SENATE JOURNAL

STATE OF ILLINOIS

ONE HUNDRED FOURTH GENERAL ASSEMBLY

34TH LEGISLATIVE DAY

THURSDAY, APRIL 10, 2025

12:27 O'CLOCK P.M.

NO. 34
[April 10, 2025]

SENATE
Daily Journal Index
34th Legislative Day

The Senate met pursuant to adjournment.

Senator Bill Cunningham, Chicago, Illinois, presiding.

Prayer by Reverend Jessica Baldyga, First United Methodist Church, Pana, Illinois and Owaneco United Methodist Church, Owaneco, Illinois.

Senator Johnson led the Senate in the Pledge of Allegiance.

Senator Glowiak Hilton moved that reading and approval of the Journal of Wednesday, April 9, 2025, 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 1723
Amendment No. 3 to Senate Bill 1911

REPORTS RECEIVED

The Secretary placed before the Senate the following reports:

Reporting Requirement of 50 ILCS 707/20 (Law Enforcement Camera Grant Act), submitted by the Wheaton Police Department.

CGFA Debt Impact Note HB2827, submitted by the Commission on Government Forecasting and Accountability.

CGFA Pension Impact Note HB2827, submitted by the Commission on Government Forecasting and Accountability.

IDOT Contractor-Requested Change Orders Involving Price Quarterly Report 1/1/25-3/31/25, submitted by the Department of Transportation.

Reporting Requirement of 50 ILCS 707/20 (Law Enforcement Camera Grant Act), submitted by the Warren County Sheriff's Office.

The foregoing reports were ordered received and placed on file in the Secretary’s Office.

PRESENTATION OF CONGRATULATORY RESOLUTION

SENATE RESOLUTION NO. 221

Offered by Senator Harmon:

Congratulates James O'Shea on the occasion of his retirement as Police Chief of the River Forest Police Department (RFPD). Thanks him for his 30 years of service and dedication to the Village of River Forest.

Under the Rules, the foregoing resolution was referred to the Committee on Assignments.

REPORTS FROM STANDING COMMITTEES

Senator D. Turner, Chair of the Committee on Agriculture, to which was referred **Senate Bill No. 2309**, reported the same back with the recommendation that the bill do pass.

Under the rules, the bill was ordered to a second reading.

Senator D. Turner, Chair of the Committee on Agriculture, to which was referred the following Senate floor amendment, reported that the Committee recommends do adopt:

Senate Amendment No. 1 to Senate Bill 2459

Under the rules, the foregoing floor amendment is eligible for consideration on second reading.

Senator Walker, Chair of the Committee on Financial Institutions, to which was referred the following Senate floor amendment, reported that the Committee recommends do adopt:

Senate Amendment No. 2 to Senate Bill 2318

Under the rules, the foregoing floor amendment is eligible for consideration on second reading.

Senator Ellman, Chair of the Committee on Environment and Conservation, to which was referred the following Senate floor amendments, reported that the Committee recommends do adopt:

Senate Amendment No. 2 to Senate Bill 1859
Senate Amendment No. 2 to Senate Bill 2414

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

Senator Stadelman, Chair of the Committee on Energy and Public Utilities, to which was referred **Senate Bill No. 75**, 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 Stadelman, Chair of the Committee on Energy and Public Utilities, to which was referred the following Senate floor amendment, reported that the Committee recommends do adopt:

Senate Amendment No. 2 to Senate Bill 2258

Under the rules, the foregoing floor amendment is eligible for consideration on second reading.

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

Senate Amendment No. 1 to Senate Bill 314
Senate Amendment No. 2 to Senate Bill 2247

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

READING BILLS OF THE SENATE A SECOND TIME

On motion of Senator Murphy, **Senate Bill No. 75** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1 TO SENATE BILL 75

AMENDMENT NO. 1 . Amend Senate Bill 75 on page 8 by deleting lines 1 through 18.

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. 2309** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Koehler, **Senate Bill No. 1475** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harmon, as chief co-sponsor pursuant to Senate Rule 5-1(b)(ii), **Senate Bill No. 1486** 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 1486

AMENDMENT NO. 1 . Amend Senate Bill 1486 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Junk Fee Ban Act.

Section 5. Definitions. As used in this Act:

"Ancillary good or service" means any additional merchandise offered to a consumer as part of the same transaction.

"Advertisement" means a notice in any printed material, television, Internet, email, text message, mobile or computer application, or any other similar physical, electronic, or digital communication regarding the sale of a consumer good or service.

"Bar" or "tavern" means an establishment that is devoted to the serving of alcoholic beverages for consumption by guests on the premises and that derives no more than 50% of its gross revenue from the sale of food consumed on the premises, including, but not limited to, bars, taverns, nightclubs, cocktail lounges, adult entertainment facilities, and cabarets.

"Consumer goods or services" means goods and services that are used or bought for use primarily for personal, family, or household purposes.

"Display price" means the displayed price of a consumer good or service provided to the consumer within the retail mercantile establishment's physical location or by Internet, email, text message, mobile or computer application, or any other similar physical, electronic, or digital communication.

"Food service establishment" means a bar, tavern, or restaurant.

"Interchange fee" means a fee that a financial institution, payment processor, credit card payment network, or other person or entity charges a person, retail mercantile establishment, or food service establishment when a consumer uses a card, note, plate, coupon book, credit, or similar device to purchase a consumer product or service.

"Person" means an individual, natural person, public or private corporation, government, partnership, unincorporated association, or other entity. "Person" does not include a food service establishment or a retail mercantile establishment.

"Pricing information" means any information relating to an amount a consumer may pay as part of a transaction.

"Restaurant" means any business that is primarily engaged in the sale of ready-to-eat food for immediate consumption. For the purpose of this definition, "primarily engaged" means having sales of

ready-to-eat food for immediate consumption comprising at least 51% of the total sales, excluding the sale of liquor.

"Retail mercantile establishment" means a business that provides consumer goods and services to consumers at retail and generates occupation or use tax revenue. "Retail mercantile establishment" does not include a food service establishment.

"Shipping charges" means the fees or charges that reasonably reflect the amount to be incurred to send goods to a consumer through the mail, including private mail services.

"Total price" means the maximum total of all fees or charges a consumer shall pay for a good or service and any mandatory ancillary good or service. "Total price" does not include shipping charges or taxes, gratuities, interchange fees, discounts regulated pursuant to the Sale Price Ad Act, or fees collected and passed on to a quasi-governmental entity, including any assessment fees associated with a government created special district.

Section 10. Disclosure of mandatory fees required. It is an unlawful practice for any person to advertise, display, or offer a price for a good or service that does not include all mandatory fees or charges other than:

(1) taxes or fees imposed by a government entity on the transaction; or

(2) shipping charges that will be reasonably and actually incurred to ship the physical good or product to the consumer.

Section 15. Financial institution; exemption.

(a) As used in this Section, "financial institution" means any person or entity that is certified, permitted, approved, chartered, registered, licensed, or otherwise authorized to engage in any profession, trade, occupation, or industry by the Department of Financial and Professional Regulation, Division of Banking or Division of Financial Institutions.

(b) A financial entity that is required to provide disclosures in compliance with any of the following federal or State laws, and any rules or regulations adopted under those laws, is exempt from the requirements of Section 10 for purposes of that financial transaction:

(1) the federal Truth in Savings Act, as amended (12 U.S.C. Sec. 4301 et seq.);

(2) the federal Electronic Fund Transfer Act, as amended (15 U.S.C. Sec. 1693 et seq.);

(3) Section 19 of the Federal Reserve Act, as amended (12 U.S.C. Sec. 461 et seq.);

(4) the federal Truth in Lending Act, as amended (15 U.S.C. Sec. 1601 et seq.);

(5) the federal Real Estate Settlement Procedures Act, as amended (12 U.S.C. Sec. 2601 et seq.);

(6) the federal Home Ownership and Equity Protection Act (15 U.S.C. Sec. 1639);

(8) the Consumer Installment Loan Act;

(9) the Consumer Legal Funding Act;

(10) the Interest Act;

(11) the Motor Vehicle Retail Installment Sales Act;

(12) the Retail Installment Sales Act;

(13) the Payday Loan Reform Act;

(14) the High Risk Home Loan Act;

(13) the Pawnbroker Regulation Act of 2023;

(14) the Residential Mortgage Licensing Act of 1987;

(15) the Residential Real Property Disclosure Act; and

(16) the Student Loan Servicing Rights Act.

Section 20. Retail mercantile establishments; disclosure of total price. A retail mercantile establishment is not required to provide the total price in the display price of a consumer good or service. A retail mercantile establishment shall provide notice of a consumer fee or charge prior to the purchase of the food or beverages. A retail mercantile establishment may use any reasonable method available to provide notice of the total price, including, but not limited to, the following commercial channels:

(1) on a screen, monitor, or other display at the point of sale;

(2) a website, Internet, email, text message, mobile or computer application, or any other electronic or digital communication;

(3) in-store consumer promotions, advertisement, or any other similar display;

(4) a membership, loyalty, or reward program or any other similar program; or

(5) any other reasonable means available to the retail mercantile establishment.

Section 25. Food service establishments; disclosure of total price. A food service establishment is not required to provide the total price within the display price of food or beverages. A food service establishment shall provide notice of a consumer fee or charge prior to the purchase of the food or beverages. A food service establishment may use any reasonable method available to provide notice of the total price, including, but not limited to, the following commercial channels:

(1) at the establishment's premises on a menu, on a tabletop or countertop display, or through posted signage;

(2) on the establishment's website where food and beverage prices are advertised;

(3) on a screen, monitor, or other interactive display;

(4) email, text message, mobile or computer application, or any other electronic or digital communication;

(5) in-store consumer promotions, advertisement, or any other similar display;

(6) membership, loyalty, or reward program or any other similar program; or

(7) any other reasonable means available to the food service establishment.

Section 30. Limitations.

(a) Nothing in this Act shall be construed to limit, regulate, or prohibit a retail mercantile establishment's or food establishment's ability to set prices for consumer goods or services.

(b) It is not a violation of this Act for a person to advertise, display, or offer the current bid in an ongoing auction, provided that the bid discloses clearly and conspicuously all amounts that the buyer would be required to pay if the bid was accepted.

(c) The requirements of this Act do not apply to:

(1) a wholesale club that sells consumer goods or services through a membership model;

(2) a rental company that excludes from the advertised, displayed, or offered price of a rental vehicle charges that are disclosed to the consumer in compliance with Section 6-305 of the Illinois Vehicle Code;

(3) an air carrier that provides air transportation, as those terms are used in 49 U.S.C. 41713;

(4) a person that provides broadband or satellite Internet access service on its own or as part of a bundle in compliance with the broadband consumer label requirements under 47 CFR 8.1(a).

Section 35. Interaction with other laws.

(a) Nothing in this Act alters any federal law or regulation.

(b) Nothing in this Act shall infringe or impede on any right or remedy available under State law or rule.

Section 40. Enforcement under the Consumer Fraud and Deceptive Business Practices Act. The Attorney General may enforce violations of this Act as an unlawful practice under the Consumer Fraud and Deceptive Business Practices Act. All remedies, penalties, and authority granted to the Attorney General by that Act shall be available to the Attorney General for the enforcement of this Act.

Section 45. Home rule. The disclosure of the total price of a consumer good or service is an exclusive power and function of the State. A home rule unit may not regulate the disclosure of total prices by retail mercantile establishments or food service establishments. This Section is a denial and limitation of home rule powers and functions under subsection (h) of Section 6 of Article VII of the Illinois Constitution.

