General Assembly (Senate Bill 1283 of the 94th General Assembly) shall continue to be paid from the Rate Adjustment Fund pursuant to this paragraph and Section 7(f) of this Act.

(h) In case death occurs from any cause before the total compensation to which the employee would have been entitled has been paid, then in case the employee leaves any widow, widower, child, parent (or any grandchild, grandparent or other lineal heir or any collateral heir dependent at the time of the accident upon the earnings of the employee to the extent of 50% or more of total dependency) such compensation shall be paid to the beneficiaries of the deceased employee and distributed as provided in paragraph (g) of Section 7.

(h-1) In case an injured employee is under legal disability at the time when any right or privilege accrues to him or her under this Act, a guardian may be appointed pursuant to law, and may, on behalf of such person under legal disability, claim and exercise any such right or privilege with the same effect as if the employee himself or herself had claimed or exercised the right or privilege. No limitations of time provided by this Act run so long as the employee who is under legal disability is without a conservator or guardian.

(i) In case the injured employee is under 16 years of age at the time of the accident and is illegally employed, the amount of compensation payable under paragraphs (b), (c), (d), (e) and (f) of this Section is increased 50%.

However, where an employer has on file an employment certificate issued pursuant to the Child Labor Law of 2024 or work permit issued pursuant to the Federal Fair Labor Standards Act, as amended, or a birth certificate properly and duly issued, such certificate, permit or birth certificate is conclusive evidence as to the age of the injured minor employee for the purposes of this Section.

Nothing herein contained repeals or amends the provisions of the Child Labor Law of 2024 relating to the employment of minors under the age of 16 years.

(j) 1. In the event the injured employee receives benefits, including medical, surgical or hospital benefits under any group plan covering non-occupational disabilities contributed to wholly or partially by the employer, which benefits should not have been payable if any rights of recovery existed under this Act, then such amounts so paid to the employee from any such group plan as shall be consistent with, and limited to, the provisions of paragraph 2 hereof, shall be credited to or against any compensation payment for temporary total incapacity for work or any medical, surgical or hospital benefits made or to be made under this Act. In such event, the period of time for giving notice of accidental injury and filing application for adjustment of claim does not commence to run until the termination of such payments. This paragraph does not apply to payments made under any group plan which would have been payable irrespective of an accidental injury under this Act. Any employer receiving such credit shall keep such employee safe and harmless from any and all claims or liabilities that may be made against him by reason of having received such payments only to the extent of such credit.

Any excess benefits paid to or on behalf of a State employee by the State Employees' Retirement System under Article 14 of the Illinois Pension Code on a death claim or disputed disability claim shall be credited against any payments made or to be made by the State of Illinois to or on behalf of such employee under this Act, except for payments for medical expenses which have already been incurred at the time of the award. The State of Illinois shall directly reimburse the State Employees' Retirement System to the extent of such credit.

2. Nothing contained in this Act shall be construed to give the employer or the insurance carrier the right to credit for any benefits or payments received by the employee other than compensation payments provided by this Act, and where the employee receives payments other than compensation payments, whether as full or partial salary, group insurance benefits, bonuses, annuities or any other payments, the employer or insurance carrier shall receive credit for each such payment only to the extent of the compensation that would have been payable during the period covered by such payment.

3. The extension of time for the filing of an Application for Adjustment of Claim as provided in paragraph 1 above shall not apply to those cases where the time for such filing had expired prior to the date on which payments or benefits enumerated herein have been initiated or resumed. Provided however that this paragraph 3 shall apply only to cases wherein the payments or benefits hereinabove enumerated shall be received after July 1, 1969.

(Source: P.A. 97-18, eff. 6-28-11; 97-268, eff. 8-8-11; 97-813, eff. 7-13-12.)

Section 999. Effective date. This Act shall take effect January 1, 2025, with the exception of Sections 95 and 100, which shall take effect July 1, 2024.".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 2 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

READING BILLS OF THE SENATE A THIRD TIME

On motion of Senator Peters, **Senate Bill No. 3646** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, “Shall this bill pass?” it was decided in the affirmative by the following vote:

YEAS 59; NAYS None.