Section 90. The Consumer Fraud and Deceptive Business Practices Act is amended by adding Section 2HHHH as follows:

(815 ILCS 505/2HHHH new)

Sec. 2HHHH. Violations of the Junk Fee Ban Act. A person who violates the Junk Fee Ban Act commits an unlawful practice within the meaning of this Act.".

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. 1523** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Feigenholtz, **Senate Bill No. 1559** 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 1559

AMENDMENT NO. 1 . Amend Senate Bill 1559 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 changing Section 2705-210 as follows:

(20 ILCS 2705/2705-210) (was 20 ILCS 2705/49.15)

Sec. 2705-210. Traffic control and prevention of crashes.

(a) The Department has the power to develop, consolidate, and coordinate effective programs and activities for the advancement of driver education, for the facilitation of the movement of motor vehicle traffic, and for the protection and conservation of life and property on the streets and highways of this State and to advise, recommend, and consult with the several departments, divisions, boards, commissions, and other agencies of this State in regard to those programs and activities. The Department has the power to aid and assist the counties, cities, towns, and other political subdivisions of this State in the control of traffic and the prevention of traffic crashes. That aid and assistance to counties, cities, towns, and other political subdivisions of this State shall include assistance with regard to planning, traffic flow, light synchronizing, preferential lanes for carpools, and carpool parking allocations.

(b) To further the prevention of crashes, the Department shall conduct a traffic study following the occurrence of any crash involving a pedestrian fatality that occurs at an intersection of a State or municipal highway. If a memorandum of understanding exists between the State and municipal departments of transportation and that memorandum of understanding requires that the 2 bodies meet monthly or regularly, the meeting agendas shall include, but not be limited to, integrated discussion of the fatality reports that each municipal or State department of transportation has conducted and how to address these crashes. Nothing in this Section limits local law enforcement or the Illinois State Police from participation. The discussion ~~study~~ shall include, but not be limited to, consideration of alternative geometric design improvements, traffic control devices, and any other improvements that both departments deem ~~the Department deems~~ necessary to reduce traffic crashes and fatalities. The Department shall make the results of the study available to the public on its website.

(c) The Department shall conduct a timely analysis of each fatal traffic crash that occurs on a State or municipal highway that is reported to the Illinois State Police or a local law enforcement agency. The purpose of the analyses is to understand the circumstances associated with the traffic crashes.

(d) The Department shall conduct periodic analyses to identify trends, patterns, and correlations associated with traffic crashes, including, but not limited to, trends, patterns, and correlations associated with the occurrence of fatal or serious injury traffic crash outcomes in population groups, such as pedestrians and bicyclists, or locations disproportionately impacted by fatal traffic crash outcomes.

(e) Based on its analyses, the Department shall identify potential actions to increase traffic safety, which may include, but are not limited to, modifications to street design and infrastructure. When appropriate, the discussions shall include estimates for the cost of implementation and potential funding options in its identification of such potential actions.

(f) In conducting analyses and in identifying potential actions, the Department shall coordinate with any other department, agency, or organization deemed relevant by the Department.

(g) Each department, including State and municipal departments, of transportation shall make the reports of the analysis and results of the study available to the public upon request.

(Source: P.A. 102-333, eff. 1-1-22; 102-982, eff. 7-1-23.)".

Senator Feigenholtz offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 1559

AMENDMENT NO. 2 . Amend Senate Bill 1559, AS AMENDED, 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 changing Section 2705-210 as follows:

(20 ILCS 2705/2705-210) (was 20 ILCS 2705/49.15)

Sec. 2705-210. Traffic control and prevention of crashes.

(a) The Department has the power to develop, consolidate, and coordinate effective programs and activities for the advancement of driver education, for the facilitation of the movement of motor vehicle traffic, and for the protection and conservation of life and property on the streets and highways of this State and to advise, recommend, and consult with the several departments, divisions, boards, commissions, and other agencies of this State in regard to those programs and activities. The Department has the power to aid and assist the counties, cities, towns, and other political subdivisions of this State in the control of traffic and the prevention of traffic crashes. That aid and assistance to counties, cities, towns, and other political subdivisions of this State shall include assistance with regard to planning, traffic flow, light synchronizing, preferential lanes for carpools, and carpool parking allocations.

(b) To further the prevention of crashes, the Department shall conduct a traffic study following the occurrence of any crash involving a pedestrian fatality that occurs at an intersection of a State highway. The study shall include, but not be limited to, consideration of alternative geometric design improvements, traffic control devices, and any other improvements that the Department deems necessary to reduce traffic crashes and fatalities at the location. The Department shall make the results of the study available to the public on its website.

(1) As part of the study, the Department shall identify trends, patterns, and correlations including, but not limited to, trends, patterns, and correlations associated with the occurrence of fatal or serious injury traffic crash outcomes in pedestrians and bicyclists population groups.

(2) If appropriate, the Department shall conduct analyses and identify potential actions to increase traffic safety, which may include, but are not limited to, modifications to street design and infrastructure.

(3) In conducting analyses and in identifying potential actions, the Department shall coordinate with any other department, agency, or organization deemed relevant by the Department.

(4) The Department shall make the reports of the analyses and results of the study available to the public upon request.

(Source: P.A. 102-333, eff. 1-1-22; 102-982, eff. 7-1-23.)".

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 Feigenholtz, **Senate Bill No. 1560** having been printed, was taken up, read by title a second time.

Committee Amendment No. 1 was held in the Committee on Education.

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

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

AMENDMENT NO. 3 TO SENATE BILL 1560

AMENDMENT NO. 3 . Amend Senate Bill 1560 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by changing Section 2-3.203 as follows:

(105 ILCS 5/2-3.203)

Sec. 2-3.203. Mental health screenings.

(a) On or before December 15, 2023, the State Board of Education, in consultation with the ~~Children's Behavioral Health Transformation Officer,~~ Children's Behavioral Health Transformation Team in ~~,~~ and the Office of the Governor, shall file a report with the Governor and the General Assembly that includes recommendations for implementation of mental health screenings in schools for students enrolled in kindergarten through grade 12. This report must include a landscape scan of current district-wide screenings, recommendations for screening tools, training for staff, and linkage and referral for identified students.

(b) On or before October 1, 2024, the State Board of Education, in consultation with the Children's Behavioral Health Transformation Team in ~~,~~ the Office of the Governor, and relevant stakeholders as needed shall release a strategy that includes a tool for measuring capacity and readiness to implement universal mental health screening of students. The strategy shall build upon existing efforts to understand district needs for resources, technology, training, and infrastructure supports. The strategy shall include a framework for supporting districts in a phased approach to implement universal mental health screenings. The State Board of Education shall issue a report to the Governor and the General Assembly on school district readiness and plan for phased approach to universal mental health screening of students on or before April 1, 2025.

(c) On or before September 1, 2026, the State Board of Education, in consultation with the Children's Behavioral Health Transformation Team in the Office of the Governor and relevant stakeholders, shall report its work and make available resource materials, including model procedures and guidance informed by a phased approach to implementing universal mental health screening in schools. These model school district procedures to facilitate the implementation of mental health screenings shall include, but are not limited to, the option to opt-out, confidentiality and privacy considerations, communication with families and communities about the use of mental health screenings, data sharing, and storage of mental health screening results and plans for follow-up and linkage to resources after screenings. Guidance shall include (1) mental health screening tools available for school districts to use with students and (2) associated training for school personnel. The State Board of Education shall make these resource materials available on its website.

(d) Mental health screenings shall be offered by school districts to students enrolled in grade 3 through grade 12, at least once a year, beginning with the 2027-2028 school year. A district may, by action of the State Board of Education, apply for an extension of the 2027-2028 school year implementation deadline if the school district meets criteria set by rule by the State Board of Education, which shall be based on the recommendations of the report issued in accordance with subsection (c). Notwithstanding the provisions of this subsection, the requirement to offer mental health screenings shall be in effect only for school years in which the State has successfully procured a screening tool that offers a self-report option for students and is made available to school districts at no cost.

(Source: P.A. 103-546, eff. 8-11-23; 103-605, eff. 7-1-24; 103-885, eff. 8-9-24.)

Section 10. The Illinois Public Aid Code is amended by changing Section 5-5.23 as follows:

(305 ILCS 5/5-5.23)

Sec. 5-5.23. Children's mental health services.

(a) The Department of Healthcare and Family Services, by rule, shall require the screening and assessment of a child prior to any Medicaid-funded admission to an inpatient hospital for psychiatric services to be funded by Medicaid. The screening and assessment shall include a determination of the appropriateness and availability of out-patient support services for necessary treatment. The Department, by rule, shall establish methods and standards of payment for the screening, assessment, and necessary alternative support services.

(b) The Department of Healthcare and Family Services, to the extent allowable under federal law, shall secure federal financial participation for Individual Care Grant expenditures made by the Department of Healthcare and Family Services for the Medicaid optional service authorized under Section 1905(h) of the federal Social Security Act, pursuant to the provisions of Section 7.1 of the Mental Health and Developmental Disabilities Administrative Act. The Department of Healthcare and Family Services may exercise the authority under this Section as is necessary to administer Individual Care Grants as authorized under Section 7.1 of the Mental Health and Developmental Disabilities Administrative Act.

(c) The Department of Healthcare and Family Services shall work collaboratively with the Department of Children and Family Services and the Division of Mental Health of the Department of Human Services to implement subsections (a) and (b).

(d) 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.

(e) All rights, powers, duties, and responsibilities currently exercised by the Department of Human Services related to the Individual Care Grant program are transferred to the Department of Healthcare and Family Services with the transfer and transition of the Individual Care Grant program to the Department of Healthcare and Family Services to be completed and implemented within 6 months after the effective date of this amendatory Act of the 99th General Assembly. For the purposes of the Successor Agency Act, the Department of Healthcare and Family Services is declared to be the successor agency of the Department of Human Services, but only with respect to the functions of the Department of Human Services that are transferred to the Department of Healthcare and Family Services under this amendatory Act of the 99th General Assembly.

(1) Each act done by the Department of Healthcare and Family Services in exercise of the transferred powers, duties, rights, and responsibilities shall have the same legal effect as if done by the Department of Human Services or its offices.

(2) Any rules of the Department of Human Services that relate to the functions and programs transferred by this amendatory Act of the 99th General Assembly that are in full force on the effective date of this amendatory Act of the 99th General Assembly shall become the rules of the Department of Healthcare and Family Services. All rules transferred under this amendatory Act of the 99th General Assembly are hereby amended such that the term "Department" shall be defined as the Department of Healthcare and Family Services and all references to the "Secretary" shall be changed to the "Director of Healthcare and Family Services or his or her designee". As soon as practicable hereafter, the Department of Healthcare and Family Services shall revise and clarify the rules to reflect the transfer of rights, powers, duties, and responsibilities affected by this amendatory Act of the 99th General Assembly, using the procedures for recodification of rules available under the Illinois Administrative Procedure Act, except that existing title, part, and section numbering for the affected rules may be retained. The Department of Healthcare and Family Services, consistent with its authority to do so as granted by this amendatory Act of the 99th General Assembly, shall propose and adopt any other rules under the Illinois Administrative Procedure Act as necessary to administer the Individual Care Grant program. These rules may include, but are not limited to, the application process and eligibility requirements for recipients.

(3) All unexpended appropriations and balances and other funds available for use in connection with any functions of the Individual Care Grant program shall be transferred for the use of the Department of Healthcare and Family Services to operate the Individual Care Grant program. Unexpended balances shall be expended only for the purpose for which the appropriation was originally made. The Department of Healthcare and Family Services shall exercise all rights, powers, duties, and responsibilities for operation of the Individual Care Grant program.

(4) Existing personnel and positions of the Department of Human Services pertaining to the administration of the Individual Care Grant program shall be transferred to the Department of Healthcare and Family Services with the transfer and transition of the Individual Care Grant program to the Department of Healthcare and Family Services. The status and rights of Department of Human Services employees engaged in the performance of the functions of the Individual Care Grant program shall not be affected by this amendatory Act of the 99th General Assembly. The rights of the employees, the State of Illinois, and its agencies under the Personnel Code and applicable collective bargaining agreements or under any pension, retirement, or annuity plan shall not be affected by this amendatory Act of the 99th General Assembly. All transferred employees who are members of collective bargaining units shall retain their seniority, continuous service, salary, and accrued benefits.

(5) All books, records, papers, documents, property (real and personal), contracts, and pending business pertaining to the powers, duties, rights, and responsibilities related to the functions of the Individual Care Grant program, including, but not limited to, material in electronic or magnetic format and necessary computer hardware and software, shall be delivered to the Department of Healthcare and Family Services; provided, however, that the delivery of this information shall not violate any applicable confidentiality constraints.

(6) Whenever reports or notices are now required to be made or given or papers or documents furnished or served by any person to or upon the Department of Human Services in connection with any of the functions transferred by this amendatory Act of the 99th General Assembly, the same shall

be made, given, furnished, or served in the same manner to or upon the Department of Healthcare and Family Services.

(7) This amendatory Act of the 99th General Assembly shall not affect any act done, ratified, or canceled or any right occurring or established or any action or proceeding had or commenced in an administrative, civil, or criminal cause regarding the Department of Human Services before the effective date of this amendatory Act of the 99th General Assembly; and those actions or proceedings may be defended, prosecuted, and continued by the Department of Human Services.

(f) (Blank).

(g) Family Support Program. The Department of Healthcare and Family Services shall restructure the Family Support Program, formerly known as the Individual Care Grant program, to enable early treatment of youth, emerging adults, and transition-age adults with a serious mental illness or serious emotional disturbance.

(1) As used in this subsection and in subsections (h) through (s):

(A) "Youth" means a person under the age of 18.

(B) "Emerging adult" means a person who is 18 through 20 years of age.

(C) "Transition-age adult" means a person who is 21 through 25 years of age.

(2) The Department shall amend 89 Ill. Adm. Code 139 in accordance with this Section and consistent with the timelines outlined in this Section.

(3) Implementation of any amended requirements shall be completed within 8 months of the adoption of any amendment to 89 Ill. Adm. Code 139 that is consistent with the provisions of this Section.

(4) To align the Family Support Program with the Medicaid system of care, the services available to a youth, emerging adult, or transition-age adult through the Family Support Program shall include all Medicaid community-based mental health treatment services and all Family Support Program services included under 89 Ill. Adm. Code 139. No person receiving services through the Family Support Program or the Specialized Family Support Program shall become a Medicaid enrollee unless Medicaid eligibility criteria are met and the person is enrolled in Medicaid. No part of this Section creates an entitlement to services through the Family Support Program, the Specialized Family Support Program, or the Medicaid program.

(5) The Family Support Program shall align with the following system of care principles:

(A) Treatment and support services shall be based on the results of an integrated behavioral health assessment and treatment plan using an instrument approved by the Department of Healthcare and Family Services.

(B) Strong interagency collaboration between all State agencies the parent or legal guardian is involved with for services, including the Department of Healthcare and Family Services, the Department of Human Services, the Department of Children and Family Services, the Department of Juvenile Justice, and the Illinois State Board of Education.

(C) Individualized, strengths-based practices and trauma-informed treatment approaches.

(D) For a youth, full participation of the parent or legal guardian at all levels of treatment through a process that is family-centered and youth-focused. The process shall include consideration of the services and supports the parent, legal guardian, or caregiver requires for family stabilization, and shall connect such person or persons to services based on available insurance coverage.

(h) Eligibility for the Family Support Program. Eligibility criteria established under 89 Ill. Adm. Code 139 for the Family Support Program shall include the following:

(1) Individuals applying to the program must be under the age of 26.

(2) Requirements for parental or legal guardian involvement are applicable to youth and to emerging adults or transition-age adults who have a guardian appointed under Article XIa of the Probate Act.

(3) Youth, emerging adults, and transition-age adults are eligible for services under the Family Support Program upon their third inpatient admission to a hospital or similar treatment facility for the primary purpose of psychiatric treatment within the most recent 12 months and are hospitalized for the purpose of psychiatric treatment.

(4) School participation for emerging adults applying for services under the Family Support Program may be waived by request of the individual at the sole discretion of the Department of Healthcare and Family Services.

(5) School participation is not applicable to transition-age adults.

(i) Notification of Family Support Program and Specialized Family Support Program services.

(1) Within 12 months after the effective date of this amendatory Act of the 101st General Assembly, the Department of Healthcare and Family Services, with meaningful stakeholder input through a working group of psychiatric hospitals, Family Support Program providers, family support organizations, the Community and Residential Services Authority, a statewide association representing a majority of hospitals, a statewide association representing physicians, and foster care alumni advocates, shall establish a clear process by which a youth's or emerging adult's parents, guardian, or caregiver, or the emerging adult or transition-age adult, is identified, notified, and educated about the Family Support Program and the Specialized Family Support Program upon a first psychiatric inpatient hospital admission, and any following psychiatric inpatient admissions. Notification and education may take place through a Family Support Program coordinator, a mobile crisis response provider, a Comprehensive Community Based Youth Services provider, the Community and Residential Services Authority, or any other designated provider or coordinator identified by the Department of Healthcare and Family Services. In developing this process, the Department of Healthcare and Family Services and the working group shall take into account the unique needs of emerging adults and transition-age adults without parental involvement who are eligible for services under the Family Support Program. The Department of Healthcare and Family Services and the working group shall ensure the appropriate provider or coordinator is required to assist individuals and their parents, guardians, or caregivers, as applicable, in the completion of the application or referral process for the Family Support Program or the Specialized Family Support Program.

(2) (Blank) ~~Upon a youth's, emerging adult's or transition-age adult's second psychiatric inpatient hospital admission, prior to hospital discharge, the hospital must, if it is aware of the patient's prior psychiatric inpatient hospital admission, ensure that the youth's parents, guardian, or caregiver, or the emerging adult or transition age adult, has been notified of the Family Support Program and the Specialized Family Support Program.~~

(3) Psychiatric lockout as last resort.

(A) Prior to referring any youth to the Department of Children and Family Services for the filing of a petition in accordance with subparagraph (c) of paragraph (1) of Section 2-4 of the Juvenile Court Act of 1987 alleging that the youth is dependent because the youth was left in a psychiatric hospital beyond medical necessity, the hospital shall attempt to contact the youth and the youth's parents, guardian, or caregiver about the BEACON portal ~~Family Support Program and the Specialized Family Support Program~~ and shall assist with entering the youth's information into the BEACON portal to begin the process of connecting the youth and family to available resources ~~connections to the designated Family Support Program coordinator in the service area by providing educational materials developed by the Department of Healthcare and Family Services. Once this process has begun, any such youth shall be considered a youth for whom an application for the Family Support Program is pending with the Department of Healthcare and Family Services or an active application for the Family Support Program was being reviewed by the Department for the purposes of subsection (a) of Section 2-4b of the Juvenile Court Act of 1987, or for the purposes of subsection (a) of Section 5-711 of the Juvenile Court Act of 1987~~.

(B) No state agency or hospital shall coach a parent or guardian of a youth in a psychiatric hospital inpatient unit to lock out or otherwise relinquish custody of a youth to the Department of Children and Family Services for the sole purpose of obtaining necessary mental health treatment for the youth. In the absence of abuse or neglect, a psychiatric lockout or custody relinquishment to the Department of Children and Family Services shall only be considered as the option of last resort. Nothing in this Section shall prohibit discussion of medical treatment options or a referral to legal counsel.

(4) Development of new Family Support Program services.

(A) Development of specialized therapeutic residential treatment for youth and emerging adults with high-acuity mental health conditions. Through a working group led by the Department of Healthcare and Family Services that includes the Department of Children and Family Services and residential treatment providers for youth and emerging adults, the Department of Healthcare and Family Services, within 12 months after the effective date of this

amendatory Act of the 101st General Assembly, shall develop a plan for the development of specialized therapeutic residential treatment beds similar to a qualified residential treatment program, as defined in the federal Family First Prevention Services Act, for youth in the Family Support Program with high-acuity mental health needs. The Department of Healthcare and Family Services and the Department of Children and Family Services shall work together to maximize federal funding through Medicaid and Title IV-E of the Social Security Act in the development and implementation of this plan.

(B) Using the Department of Children and Family Services' beyond medical necessity data over the last 5 years and any other relevant, available data, the Department of Healthcare and Family Services shall assess the estimated number of these specialized high-acuity residential treatment beds that are needed in each region of the State based on the number of youth remaining in psychiatric hospitals beyond medical necessity and the number of youth placed out-of-state who need this level of care. The Department of Healthcare and Family Services shall report the results of this assessment to the General Assembly by no later than December 31, 2020.

(C) Development of an age-appropriate therapeutic residential treatment model for emerging adults and transition-age adults. Within 30 months after the effective date of this amendatory Act of the 101st General Assembly, the Department of Healthcare and Family Services, in partnership with the Department of Human Services' Division of Mental Health and with significant and meaningful stakeholder input through a working group of providers and other stakeholders, shall develop a supportive housing model for emerging adults and transition-age adults receiving services through the Family Support Program who need residential treatment and support to enable recovery. Such a model shall be age-appropriate and shall allow the residential component of the model to be in a community-based setting combined with intensive community-based mental health services.

(j) Workgroup to develop a plan for improving access to substance use treatment. The Department of Healthcare and Family Services and the Department of Human Services' Division of Substance Use Prevention and Recovery shall co-lead a working group that includes Family Support Program providers, family support organizations, and other stakeholders over a 12-month period beginning in the first quarter of calendar year 2020 to develop a plan for increasing access to substance use treatment services for youth, emerging adults, and transition-age adults who are eligible for Family Support Program services.

(k) Appropriation. Implementation of this Section shall be limited by the State's annual appropriation to the Family Support Program. Spending within the Family Support Program appropriation shall be further limited for the new Family Support Program services to be developed accordingly:

(1) Targeted use of specialized therapeutic residential treatment for youth and emerging adults with high-acuity mental health conditions through appropriation limitation. No more than 12% of all annual Family Support Program funds shall be spent on this level of care in any given state fiscal year.

(2) Targeted use of residential treatment model established for emerging adults and transition-age adults through appropriation limitation. No more than one-quarter of all annual Family Support Program funds shall be spent on this level of care in any given state fiscal year.

(l) Exhausting third party insurance coverage first.

(A) A parent, legal guardian, emerging adult, or transition-age adult with private insurance coverage shall work with the Department of Healthcare and Family Services, or its designee, to identify insurance coverage for any and all benefits covered by their plan. If insurance cost-sharing by any method for treatment is cost-prohibitive for the parent, legal guardian, emerging adult, or transition-age adult, Family Support Program funds may be applied as a payer of last resort toward insurance cost-sharing for purposes of using private insurance coverage to the fullest extent for the recommended treatment. If the Department, or its agent, has a concern relating to the parent's, legal guardian's, emerging adult's, or transition-age adult's insurer's compliance with Illinois or federal insurance requirements relating to the coverage of mental health or substance use disorders, it shall refer all relevant information to the applicable regulatory authority.