The following voted in the affirmative:

Anderson	Feigenholtz	Lewis	Sims
Aquino	Fine	Lightford	Stadelman
Belt	Fowler	Loughran Cappel	Stoller
Bennett	Gillespie	Martwick	Syverson
Bryant	Glowiak Hilton	McClure	Toro
Castro	Halpin	McConchie	Tracy
Cervantes	Harris, N.	Morrison	Turner, D.
Chesney	Harriss, E.	Murphy	Turner, S.
Collins	Hastings	Peters	Ventura
Cunningham	Holmes	Plummer	Villa
Curran	Hunter	Porfirio	Villanueva
DeWitte	Johnson	Preston	Villivalam
Edly-Allen	Jones, E.	Rezin	Wilcox
Ellman	Joyce	Rose	Mr. President
Faraci	Koehler	Simmons	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

On motion of Senator Feigenholtz, **Senate Bill No. 3679** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, “Shall this bill pass?” it was decided in the affirmative by the following vote:

YEAS 59; NAYS None.

The following voted in the affirmative:

Anderson	Feigenholtz	Lewis	Sims
Aquino	Fine	Lightford	Stadelman
Belt	Fowler	Loughran Cappel	Stoller
Bennett	Gillespie	Martwick	Syverson
Bryant	Glowiak Hilton	McClure	Toro
Castro	Halpin	McConchie	Tracy
Cervantes	Harris, N.	Morrison	Turner, D.
Chesney	Harriss, E.	Murphy	Turner, S.
Collins	Hastings	Peters	Ventura
Cunningham	Holmes	Plummer	Villa
Curran	Hunter	Porfirio	Villanueva
DeWitte	Johnson	Preston	Villivalam
Edly-Allen	Jones, E.	Rezin	Wilcox
Ellman	Joyce	Rose	Mr. President
Faraci	Koehler	Simmons	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

SENATE BILL RECALLED

On motion of Senator D. Turner, **Senate Bill No. 3691** was recalled from the order of third reading to the order of second reading.

Senator D. Turner offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 3691

AMENDMENT NO. 1 . Amend Senate Bill 3691 by replacing everything after the enacting clause with the following:

"Section 5. The Family Caregiver Act is amended by changing Section 25 as follows:

(320 ILCS 65/25)

Sec. 25. Provision of services. The Department shall contract with area agencies on aging and other appropriate agencies to conduct family caregiver support services to the extent of available State and federal funding. Services provided under this Act must be provided according to the requirements of State and federal law and rules~~, except for the provision of services to grandparents or older individuals who are relative caregivers when State funding is utilized to provide those services~~.

(Source: P.A. 93-864, eff. 8-5-04.)".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

READING BILLS OF THE SENATE A THIRD TIME

On motion of Senator D. Turner, **Senate Bill No. 3691** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, “Shall this bill pass?” it was decided in the affirmative by the following vote:

YEAS 59; NAYS None.

The following voted in the affirmative:

Anderson	Feigenholtz	Lewis	Sims
Aquino	Fine	Lightford	Stadelman
Belt	Fowler	Loughran Cappel	Stoller
Bennett	Gillespie	Martwick	Syverson
Bryant	Glowiak Hilton	McClure	Toro
Castro	Halpin	McConchie	Tracy
Cervantes	Harris, N.	Morrison	Turner, D.
Chesney	Harriss, E.	Murphy	Turner, S.
Collins	Hastings	Peters	Ventura
Cunningham	Holmes	Plummer	Villa
Curran	Hunter	Porfirio	Villanueva
DeWitte	Johnson	Preston	Villivalam
Edly-Allen	Jones, E.	Rezin	Wilcox
Ellman	Joyce	Rose	Mr. President
Faraci	Koehler	Simmons	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

On motion of Senator Peters, **Senate Bill No. 3713** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, “Shall this bill pass?” it was decided in the affirmative by the following vote:

YEAS 57; NAYS None.