(B) The Department of Healthcare and Family Services shall use Medicaid funds first for an individual who has Medicaid coverage if the treatment or service recommended using an integrated behavioral health assessment and treatment plan (using the instrument approved by the Department of Healthcare and Family Services) is covered by Medicaid.

(C) If private or public insurance coverage does not cover the needed treatment or service, Family Support Program funds shall be used to cover the services offered through the Family Support Program.

(m) Service authorization. A youth, emerging adult, or transition-age adult enrolled in the Family Support Program or the Specialized Family Support Program shall be eligible to receive a mental health treatment service covered by the applicable program if the medical necessity criteria established by the Department of Healthcare and Family Services are met.

(n) Streamlined application. The Department of Healthcare and Family Services shall revise the Family Support Program applications and the application process to reflect the changes made to this Section by this amendatory Act of the 101st General Assembly within 8 months after the adoption of any amendments to 89 Ill. Adm. Code 139.

(o) Study of reimbursement policies during planned and unplanned absences of youth and emerging adults in Family Support Program residential treatment settings. The Department of Healthcare and Family Services shall undertake a study of those standards of the Department of Children and Family Services and other states for reimbursement of residential treatment during planned and unplanned absences to determine if reimbursing residential providers for such unplanned absences positively impacts the availability of residential treatment for youth and emerging adults. The Department of Healthcare and Family Services shall begin the study on July 1, 2019 and shall report its findings and the results of the study to the General Assembly, along with any recommendations for or against adopting a similar policy, by December 31, 2020.

(p) Public awareness and educational campaign for all relevant providers. The Department of Healthcare and Family Services shall engage in a public awareness campaign to educate hospitals with psychiatric units, crisis response providers such as Screening, Assessment and Support Services providers and Comprehensive Community Based Youth Services agencies, schools, and other community institutions and providers across Illinois on the changes made by this amendatory Act of the 101st General Assembly to the Family Support Program. The Department of Healthcare and Family Services shall produce written materials geared for the appropriate target audience, develop webinars, and conduct outreach visits over a 12-month period beginning after implementation of the changes made to this Section by this amendatory Act of the 101st General Assembly.

(q) Maximizing federal matching funds for the Family Support Program and the Specialized Family Support Program. The Department of Healthcare and Family Services, as the sole Medicaid State agency, shall seek approval from the federal Centers for Medicare and Medicaid Services within 12 months after the effective date of this amendatory Act of the 101st General Assembly to draw additional federal Medicaid matching funds for individuals served under the Family Support Program or the Specialized Family Support Program who are not covered by the Department's medical assistance programs. The Department of Children and Family Services, as the State agency responsible for administering federal funds pursuant to Title IV-E of the Social Security Act, shall submit a State Plan to the federal government within 12 months after the effective date of this amendatory Act of the 101st General Assembly to maximize the use of federal Title IV-E prevention funds through the federal Family First Prevention Services Act, to provide mental health and substance use disorder treatment services and supports, including, but not limited to, the provision of short-term crisis and transition beds post-hospitalization for youth who are at imminent risk of entering Illinois' youth welfare system solely due to the inability to access mental health or substance use treatment services.

(r) Outcomes and data reported annually to the General Assembly. Beginning in 2021, the Department of Healthcare and Family Services shall submit an annual report to the General Assembly that includes the following information with respect to the time period covered by the report:

(1) The number and ages of youth, emerging adults, and transition-age adults who requested services under the Family Support Program and the Specialized Family Support Program and the services received.

(2) The number and ages of youth, emerging adults, and transition-age adults who requested services under the Specialized Family Support Program who were eligible for services based on the number of hospitalizations.

(3) The number and ages of youth, emerging adults, and transition-age adults who applied for Family Support Program or Specialized Family Support Program services but did not receive any services.

(s) Rulemaking authority. Unless a timeline is otherwise specified in a subsection, if amendments to 89 Ill. Adm. Code 139 are needed for implementation of this Section, such amendments shall be filed by the

Department of Healthcare and Family Services within one year after the effective date of this amendatory Act of the 101st General Assembly.
(Source: P.A. 101-461, eff. 1-1-20; 101-616, eff. 12-20-19.)

Section 15. The Interagency Children's Behavioral Health Services Act is amended by adding Section 35 as follows:

(405 ILCS 165/35 new)

Sec. 35. BEACON training. The Department of Human Services, in coordination with a statewide association representing a majority of hospitals, shall establish and offer a voluntary training that will be recorded and made available on the Department's website to all hospital social workers, clinicians, and administrative staff to inform them of BEACON, a centralized resource for Illinois youth and families seeking services for behavioral health needs, with the goal of encouraging families to seek assistance through BEACON and the Interagency Children's Behavioral Health Services Team. The training shall include how families and hospital staff can access BEACON, the process once a case is entered into BEACON, and State and community programs accessible through BEACON.".

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 Harmon, as chief co-sponsor pursuant to Senate Rule 5-1(b)(ii), **Senate Bill No. 1911** having been printed, was taken up, read by title a second time.

The following amendments were offered in the Committee on Executive, adopted and ordered printed:

AMENDMENT NO. 1 TO SENATE BILL 1911

AMENDMENT NO. 1 . Amend Senate Bill 1911 on page 11, line 16, by replacing "2037" with "2034"; and

on page 12, line 3, by replacing "2037" with "2034".

AMENDMENT NO. 2 TO SENATE BILL 1911

AMENDMENT NO. 2 . Amend Senate Bill 1911 on page 2, line 6, by replacing "substantially rehabilitated" with "the qualifying rehabilitation of a"; and

on page 2, line 7, by replacing "are" with "is ~~are~~"; and

on page 2, line 23, by replacing "qualifying residential real property" with "qualifying developments"; and

on page 3, by replacing lines 7 through 11 with the following:

"(1) at the conclusion of the new construction or qualifying rehabilitation, the property is a qualifying development ~~consists of a newly constructed multifamily building containing 7 or more rental dwelling units or an existing multifamily building that has undergone qualifying rehabilitation resulting in 7 or more rental dwelling units~~; and"; and

on page 3, line 23, by replacing "substantially rehabilitated" with "the qualifying rehabilitation of"; and

on page 4, line 8, by replacing "substantially rehabilitated" with "the qualifying rehabilitation of"; and

on page 4, line 13, by replacing "substantially rehabilitated" with "the qualifying rehabilitation of"; and

page 4, line 14, by replacing "are" with "is ~~are~~"; and

on page 5, line 11, by replacing "for" with "for either"; and

on page 5, lines 12 and 13, by replacing "improvements to an existing residential real property" with "the qualifying rehabilitation of a residential real property ~~improvements to an existing residential real property~~"; and

on page 5, line 23, by replacing "for" with "for either"; and

on page 5, lines 24 and 25, by replacing "improvements to an existing residential real property" with "the qualifying rehabilitation of a residential real property ~~improvements to an existing residential real property~~"; and

on page 7, line 17, after "officer", by inserting "or, in the absence of forms issued by the chief county assessment officer, the Department"; and

on page 13, line 24, by replacing "improvements to existing" with "the qualifying rehabilitation of ~~improvements to existing~~"; and

on page 13, line 25, by replacing "are" with "is ~~are~~"; and

on page 15, by replacing lines 4 through 7 with the following:

"(H) When the property exits the special assessment program, the entire parcel shall be assessed as otherwise provided by law ~~At the completion of the assessment reduction period described in this Section: the entire parcel will be assessed as otherwise provided by law~~. At any time prior to exiting the special assessment program, a property owner may apply for a renewed 30-year eligibility period, to begin on the first day of the year following approval.

(H-5) Any property that has reached or will reach the end of its 30-year eligibility period before December 31, 2025 may remain in the program pending a reapplication filed by December 31, 2026. Those applications shall cite qualifying expenditures made in the 2 years before the application. This subparagraph (H-5) is inoperative on and after January 31, 2027."; and

on page 16, immediately below line 5, by inserting the following:

""Consumer Price Index-u" means the index published by the Bureau of Labor Statistics of the United States Department of Labor that measures the average change in prices of goods and services purchased by all urban consumers, United States city average, not seasonally adjusted, all items, 1982-84 = 100."; and

on page 18, immediately below line 19, by inserting the following:

"Qualifying development" means:

(1) property containing a newly constructed multifamily building containing 7 or more rental dwelling units; or

(2) property containing an existing multifamily building that has undergone qualifying rehabilitation resulting in 7 or more rental dwelling units; or

(3) property in a portfolio of properties consisting of 7 or more total rental dwelling units across 2 or more multifamily rental buildings that are each newly constructed or have undergone qualifying rehabilitation if the portfolio meets all the following additional requirements:

(A) all of the properties in the portfolio must be under common ownership and must be part of a single financial entity or treated as a single entity for the purposes of financing, regulatory agreements, or participation in a qualifying income-based subsidy program;

(B) the portfolio, as a whole, must participate in a qualifying income-based subsidy program; and

(C) if the portfolio includes units supported by tenant-based rental assistance, including, but not limited to, the Housing Choice Voucher program, the portfolio must also:

(i) operate under a regulatory agreement with a federal, State, or local housing agency that imposes affordability restrictions; or

(ii) participate in an additional qualifying income-based subsidy program beyond tenant-based assistance."; and

by replacing everything from line 6 on page 19 through line 1 on page 21 with the following:

""Qualifying rehabilitation" means, at a minimum, compliance with local building codes and the replacement or renovation of at least 2 primary building systems to be approved for the reduced valuation

under paragraph (1) of subsection (d) of this Section and at least 5 primary building systems to be approved for the reduced valuation under subsection (e) of this Section. Although the cost of each primary building system may vary, to be approved for the reduced valuation under paragraph (1) of subsection (d) of this Section, for work completed between January 1, 2021 and December 31, 2021, the combined expenditure for making the building compliant with local codes and replacing primary building systems must be at least $8 per square foot ~~for work completed between January 1 of the year in which this amendatory Act of the 102nd General Assembly takes effect and December 31 of the year in which this amendatory Act of the 102nd General Assembly takes effect and, in subsequent years, $8 adjusted by the Consumer Price Index for All Urban Consumers, as published annually by the U.S. Department of Labor~~. For work completed in calendar years beginning on or after January 1, 2022, that combined expenditure amount shall be the combined expenditure amount necessary to be approved for the reduced valuation under paragraph (1) of subsection (d) of this Section in the immediately preceding calendar year, multiplied by one plus the percentage increase, if any, in the Consumer Price Index-u during the immediately preceding calendar year and rounded to the nearest penny. To be approved for the reduced valuation under paragraph (2) of subsection (d) of this Section, for work completed between January 1, 2021 and December 31, 2021, the combined expenditure for making the building compliant with local codes and replacing primary building systems must be at least $12.50 per square foot ~~for work completed between January 1 of the year in which this amendatory Act of the 102nd General Assembly takes effect and December 31 of the year in which this amendatory Act of the 102nd General Assembly takes effect, and in subsequent years, $12.50 adjusted by the Consumer Price Index for All Urban Consumers, as published annually by the U.S. Department of Labor~~. For work completed in calendar years beginning on or after January 1, 2022, that combined expenditure amount shall be the combined expenditure amount necessary to be approved for the reduced valuation under paragraph (2) of subsection (d) of this Section in the immediately preceding calendar year, multiplied by one plus the percentage increase, if any, in the Consumer Price Index-u during the immediately preceding calendar year and rounded to the nearest penny. To be approved for the reduced valuation under subsection (e) of this Section, for work completed between January 1, 2021 and December 31, 2021, the combined expenditure for making the building compliant with local codes and replacing primary building systems must be at least $60 per square foot ~~for work completed between January 1 of the year that this amendatory Act of the 102nd General Assembly becomes effective and December 31 of the year that this amendatory Act of the 102nd General Assembly becomes effective and, in subsequent years, $60 adjusted by the Consumer Price Index for All Urban Consumers, as published annually by the U.S. Department of Labor~~. For work completed in calendar years beginning on or after January 1, 2022, that combined expenditure amount shall be the combined expenditure amount necessary to be approved for the reduced valuation under subsection (e) of this Section in the immediately preceding calendar year, multiplied by one plus the percentage increase, if any, in the Consumer Price Index-u during the immediately preceding calendar year and rounded to the nearest penny. This amendatory Act of the 104th General Assembly is not intended to change the combined expenditure amounts determined before the effective date of this amendatory Act of the 104th General Assembly for any work completed before January 1, 2026 and shall not be used as the basis for any appeal filed with the chief county assessment officer, the board of review, the Property Tax Appeal Board, or the circuit court with respect to the scope or meaning of the exemption under this Section for a tax year prior to tax year 2026.

For the purposes of administering this Section, by February 15, 2026, and by February 15 of each year thereafter, the Department of Revenue shall publish on its website the percentage increase, if any, in the Consumer Price Index-u for the immediately preceding calendar year, including historical annual increases in the Consumer Price Index-u going back to calendar year 2022. In counties with a population of 3,000,000 or more, by March 15, 2026, and by March 15 of each year thereafter, the county assessor shall, using the data available on the Department of Revenue's website, calculate and make available on its website the combined expenditure amounts used in the definition of "qualified rehabilitation" for the applicable taxable year.

"Primary building systems", together with their related rehabilitations, specifically approved for this program are:".

Floor Amendment No. 3 was referred to the Committee on Assignments earlier today.

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 Cervantes, **Senate Bill No. 2008** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Ellman, **Senate Bill No. 2319** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Villa, as chief co-sponsor pursuant to Senate Rule 5-1(b)(ii), **Senate Bill No. 2475** having been printed, was taken up, read by title a second time.

Committee Amendment No. 1 was postponed in the Committee on Health and Human Services.

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

AMENDMENT NO. 2 TO SENATE BILL 2475

AMENDMENT NO. 2 . Amend Senate Bill 2475 by replacing everything after the enacting clause with the following:

"Section 5. The Department of Human Services Act is amended by changing Sections 1-17 and 10-8 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, 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, 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, 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.

(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, 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, 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, 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 to the Secretary, or the Secretary's designee, and to the director of the facility or agency when a recommendation is made and 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. Unredacted investigative reports, as well as raw data, may be shared with the Department of Financial and Professional Regulation when there is a substantiated finding against a person licensed by the Department of Financial and Professional Regulation who is within the Office of the Inspector General's jurisdiction, upon written request. If, during its investigation, the Office of the Inspector General found credible evidence of neglect by a person licensed by the Department of Financial and Professional Regulation who is not within the Office's jurisdiction, the Office may provide an unfounded or unsubstantiated investigative report or death report, as well as raw data, with the Department of Financial and Professional Regulation, 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, 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, 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; 103-752, eff. 1-1-25.)

(20 ILCS 1305/10-8)

Sec. 10-8. The Autism Research Checkoff Fund; grants; scientific review committee. The Autism Research Checkoff Fund is created as a special fund in the State treasury. From appropriations to the Department from the Fund, the Department must make grants to public or private entities in Illinois for the purpose of funding research concerning the disorder of autism. For purposes of this Section, the term "research" includes, without limitation, expenditures to develop and advance the understanding, techniques,

and modalities effective in the detection, prevention, screening, and treatment of autism and may include clinical trials. No more than 20% of the grant funds may be used for institutional overhead costs, indirect costs, other organizational levies, or costs of community-based support services.

Moneys received for the purposes of this Section, including, without limitation, income tax checkoff receipts and gifts, grants, and awards from any public or private entity, must be deposited into the Fund. Any interest earned on moneys in the Fund must be deposited into the Fund.

Each year, grantees of the grants provided under this Section must submit a written report to the Department that sets forth the types of research that is conducted with the grant moneys and the status of that research.

The Department shall promulgate rules for the creation of a scientific review committee to review and assess applications for the grants authorized under this Section. The Committee shall serve without compensation.

Notwithstanding any other provision of law, on July 1, 2025, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the remaining balance from the Autism Research Checkoff Fund into the Autism Awareness Fund. Upon completion of the transfers, the Autism Research Checkoff Fund is dissolved, and any future deposits due to that Fund and any outstanding obligations or liabilities of that Fund shall pass to the Autism Awareness Fund. This Section is repealed on January 1, 2026.

(Source: P.A. 98-463, eff. 8-16-13.)

Section 10. The Rehabilitation of Persons with Disabilities Act is amended by changing Sections 11 and 17 by adding Section 11a as follows:

(20 ILCS 2405/11) (from Ch. 23, par. 3442)

Sec. 11. Illinois Center for Rehabilitation and Education-Roosevelt. The Department shall operate and maintain the Illinois Center for Rehabilitation and Education-Roosevelt for the care and education of educable young adults with one or more physical disabilities and provide in connection therewith nursing and medical care and academic, occupational, and related training to such young adults.

Any Illinois resident under the age of 22 years who is educable but has such a severe physical disability as a result of cerebral palsy, muscular dystrophy, spina bifida, or other cause that he or she is unable to take advantage of the system of free education in the State of Illinois, may be admitted to the Center or be entitled to services and facilities provided hereunder. Young adults shall be admitted to the Center or be eligible for such services and facilities only after diagnosis according to procedures approved for this purpose. The Department may avail itself of the services of other public or private agencies in determining any young adult's eligibility for admission to, or discharge from, the Center.

The Department may call upon other agencies of the State for such services as they are equipped to render in the care of young adults with one or more physical disabilities, and such agencies are instructed to render those services which are consistent with their legal and administrative responsibilities.

(Source: P.A. 102-264, eff. 8-6-21.)

(20 ILCS 2405/11a new)

Sec. 11a. Illinois Center for Rehabilitation and Education-Wood. The Department shall operate and maintain the Illinois Center for Rehabilitation and Education-Wood for the education of individuals who are blind, visually impaired, or DeafBlind and are seeking competitive integrated employment.

Individuals who are blind, visually impaired, or DeafBlind seeking services through the Illinois Center for Rehabilitation and Education-Wood must meet all requirements set forth in 89 Ill. Adm. Code 730.

The Department may avail itself of the services of other public or private agencies in determining eligibility for admission to or discharge from the Illinois Center for Rehabilitation and Education-Wood.

The Department may call upon other agencies of the State for such services as they are equipped to render in the education of individuals who are blind, visually impaired, or DeafBlind seeking competitive integrated employment, and such agencies are instructed to render those services which are consistent with their legal and administrative responsibilities.

(20 ILCS 2405/17) (from Ch. 23, par. 3448)

Sec. 17. Child Abuse and Neglect Reports.

(a) All applicants for employment at the Illinois School for the Visually Impaired, the Illinois School for the Deaf, the Illinois Center for the Rehabilitation and Education-Roosevelt, and the Illinois Center for the Rehabilitation and Education-Wood shall as a condition of employment authorize, in writing on a form

prescribed by the Department of Children and Family Services, an investigation of the Central Register, as defined in the Abused and Neglected Child Reporting Act, to ascertain if the applicant has been determined to be a perpetrator in an indicated report of child abuse or neglect.

(b) The information concerning a prospective employee obtained by the Department shall be confidential and exempt from public inspection and copying, as provided under Section 7 of The Freedom of Information Act, and the information shall not be transmitted outside the Department, except as provided in the Abused and Neglected Child Reporting Act, and shall not be transmitted to anyone within the Department except as needed for the purposes of evaluation of an application for employment.
(Source: P.A. 88-172.)

Section 12. The School Code is amended by changing Section 14-8.02 as follows:
(105 ILCS 5/14-8.02) (from Ch. 122, par. 14-8.02)
Sec. 14-8.02. Identification, evaluation, and placement of children.

(a) The State Board of Education shall make rules under which local school boards shall determine the eligibility of children to receive special education. Such rules shall ensure that a free appropriate public education be available to all children with disabilities as defined in Section 14-1.02. The State Board of Education shall require local school districts to administer non-discriminatory procedures or tests to English learners coming from homes in which a language other than English is used to determine their eligibility to receive special education. The placement of low English proficiency students in special education programs and facilities shall be made in accordance with the test results reflecting the student's linguistic, cultural and special education needs. For purposes of determining the eligibility of children the State Board of Education shall include in the rules definitions of "case study", "staff conference", "individualized educational program", and "qualified specialist" appropriate to each category of children with disabilities as defined in this Article. For purposes of determining the eligibility of children from homes in which a language other than English is used, the State Board of Education shall include in the rules definitions for "qualified bilingual specialists" and "linguistically and culturally appropriate individualized educational programs". For purposes of this Section, as well as Sections 14-8.02a, 14-8.02b, and 14-8.02c of this Code, "parent" means a parent as defined in the federal Individuals with Disabilities Education Act (20 U.S.C. 1401(23)).

(b) No child shall be eligible for special education facilities except with a carefully completed case study fully reviewed by professional personnel in a multidisciplinary staff conference and only upon the recommendation of qualified specialists or a qualified bilingual specialist, if available. At the conclusion of the multidisciplinary staff conference, the parent of the child 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 be given a copy of the multidisciplinary conference summary report and recommendations, which includes options considered, and, in the case of the parent, be informed of his or her right to obtain an independent educational evaluation if he or she disagrees with the evaluation findings conducted or obtained by the school district. If the school district's evaluation is shown to be inappropriate, the school district shall reimburse the parent for the cost of the independent evaluation. The State Board of Education shall, with advice from the State Advisory Council on Education of Children with Disabilities on the inclusion of specific independent educational evaluators, prepare a list of suggested independent educational evaluators. The State Board of Education shall include on the list clinical psychologists licensed pursuant to the Clinical Psychologist Licensing Act. Such psychologists shall not be paid fees in excess of the amount that would be received by a school psychologist for performing the same services. The State Board of Education shall supply school districts with such list and make the list available to parents at their request. School districts shall make the list available to parents at the time they are informed of their right to obtain an independent educational evaluation. However, the school district may initiate an impartial due process hearing under this Section within 5 days of any written parent request for an independent educational evaluation to show that its evaluation is appropriate. If the final decision is that the evaluation is appropriate, the parent still has a right to an independent educational evaluation, but not at public expense. An independent educational evaluation at public expense must be completed within 30 days of a parent's written request unless the school district initiates an impartial due process hearing or the parent or school district offers reasonable grounds to show that such 30-day time period should be extended. If the due process hearing decision indicates that the parent is entitled to an independent educational evaluation, it must be completed within 30 days of the decision unless the parent or the school district offers reasonable grounds to show that such 30-day period should be extended. If a parent disagrees with the summary report or recommendations of the multidisciplinary conference or the findings of any educational evaluation which results therefrom, the