The following voted in the affirmative:

Anderson	Fine	Lightford	Stadelman
Aquino	Fowler	Loughran Cappel	Stoller
Belt	Gillespie	Martwick	Syverson
Bennett	Glowiak Hilton	McClure	Toro
Bryant	Halpin	McConchie	Turner, D.
Castro	Harris, N.	Morrison	Turner, S.
Cervantes	Harriss, E.	Murphy	Ventura
Collins	Hastings	Peters	Villa
Cunningham	Holmes	Plummer	Villanueva
Curran	Hunter	Porfirio	Villivalam
DeWitte	Johnson	Preston	Wilcox
Edly-Allen	Jones, E.	Rezin	Mr. President
Ellman	Joyce	Rose	
Faraci	Koehler	Simmons	
Feigenholtz	Lewis	Sims	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

On motion of Senator Simmons, **Senate Bill No. 3784** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

YEAS 41; NAYS 16.

The following voted in the affirmative:

Anderson	Fine	Joyce	Stadelman
Aquino	Fowler	Koehler	Toro
Belt	Gillespie	Lightford	Turner, D.
Castro	Glowiak Hilton	Loughran Cappel	Ventura
Cervantes	Halpin	Martwick	Villa
Collins	Harris, N.	Morrison	Villanueva
Cunningham	Hastings	Murphy	Villivalam
Edly-Allen	Holmes	Porfirio	Mr. President
Ellman	Hunter	Preston	
Faraci	Johnson	Simmons	
Feigenholtz	Jones, E.	Sims	

The following voted in the negative:

Bennett	Harriss, E.	Rose	Wilcox
Bryant	McClure	Stoller	
Chesney	McConchie	Syverson	
Curran	Plummer	Tracy	
DeWitte	Rezin	Turner, S.	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

Senator Peters asked and obtained unanimous consent for the Journal to reflect his intention to have voted in the affirmative on **Senate Bill No. 3784**.

On motion of Senator Martwick, **Senate Bill No. 2906** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

YEAS 39; NAYS 19.

The following voted in the affirmative:

Aquino	Fine	Joyce	Sims
Belt	Gillespie	Koehler	Stadelman
Castro	Glowiak Hilton	Lightford	Toro
Cervantes	Halpin	Loughran Cappel	Turner, D.
Collins	Harris, N.	Martwick	Ventura
Cunningham	Hastings	Murphy	Villa
Edly-Allen	Holmes	Peters	Villanueva
Ellman	Hunter	Porfirio	Villivalam
Faraci	Johnson	Preston	Mr. President
Feigenholtz	Jones, E.	Simmons	

The following voted in the negative:

Anderson	DeWitte	McConchie	Syverson
Bennett	Fowler	Plummer	Tracy
Bryant	Harriss, E.	Rezin	Turner, S.
Chesney	Lewis	Rose	Wilcox
Curran	McClure	Stoller	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

At the hour of 3:23 o'clock p.m., the Chair announced that the Senate stands adjourned until Thursday, April 11, 2024, at 12:00 o'clock p.m.

PERFUNCTORY SESSION
7:53 O'CLOCK P.M.

The Senate met in perfunctory session pursuant to the directive of the President.

Pursuant to Senate Rule 2-5(c)2, the Secretary of the Senate conducted the perfunctory session.

LEGISLATIVE MEASURES FILED

The following Floor amendments to the Senate Bills listed below have been filed with the Secretary and referred to the Committee on Assignments:

Amendment No. 1 to Senate Bill 462
Amendment No. 2 to Senate Bill 463
Amendment No. 1 to Senate Bill 941
Amendment No. 1 to Senate Bill 964
Amendment No. 1 to Senate Bill 995
Amendment No. 1 to Senate Bill 1055
Amendment No. 1 to Senate Bill 1087
Amendment No. 1 to Senate Bill 1102
Amendment No. 1 to Senate Bill 1131
Amendment No. 1 to Senate Bill 1132
Amendment No. 1 to Senate Bill 1175
Amendment No. 1 to Senate Bill 1176
Amendment No. 1 to Senate Bill 1215
Amendment No. 1 to Senate Bill 1216
Amendment No. 2 to Senate Bill 2639
Amendment No. 1 to Senate Bill 2655

The following Committee amendment to the Senate Bill listed below has been filed with the Secretary and referred to the Committee on Assignments:

Amendment No. 1 to Senate Bill 3305

MESSAGE FROM THE PRESIDENT

OFFICE OF THE SENATE PRESIDENT
DON HARMON
STATE OF ILLINOIS

327 STATE CAPITOL
SPRINGFIELD, ILLINOIS 62706
217-782-2728

160 N. LASALLE ST., STE. 720
CHICAGO, ILLINOIS 60601
312-814-2075

April 10, 2024

Mr. Tim Anderson
Secretary of the Senate
Room 058, State House
Springfield, Illinois 62706

Dear Mr. Secretary:

Pursuant to Senate Rule 2-10, I am scheduling a Perfunctory Session to convene on April 10, 2024.

s/Don Harmon
Don Harmon
Senate President

cc: Senate Republican Leader John F. Curran

PRESENTATION OF RESOLUTION

Senator Harmon offered the following Senate Resolution, which was referred to the Committee on Assignments:

SENATE RESOLUTION NO. 909

WHEREAS, The members of the Illinois Senate are saddened to learn of the death of Cook County Clerk Karen A. Yarbrough, who passed away on April 7, 2024; and

WHEREAS, Clerk Yarbrough was born on August 22, 1950; she earned her Bachelor of Arts in Business Management from Chicago State University and her Master of Arts in Inner City Studies from Northeastern Illinois University; she and her husband, Henderson, have been longtime Maywood residents and active members of their community; and

WHEREAS, Clerk Yarbrough was a beloved leader, a dedicated public servant, and a tireless legislator who was serving her second term as Clerk of Cook County at the time of her passing, leaving behind a career that spanned local and state politics for over three decades; and

WHEREAS, Clerk Yarbrough was first elected Clerk of Cook County in 2018, becoming the first woman and first African American to hold the office; she oversaw elections in suburban Cook County and maintained the county's vital records, such as birth, marriage, civil union, and death certificates; she was credited with implementing sweeping changes throughout the office, including a complete modernization of election voting equipment and enhancements to the entire voting process for suburban voters; and

WHEREAS, During the height of the COVID-19 pandemic in 2020, Clerk Yarbrough successfully managed a first-of-its kind government consolidation by assuming all duties of the former Cook County Recorder of Deeds Office into the operations of the Clerk's Office; she was noted for her commitment to

accuracy, efficiency, advocacy, and cybersecurity, resulting in groundbreaking initiatives in programming and technology; and

WHEREAS, Clerk Yarbrough previously served as Cook County Recorder of Deeds from December 2012 to 2018; prior to that, she served as State Representative of Illinois' 7th District from 2001 until 2012, representing parts of the western suburbs of Chicago; and

WHEREAS, During her tenure in the Illinois House of Representatives, Clerk Yarbrough served as an Assistant Majority Leader and as a leader of the Black Caucus and sponsored many landmark pieces of legislation, including the law that abolished the death penalty in the State, one of the nation's first cyberstalking laws, and the Smoke Free Illinois Act; and

WHEREAS, Clerk Yarbrough was active in the Democratic Party, working for both the Cook County Democratic Party and the Democratic Party of Illinois; she served as a committeeperson for the Cook County Democratic Party, representing west suburban Proviso Township, and also served as treasurer; she was a member of the State Central Committee for the Democratic Party of Illinois; and

WHEREAS, Outside of politics, Clerk Yarbrough was a licensed real estate broker and the founder of the Hathaway Insurance Agency; and

WHEREAS, Clerk Yarbrough was a wife, a mother, a sister, an aunt, a mentor, and a trailblazer; as a public servant, she remained committed to social and economic justice, serving as a champion of women's rights and a defender of the underprivileged; she will be remembered for leading an incredibly impactful life while serving the people of Illinois with steadfast devotion; therefore, be it

RESOLVED, BY THE SENATE OF THE ONE HUNDRED THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we mourn the passing of Cook County Clerk Karen A. Yarbrough and extend our sincere condolences to her family, friends, and all who knew and loved her; and be it further

RESOLVED, That a suitable copy of this resolution be presented to the family of Clerk Yarbrough as an expression of our deepest sympathy.

INTRODUCTION OF BILL

SENATE BILL NO. 3926. Introduced by Senator Lightford, a bill for AN ACT concerning regulation.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Assignments.