school district shall not proceed with a placement based upon such evaluation and the child shall remain in his or her regular classroom setting. No child shall be eligible for admission to a special class for children with a mental disability who are educable or for children with a mental disability who are trainable except with a psychological evaluation and recommendation by a school psychologist. Consent shall be obtained from the parent of a child before any evaluation is conducted. If consent is not given by the parent or if the parent disagrees with the findings of the evaluation, then the school district may initiate an impartial due process hearing under this Section. The school district may evaluate the child if that is the decision resulting from the impartial due process hearing and the decision is not appealed or if the decision is affirmed on appeal. The determination of eligibility shall be made and the IEP meeting shall be completed within 60 school days from the date of written parental consent. In those instances when written parental consent is obtained with fewer than 60 pupil attendance days left in the school year, the eligibility determination shall be made and the IEP meeting shall be completed prior to the first day of the following school year. Special education and related services must be provided in accordance with the student's IEP no later than 10 school attendance days after notice is provided to the parents pursuant to Section 300.503 of Title 34 of the Code of Federal Regulations and implementing rules adopted by the State Board of Education. The appropriate program pursuant to the individualized educational program of students whose native tongue is a language other than English shall reflect the special education, cultural and linguistic needs. No later than September 1, 1993, the State Board of Education shall establish standards for the development, implementation and monitoring of appropriate bilingual special individualized educational programs. The State Board of Education shall further incorporate appropriate monitoring procedures to verify implementation of these standards. The district shall indicate to the parent, the State Board of Education, and, if applicable, the Department's Office of Education and Transition Services the nature of the services the child will receive for the regular school term while awaiting placement in the appropriate special education class. At the child's initial IEP meeting and at each annual review meeting, the child's IEP team shall provide the child's parent or guardian and, if applicable, the Department's Office of Education and Transition Services with a written notification that informs the parent or guardian or the Department's Office of Education and Transition Services that the IEP team is required to consider whether the child requires assistive technology in order to receive free, appropriate public education. The notification must also include a toll-free telephone number and internet address for the State's assistive technology program.

If the child is deaf, hard of hearing, blind, or visually impaired or has an orthopedic impairment or physical disability and he or she might be eligible to receive services from the Illinois School for the Deaf, the Illinois School for the Visually Impaired, the Illinois Center for Rehabilitation and Education-Wood, or the Illinois Center for Rehabilitation and Education-Roosevelt, the school district shall notify the parents, in writing, of the existence of these schools and the services they provide and shall make a reasonable effort to inform the parents of the existence of other, local schools that provide similar services and the services that these other schools provide. This notification shall include, without limitation, information on school services, school admissions criteria, and school contact information.

In the development of the individualized education program for a student who has a disability on the autism spectrum (which includes autistic disorder, Asperger's disorder, pervasive developmental disorder not otherwise specified, childhood disintegrative disorder, and Rett Syndrome, as defined in the Diagnostic and Statistical Manual of Mental Disorders, fourth edition (DSM-IV, 2000)), the IEP team shall consider all of the following factors:

(1) The verbal and nonverbal communication needs of the child.

(2) The need to develop social interaction skills and proficiencies.

(3) The needs resulting from the child's unusual responses to sensory experiences.

(4) The needs resulting from resistance to environmental change or change in daily routines.

(5) The needs resulting from engagement in repetitive activities and stereotyped movements.

(6) The need for any positive behavioral interventions, strategies, and supports to address any behavioral difficulties resulting from autism spectrum disorder.

(7) Other needs resulting from the child's disability that impact progress in the general curriculum, including social and emotional development.

Public Act 95-257 does not create any new entitlement to a service, program, or benefit, but must not affect any entitlement to a service, program, or benefit created by any other law.

If the student may be eligible to participate in the Home-Based Support Services Program for Adults with Mental Disabilities authorized under the Developmental Disability and Mental Disability Services Act upon becoming an adult, the student's individualized education program shall include plans for (i)

determining the student's eligibility for those home-based services, (ii) enrolling the student in the program of home-based services, and (iii) developing a plan for the student's most effective use of the home-based services after the student becomes an adult and no longer receives special educational services under this Article. The plans developed under this paragraph shall include specific actions to be taken by specified individuals, agencies, or officials.

(c) In the development of the individualized education program for a student who is functionally blind, it shall be presumed that proficiency in Braille reading and writing is essential for the student's satisfactory educational progress. For purposes of this subsection, the State Board of Education shall determine the criteria for a student to be classified as functionally blind. Students who are not currently identified as functionally blind who are also entitled to Braille instruction include: (i) those whose vision loss is so severe that they are unable to read and write at a level comparable to their peers solely through the use of vision, and (ii) those who show evidence of progressive vision loss that may result in functional blindness. Each student who is functionally blind shall be entitled to Braille reading and writing instruction that is sufficient to enable the student to communicate with the same level of proficiency as other students of comparable ability. Instruction should be provided to the extent that the student is physically and cognitively able to use Braille. Braille instruction may be used in combination with other special education services appropriate to the student's educational needs. The assessment of each student who is functionally blind for the purpose of developing the student's individualized education program shall include documentation of the student's strengths and weaknesses in Braille skills. Each person assisting in the development of the individualized education program for a student who is functionally blind shall receive information describing the benefits of Braille instruction. The individualized education program for each student who is functionally blind shall specify the appropriate learning medium or media based on the assessment report.

(d) To the maximum extent appropriate, the placement shall provide the child with the opportunity to be educated with children who do not have a disability; provided that children with disabilities who are recommended to be placed into regular education classrooms are provided with supplementary services to assist the children with disabilities to benefit from the regular classroom instruction and are included on the teacher's regular education class register. Subject to the limitation of the preceding sentence, placement in special classes, separate schools or other removal of the child with a disability from the regular educational environment shall occur only when the nature of the severity of the disability is such that education in the regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. The placement of English learners with disabilities shall be in non-restrictive environments which provide for integration with peers who do not have disabilities in bilingual classrooms. Annually, each January, school districts shall report data on students from non-English speaking backgrounds receiving special education and related services in public and private facilities as prescribed in Section 2-3.30. If there is a disagreement between parties involved regarding the special education placement of any child, either in-state or out-of-state, the placement is subject to impartial due process procedures described in Article 10 of the Rules and Regulations to Govern the Administration and Operation of Special Education.

(e) No child who comes from a home in which a language other than English is the principal language used may be assigned to any class or program under this Article until he has been given, in the principal language used by the child and used in his home, tests reasonably related to his cultural environment. All testing and evaluation materials and procedures utilized for evaluation and placement shall not be linguistically, racially or culturally discriminatory.

(f) Nothing in this Article shall be construed to require any child to undergo any physical examination or medical treatment whose parents object thereto on the grounds that such examination or treatment conflicts with his religious beliefs.

(g) School boards or their designee shall provide to the parents of a child or, if applicable, the Department of Children and Family Services' Office of Education and Transition Services prior written notice of any decision (a) proposing to initiate or change, or (b) refusing to initiate or change, the identification, evaluation, or educational placement of the child or the provision of a free appropriate public education to their child, and the reasons therefor. For a parent, such written notification shall also inform the parent of the opportunity to present complaints with respect to any matter relating to the educational placement of the student, or the provision of a free appropriate public education and to have an impartial due process hearing on the complaint. The notice shall inform the parents in the parents' native language, unless it is clearly not feasible to do so, of their rights and all procedures available pursuant to this Act and the federal Individuals with Disabilities Education Improvement Act of 2004 (Public Law 108-446); it shall be the responsibility of the State Superintendent to develop uniform notices setting forth the procedures

available under this Act and the federal Individuals with Disabilities Education Improvement Act of 2004 (Public Law 108-446) to be used by all school boards. The notice shall also inform the parents of the availability upon request of a list of free or low-cost legal and other relevant services available locally to assist parents in initiating an impartial due process hearing. The State Superintendent shall revise the uniform notices required by this subsection (g) to reflect current law and procedures at least once every 2 years. Any parent who is deaf or does not normally communicate using spoken English and who participates in a meeting with a representative of a local educational agency for the purposes of developing an individualized educational program or attends a multidisciplinary conference shall be entitled to the services of an interpreter. The State Board of Education must adopt rules to establish the criteria, standards, and competencies for a bilingual language interpreter who attends an individualized education program meeting under this subsection to assist a parent who has limited English proficiency.

(g-5) For purposes of this subsection (g-5), "qualified professional" means an individual who holds credentials to evaluate the child in the domain or domains for which an evaluation is sought or an intern working under the direct supervision of a qualified professional, including a master's or doctoral degree candidate.

To ensure that a parent can participate fully and effectively with school personnel in the development of appropriate educational and related services for his or her child, the parent, an independent educational evaluator, or a qualified professional retained by or on behalf of a parent or child must be afforded reasonable access to educational facilities, personnel, classrooms, and buildings and to the child as provided in this subsection (g-5). The requirements of this subsection (g-5) apply to any public school facility, building, or program and to any facility, building, or program supported in whole or in part by public funds. Prior to visiting a school, school building, or school facility, the parent, independent educational evaluator, or qualified professional may be required by the school district to inform the building principal or supervisor in writing of the proposed visit, the purpose of the visit, and the approximate duration of the visit. The visitor and the school district shall arrange the visit or visits at times that are mutually agreeable. Visitors shall comply with school safety, security, and visitation policies at all times. School district visitation policies must not conflict with this subsection (g-5). Visitors shall be required to comply with the requirements of applicable privacy laws, including those laws protecting the confidentiality of education records such as the federal Family Educational Rights and Privacy Act and the Illinois School Student Records Act. The visitor shall not disrupt the educational process.

(1) A parent must be afforded reasonable access of sufficient duration and scope for the purpose of observing his or her child in the child's current educational placement, services, or program or for the purpose of visiting an educational placement or program proposed for the child.

(2) An independent educational evaluator or a qualified professional retained by or on behalf of a parent or child must be afforded reasonable access of sufficient duration and scope for the purpose of conducting an evaluation of the child, the child's performance, the child's current educational program, placement, services, or environment, or any educational program, placement, services, or environment proposed for the child, including interviews of educational personnel, child observations, assessments, tests or assessments of the child's educational program, services, or placement or of any proposed educational program, services, or placement. If one or more interviews of school personnel are part of the evaluation, the interviews must be conducted at a mutually agreed-upon time, date, and place that do not interfere with the school employee's school duties. The school district may limit interviews to personnel having information relevant to the child's current educational services, program, or placement or to a proposed educational service, program, or placement.

(h) In the development of the individualized education program or federal Section 504 plan for a student, if the student needs extra accommodation during emergencies, including natural disasters or an active shooter situation, then that accommodation shall be taken into account when developing the student's individualized education program or federal Section 504 plan.

(Source: P.A. 102-199, eff. 7-1-22; 102-264, eff. 8-6-21; 102-558, eff. 8-20-21; 102-813, eff. 5-13-22; 102-1072, eff. 6-10-22; 103-197, eff. 1-1-24; 103-605, eff. 7-1-24.)

Section 15. The Community-Integrated Living Arrangements Licensure and Certification Act is amended by changing Sections 2, 3, 4, 6, 8, and 10, as follows:

(210 ILCS 135/2) (from Ch. 91 1/2, par. 1702)

Sec. 2. The purpose of this Act is to promote the operation of community-integrated living arrangements for the supervision of persons ~~with mental illness and persons~~ with a developmental disability

by licensing community ~~mental health or~~ developmental services agencies to provide an array of community-integrated living arrangements for such individuals. These community-integrated living arrangements are intended to promote independence in daily living and economic self-sufficiency. The licensed community ~~mental health or~~ developmental services agencies in turn shall be required to certify to the Department that the programs and placements provided in the community-integrated living arrangements comply with this Act, the Mental Health and Developmental Disabilities Code, and applicable Department rules and regulations.

(Source: P.A. 88-380.)

(210 ILCS 135/3) (from Ch. 91 1/2, par. 1703)

Sec. 3. As used in this Act, unless the context requires otherwise:

(a) "Applicant" means a person, group of persons, association, partnership or corporation that applies for a license as a community ~~mental health or~~ developmental services agency under this Act.

(b) "Community ~~mental health or~~ developmental services agency" or "agency" means a public or private agency, association, partnership, corporation or organization which, pursuant to this Act, certifies community-integrated living arrangements for ~~persons with mental illness or~~ persons with a developmental disability.

(c) "Department" means the Department of Human Services (as successor to the Department of Mental Health and Developmental Disabilities).

(d) "Community-integrated living arrangement" means a living arrangement certified by a community ~~mental health or~~ developmental services agency under this Act where 8 or fewer recipients ~~with mental illness or recipients~~ with a developmental disability who reside under the supervision of the agency. Examples of community-integrated living arrangements include but are not limited to the following:

(1) "Adult foster care", a living arrangement for recipients in residences of families unrelated to them, for the purpose of providing family care for the recipients on a full-time basis;

(2) "Assisted residential care", an independent living arrangement where recipients are intermittently supervised by off-site staff;

(3) "Crisis residential care", a non-medical living arrangement where recipients in need of non-medical, crisis services are supervised by on-site staff 24 hours a day;

(4) "Home individual programs", living arrangements for 2 unrelated adults outside the family home;

(5) "Supported residential care", a living arrangement where recipients are supervised by on-site staff and such supervision is provided less than 24 hours a day;

(6) "Community residential alternatives", as defined in the Community Residential Alternatives Licensing Act; and

(7) "Special needs trust-supported residential care", a living arrangement where recipients are supervised by on-site staff and that supervision is provided 24 hours per day or less, as dictated by the needs of the recipients, and determined by service providers. As used in this item (7), "special needs trust" means a trust for the benefit of a beneficiary with a disability as described in Section 1213 of the Illinois Trust Code.

(e) "Recipient" means a person who has received, is receiving, or is in need of treatment or habilitation as those terms are defined in the Mental Health and Developmental Disabilities Code.

(f) "Unrelated" means that persons residing together in programs or placements certified by a community ~~mental health or~~ developmental services agency under this Act do not have any of the following relationships by blood, marriage or adoption: parent, son, daughter, brother, sister, grandparent, uncle, aunt, nephew, niece, great grandparent, great uncle, great aunt, stepbrother, stepsister, stepson, stepdaughter, stepparent or first cousin.

(Source: P.A. 101-48, eff. 1-1-20.)

(210 ILCS 135/4) (from Ch. 91 1/2, par. 1704)

Sec. 4. (a) Any community ~~mental health or~~ developmental services agency who wishes to develop and support a variety of community-integrated living arrangements may do so pursuant to a license issued by the Department under this Act. However, programs established under or otherwise subject to the Child Care Act of 1969, the Nursing Home Care Act, the Specialized Mental Health Rehabilitation Act of 2013, the ID/DD Community Care Act, or the MC/DD Act, as now or hereafter amended, shall remain subject thereto, and this Act shall not be construed to limit the application of those Acts.

(b) The system of licensure established under this Act shall be for the purposes of:

(1) ensuring that all recipients residing in community-integrated living arrangements are receiving appropriate community-based services, including treatment, training and habilitation or rehabilitation;

(2) ensuring that recipients' rights are protected and that all programs provided to and placements arranged for recipients comply with this Act, the Mental Health and Developmental Disabilities Code, and applicable Department rules and regulations;

(3) maintaining the integrity of communities by requiring regular monitoring and inspection of placements and other services provided in community-integrated living arrangements.

The licensure system shall be administered by a quality assurance unit within the Department which shall be administratively independent of units responsible for funding of agencies or community services.

(c) As a condition of being licensed by the Department as a community ~~mental health or~~ developmental services agency under this Act, the agency shall certify to the Department that:

(1) all recipients residing in community-integrated living arrangements are receiving appropriate community-based services, including treatment, training and habilitation or rehabilitation;

(2) all programs provided to and placements arranged for recipients are supervised by the agency; and

(3) all programs provided to and placements arranged for recipients comply with this Act, the Mental Health and Developmental Disabilities Code, and applicable Department rules and regulations.

(c-5) Each developmental services agency licensed under this Act shall submit an annual report to the Department, as a contractual requirement between the Department and the developmental services agency, certifying that all legislatively or administratively mandated wage increases to benefit workers are passed through in accordance with the legislative or administrative mandate. The Department shall determine the manner and form of the annual report.

(d) An applicant for licensure as a community ~~mental health or~~ developmental services agency under this Act shall submit an application pursuant to the application process established by the Department by rule and shall pay an application fee in an amount established by the Department, which amount shall not be more than $200.

(e) If an applicant meets the requirements established by the Department to be licensed as a community ~~mental health or~~ developmental services agency under this Act, after payment of the licensing fee, the Department shall issue a license valid for 3 years from the date thereof unless suspended or revoked by the Department or voluntarily surrendered by the agency.

(f) Upon application to the Department, the Department may issue a temporary permit to an applicant for up to a 2-year period to allow the holder of such permit reasonable time to become eligible for a license under this Act.

(g)(1) The Department may conduct site visits to an agency licensed under this Act, or to any program or placement certified by the agency, and inspect the records or premises, or both, of such agency, program or placement as it deems appropriate, for the purpose of determining compliance with this Act, the Mental Health and Developmental Disabilities Code, and applicable Department rules and regulations. The Department shall conduct inspections of the records and premises of each community-integrated living arrangement certified under this Act at least once every 2 years.

(2) If the Department determines that an agency licensed under this Act is not in compliance with this Act or the rules and regulations promulgated under this Act, the Department shall serve a notice of violation upon the licensee. Each notice of violation shall be prepared in writing and shall specify the nature of the violation, the statutory provision or rule alleged to have been violated, and that the licensee submit a plan of correction to the Department if required. The notice shall also inform the licensee of any other action which the Department might take pursuant to this Act and of the right to a hearing.

(g-5) As determined by the Department, a disproportionate number or percentage of licensure complaints; a disproportionate number or percentage of substantiated cases of abuse, neglect, or exploitation involving an agency; an apparent unnatural death of an individual served by an agency; any egregious or life-threatening abuse or neglect within an agency; or any other significant event as determined by the Department shall initiate a review of the agency's license by the Department, as well as a review of its service agreement for funding. The Department shall adopt rules to establish the process by which the determination to initiate a review shall be made and the timeframe to initiate a review upon the making of such determination.

(h) Upon the expiration of any license issued under this Act, a license renewal application shall be required of and a license renewal fee in an amount established by the Department shall be charged to a community ~~mental health or~~ developmental services agency, provided that such fee shall not be more than $200.

(i) A public or private agency, association, partnership, corporation, or organization that has had a license revoked under subsection (b) of Section 6 of this Act may not apply for or possess a license under a different name.

(Source: P.A. 102-944, eff. 1-1-23.)

(210 ILCS 135/6) (from Ch. 91 1/2, par. 1706)

Sec. 6. (a) The Department shall deny an application for a license, or revoke or refuse to renew the license of a community ~~mental health or~~ developmental services agency, or refuse to issue a license to the holder of a temporary permit, if the Department determines that the applicant, agency or permit holder has not complied with a provision of this Act, the Mental Health and Developmental Disabilities Code, or applicable Department rules and regulations. Specific grounds for denial or revocation of a license, or refusal to renew a license or to issue a license to the holder of a temporary permit, shall include but not be limited to:

(1) Submission of false information either on Department licensure forms or during an inspection;

(2) Refusal to allow an inspection to occur;

(3) Violation of this Act or rules and regulations promulgated under this Act;

(4) Violation of the rights of a recipient;

(5) Failure to submit or implement a plan of correction within the specified time period; or

(6) Failure to submit a workplace violence prevention plan in compliance with the Health Care Workplace Violence Prevention Act.

(b) If the Department determines that the operation of a community ~~mental health or~~ developmental services agency or one or more of the programs or placements certified by the agency under this Act jeopardizes the health, safety or welfare of the recipients served by the agency, the Department may immediately revoke the agency's license and may direct the agency to withdraw recipients from any such program or placement. If an agency's license is revoked under this subsection, then the Department or the Department's agents shall have unimpeded, immediate, and full access to the recipients served by that agency and the recipients' medications, records, and personal possessions in order to ensure a timely, safe, and smooth transition of those individuals from the program or placement.

(c) Upon revocation of an agency's license under subsection (b) of this Section, the agency shall continue providing for the health, safety, and welfare of the individuals that the agency was serving at the time the agency's license was revoked during the period of transition. The private, not-for-profit corporation designated by the Governor to administer the State plan to protect and advocate for the rights of persons with developmental disabilities under Section 1 of the Protection and Advocacy for Persons with Developmental Disabilities Act, contingent on State funding from the Department, shall have unimpeded, immediate, and full access to recipients and recipients' guardians to inform them of the recipients' and recipients' guardians' rights and options during the revocation and transition process.

(d) The Office of Inspector General of the Department of Human Services shall continue to have jurisdiction over an agency and the individuals it served at the time the agency's license was revoked for up to one year after the date that the license was revoked.

(Source: P.A. 100-313, eff. 8-24-17.)

(210 ILCS 135/8) (from Ch. 91 1/2, par. 1708)

Sec. 8. (a) Any community ~~mental health or~~ developmental services agency that continues to operate after its license is revoked under this Act, or after its license expires and the Department refuses to renew the license, is guilty of a business offense and shall be fined an amount in excess of $500 but not exceeding $2,000, and each day of violation is a separate offense. All fines shall be paid to the Mental Health Fund.

(b) Whenever the Department is advised or has reason to believe that any person, group of persons, association, partnership or corporation is operating an agency without a license or permit in violation of this Act, the Department may investigate to ascertain the facts, may notify the person or other entity that he is in violation of this Act, and may make referrals to appropriate investigatory or law enforcement agencies. Any person, group of persons, association, partnership or corporation who continues to operate a community ~~mental health or~~ developmental services agency as defined in subsection (b) of Section 3 of this Act without a license or temporary permit issued by the Department, after receiving notice from the Department that

such operation is in violation of this Act, shall be guilty of a business offense and shall be fined an amount in excess of $500 but not exceeding $2,000, and each day of operation after receiving such notice is a separate offense. All fines shall be paid to the Mental Health Fund.
(Source: P.A. 85-1250.)

(210 ILCS 135/10) (from Ch. 91 1/2, par. 1710)

Sec. 10. Community integration.

(a) Community-integrated living arrangements shall be located so as to enable residents to participate in and be integrated into their community or neighborhood. The location of such arrangements shall promote community integration of persons with developmental ~~mental~~ disabilities.

(b) Beginning January 1, 1990, no Department of State government, as defined in the Civil Administrative Code of Illinois, shall place any person in or utilize any services of a community-integrated living arrangement which is not certified by an agency under this Act.
(Source: P.A. 100-602, eff. 7-13-18.)