REPORTS FROM STANDING COMMITTEES

Senator Castro, Chair of the Committee on Executive, to which was referred **Senate Bill No. 3592**, reported the same back with amendments having been adopted thereto, with the recommendation that the bill, as amended, do pass.

Under the rules, the bill was ordered to a second reading.

Senator Castro, Chair of the Committee on Executive, to which was referred the following Senate floor amendments, reported that the Committee recommends do adopt:

Senate Amendment No. 3 to Senate Bill 1
Senate Amendment No. 1 to Senate Bill 3359
Senate Amendment No. 3 to Senate Bill 3630

Under the rules, the foregoing floor amendments are eligible for consideration on second reading.

Senator Castro, Chair of the Committee on Executive, to which was referred **Senate Joint Resolution No. 47**, reported the same back with the recommendation that the resolution be adopted.

Under the rules, **Senate Joint Resolution No. 47** was placed on the Secretary's Desk.

Senator Joyce, Chair of the Committee on State Government, to which was referred the following Senate floor amendments, reported that the Committee recommends do adopt:

Senate Amendment No. 1 to Senate Bill 536
Senate Amendment No. 2 to Senate Bill 2682
Senate Amendment No. 4 to Senate Bill 3501
Senate Amendment No. 1 to Senate Bill 3608
Senate Amendment No. 1 to Senate Bill 3762

Under the rules, the foregoing floor amendments are eligible for consideration on second reading.

Senator Joyce, Chair of the Committee on State Government, to which was referred **Senate Resolution No. 799**, reported the same back with the recommendation that the resolution be adopted.

Under the rules, **Senate Resolution No. 799** was placed on the Secretary's Desk.

Senator Glowiak Hilton, Chair of the Committee on Licensed Activities, to which was referred the following Senate floor amendments, reported that the Committee recommends do adopt:

Senate Amendment No. 3 to Senate Bill 2586
Senate Amendment No. 2 to Senate Bill 2731
Senate Amendment No. 4 to Senate Bill 2822
Senate Amendment No. 1 to Senate Bill 3211
Senate Amendment No. 1 to Senate Bill 3467
Senate Amendment No. 1 to Senate Bill 3767

Under the rules, the foregoing floor amendments are eligible for consideration on second reading.

Senator Sims, Chair of the Special Committee on Criminal Law and Public Safety, to which was referred the following Senate floor amendments, reported that the Committee recommends do adopt:

Senate Amendment No. 1 to Senate Bill 426
Senate Amendment No. 2 to Senate Bill 2626
Senate Amendment No. 4 to Senate Bill 3353
Senate Amendment No. 3 to Senate Bill 3552
Senate Amendment No. 1 to Senate Bill 3615

Under the rules, the foregoing floor amendments are eligible for consideration on second reading.

Senator Sims, Chair of the Special Committee on Criminal Law and Public Safety, to which was referred **Senate Resolution No. 809**, reported the same back with the recommendation that the resolution be adopted.

Under the rules, **Senate Resolution No. 809** was placed on the Secretary's Desk.

Senator Villanueva, Chair of the Committee on Revenue, to which was referred the following Senate floor amendments, reported that the Committee recommends do adopt:

Senate Amendment No. 1 to Senate Bill 3455
Senate Amendment No. 1 to Senate Bill 3567
Senate Amendment No. 2 to Senate Bill 3617

Under the rules, the foregoing floor amendments are eligible for consideration on second reading.

Senator Holmes, Chair of the Committee on Local Government, to which was referred the following Senate floor amendments, reported that the Committee recommends do adopt:

Senate Amendment No. 1 to Senate Bill 692
Senate Amendment No. 1 to Senate Bill 693
Senate Amendment No. 1 to Senate Bill 2751
Senate Amendment No. 1 to Senate Bill 2879
Senate Amendment No. 2 to Senate Bill 2938
Senate Amendment No. 3 to Senate Bill 3597

Under the rules, the foregoing floor amendments are eligible for consideration on second reading.

At the hour of 7:57 o'clock p.m., the Chair announced that the Senate stands adjourned until Thursday, April 11, 2024, at 12:00 o'clock p.m., or until the call of the President.