Section 20. The Health Care Worker Background Check Act is amended by changing Section 15 as follows:

(225 ILCS 46/15)

Sec. 15. Definitions. In this Act:

"Applicant" means an individual enrolling in a training program, seeking employment, whether paid or on a volunteer basis, with a health care employer who has received a bona fide conditional offer of employment.

"Conditional offer of employment" means a bona fide offer of employment by a health care employer to an applicant, which is contingent upon the receipt of a report from the Department of Public Health indicating that the applicant does not have a record of conviction of any of the criminal offenses enumerated in Section 25.

"Department" means the Department of Public Health.

"Direct care" means the provision of nursing care or assistance with feeding, dressing, movement, bathing, toileting, or other personal needs, including home services as defined in the Home Health, Home Services, and Home Nursing Agency Licensing Act.

The entity responsible for inspecting and licensing, certifying, or registering the health care employer may, by administrative rule, prescribe guidelines for interpreting this definition with regard to the health care employers that it licenses.

"Director" means the Director of Public Health.

"Disqualifying offenses" means those offenses set forth in Section 25 of this Act.

"Employee" means any individual hired, employed, or retained, whether paid or on a volunteer basis, to which this Act applies.

"Finding" means the Department's determination of whether an allegation is verified and substantiated.

"Fingerprint-based criminal history records check" means a livescan fingerprint-based criminal history records check submitted as a fee applicant inquiry in the form and manner prescribed by the Illinois State Police.

"Health care employer" means:

(1) the owner or licensee of any of the following:

(i) a community living facility, as defined in the Community Living Facilities Licensing Act;

(ii) a life care facility, as defined in the Life Care Facilities Act;

(iii) a long-term care facility;

(iv) a home health agency, home services agency, or home nursing agency as defined in the Home Health, Home Services, and Home Nursing Agency Licensing Act;

(v) a hospice care program or volunteer hospice program, as defined in the Hospice Program Licensing Act;

(vi) a hospital, as defined in the Hospital Licensing Act;

(vii) (blank);

(viii) a nurse agency, as defined in the Nurse Agency Licensing Act;

(ix) a respite care provider, as defined in the Respite Program Act;

(ix-a) an establishment licensed under the Assisted Living and Shared Housing Act;

(x) a supportive living program, as defined in the Illinois Public Aid Code;

(xi) early childhood intervention programs as described in 59 Ill. Adm. Code 121;

(xii) the University of Illinois Hospital, Chicago;

(xiii) programs funded by the Department on Aging through the Community Care Program;

(xiv) programs certified to participate in the Supportive Living Program authorized pursuant to Section 5-5.01a of the Illinois Public Aid Code;

(xv) programs listed by the Emergency Medical Services (EMS) Systems Act as Freestanding Emergency Centers;

(xvi) locations licensed under the Alternative Health Care Delivery Act;

(2) a day training program certified by the Department of Human Services;

(3) a community integrated living arrangement operated by a community ~~mental health and~~ developmental service agency, as defined in the Community-Integrated Living Arrangements Licensure and Certification Act;

(4) the State Long Term Care Ombudsman Program, including any regional long term care ombudsman programs under Section 4.04 of the Illinois Act on the Aging, only for the purpose of securing background checks;

(5) the Department of Corrections or a third-party vendor employing certified nursing assistants working with the Department of Corrections;

(6) a financial management services entity contracted with the Department of Human Services, Division of Developmental Disabilities, which is not the employer of personal support workers but supports individuals receiving participant directed services, to administer the individuals' employer authority. A financial management services entity assists participants in completing background check requirements, collecting and processing time sheets for support workers, and processing payroll, withholding, filing, and payment of applicable federal, State, and local employment-related taxes and insurance; or

(7) a Comprehensive Community Mental Health Center certified by the Department of Human Services.

"Initiate" means obtaining from a student, applicant, or employee his or her social security number, demographics, a disclosure statement, and an authorization for the Department of Public Health or its designee to request a fingerprint-based criminal history records check; transmitting this information electronically to the Department of Public Health; conducting Internet searches on certain web sites, including without limitation the Illinois Sex Offender Registry, the Department of Corrections' Sex Offender Search Engine, the Department of Corrections' Inmate Search Engine, the Department of Corrections Wanted Fugitives Search Engine, the National Sex Offender Public Registry, and the List of Excluded Individuals and Entities database on the website of the Health and Human Services Office of Inspector General to determine if the applicant has been adjudicated a sex offender, has been a prison inmate, or has committed Medicare or Medicaid fraud, or conducting similar searches as defined by rule; and having the student, applicant, or employee's fingerprints collected and transmitted electronically to the Illinois State Police.

"Livescan vendor" means an entity whose equipment has been certified by the Illinois State Police to collect an individual's demographics and inkless fingerprints and, in a manner prescribed by the Illinois State Police and the Department of Public Health, electronically transmit the fingerprints and required data to the Illinois State Police and a daily file of required data to the Department of Public Health. The Department of Public Health shall negotiate a contract with one or more vendors that effectively demonstrate that the vendor has 2 or more years of experience transmitting fingerprints electronically to the Illinois State Police and that the vendor can successfully transmit the required data in a manner prescribed by the Department of Public Health. Vendor authorization may be further defined by administrative rule.

"Long-term care facility" means a facility licensed by the State or certified under federal law as a long-term care facility, including without limitation facilities licensed under the Nursing Home Care Act, the Specialized Mental Health Rehabilitation Act of 2013, the ID/DD Community Care Act, or the MC/DD Act, a supportive living facility, an assisted living establishment, or a shared housing establishment or registered as a board and care home.

"Resident" means a person, individual, or patient under the direct care of a health care employer or who has been provided goods or services by a health care employer.

(Source: P.A. 102-226, eff. 7-30-21; 102-503, eff. 8-20-21; 102-538, eff. 8-20-21; 102-813, eff. 5-13-22; 103-303, eff. 1-1-24; 103-1032, eff. 1-1-25.)

Section 23. The Department of Early Childhood Act is amended by changing Section 10-65 as follows:

(325 ILCS 3/10-65)

Sec. 10-65. Individualized Family Service Plans.

(a) Each eligible infant or toddler and that infant's or toddler's family shall receive:

(1) timely, comprehensive, multidisciplinary assessment of the unique strengths and needs of each eligible infant and toddler, and assessment of the concerns and priorities of the families to appropriately assist them in meeting their needs and identify supports and services to meet those needs; and

(2) a written Individualized Family Service Plan developed by a multidisciplinary team which includes the parent or guardian. The individualized family service plan shall be based on the multidisciplinary team's assessment of the resources, priorities, and concerns of the family and its identification of the supports and services necessary to enhance the family's capacity to meet the developmental needs of the infant or toddler, and shall include the identification of services appropriate to meet those needs, including the frequency, intensity, and method of delivering services. During and as part of the initial development of the individualized family services plan, and any periodic reviews of the plan, the multidisciplinary team may seek consultation from the lead agency's designated experts, if any, to help determine appropriate services and the frequency and intensity of those services. All services in the individualized family services plan must be justified by the multidisciplinary assessment of the unique strengths and needs of the infant or toddler and must be appropriate to meet those needs. At the periodic reviews, the team shall determine whether modification or revision of the outcomes or services is necessary.

(b) The Individualized Family Service Plan shall be evaluated once a year and the family shall be provided a review of the Plan at 6-month intervals or more often where appropriate based on infant or toddler and family needs. The lead agency shall create a quality review process regarding Individualized Family Service Plan development and changes thereto, to monitor and help ensure that resources are being used to provide appropriate early intervention services.

(c) The initial evaluation and initial assessment and initial Plan meeting must be held within 45 days after the initial contact with the early intervention services system. The 45-day timeline does not apply for any period when the child or parent is unavailable to complete the initial evaluation, the initial assessments of the child and family, or the initial Plan meeting, due to exceptional family circumstances that are documented in the child's early intervention records, or when the parent has not provided consent for the initial evaluation or the initial assessment of the child despite documented, repeated attempts to obtain parental consent. As soon as exceptional family circumstances no longer exist or parental consent has been obtained, the initial evaluation, the initial assessment, and the initial Plan meeting must be completed as soon as possible. With parental consent, early intervention services may commence before the completion of the comprehensive assessment and development of the Plan. All early intervention services shall be initiated as soon as possible but not later than 30 calendar days after the consent of the parent or guardian has been obtained for the individualized family service plan, in accordance with rules adopted by the lead agency.

(d) Parents must be informed that early intervention services shall be provided to each eligible infant and toddler, to the maximum extent appropriate, in the natural environment, which may include the home or other community settings. Parents must also be informed of the availability of early intervention services provided through telehealth services. Parents shall make the final decision to accept or decline early intervention services, including whether accepted services are delivered in person or via telehealth services. A decision to decline such services shall not be a basis for administrative determination of parental fitness, or other findings or sanctions against the parents. Parameters of the Plan shall be set forth in rules.

(e) The regional intake offices shall explain to each family, orally and in writing, all of the following:

(1) That the early intervention program will pay for all early intervention services set forth in the individualized family service plan that are not covered or paid under the family's public or private insurance plan or policy and not eligible for payment through any other third party payor.

(2) That services will not be delayed due to any rules or restrictions under the family's insurance plan or policy.

(3) That the family may request, with appropriate documentation supporting the request, a determination of an exemption from private insurance use under Section 10-100.

(4) That responsibility for co-payments or co-insurance under a family's private insurance plan or policy will be transferred to the lead agency's central billing office.

(5) That families will be responsible for payments of family fees, which will be based on a sliding scale according to the State's definition of ability to pay which is comparing household size and income to the sliding scale and considering out-of-pocket medical or disaster expenses, and that these fees are payable to the central billing office. Families who fail to provide income information shall be charged the maximum amount on the sliding scale.

(f) The individualized family service plan must state whether the family has private insurance coverage and, if the family has such coverage, must have attached to it a copy of the family's insurance identification card or otherwise include all of the following information:

(1) The name, address, and telephone number of the insurance carrier.

(2) The contract number and policy number of the insurance plan.

(3) The name, address, and social security number of the primary insured.

(4) The beginning date of the insurance benefit year.

(g) A copy of the individualized family service plan must be provided to each enrolled provider who is providing early intervention services to the child who is the subject of that plan.

(h) Children receiving services under this Act shall receive a smooth and effective transition by their third birthday consistent with federal regulations adopted pursuant to Sections 1431 through 1444 of Title 20 of the United States Code. On and after the effective date of this amendatory Act of the 104th General Assembly ~~Beginning January 1, 2022~~, children who receive early intervention services prior to their third birthday, who have been found eligible for early childhood special education services under the Individuals with Disabilities Education Act, 20 U.S.C. 1414(d)(1)(A), and this Section, who have an individualized education program developed ~~and are found eligible for an individualized education program~~ under the Individuals with Disabilities Education Act~~, 20 U.S.C. 1414(d)(1)(A),~~ and under Section 14-8.02 of the School Code, and whose birthday falls between May 1 and August 31 may continue to receive early intervention services until the beginning of the school year following their third birthday in order to minimize gaps in services, ensure better continuity of care, and align practices for the enrollment of preschool children with special needs to the enrollment practices of typically developing preschool children. (Source: P.A. 103-594, eff. 6-25-24.)

Section 25. The Early Intervention Services System Act is amended by changing Section 11 as follows:

(325 ILCS 20/11) (from Ch. 23, par. 4161)

(Section scheduled to be repealed on July 1, 2026)

Sec. 11. Individualized Family Service Plans.

(a) Each eligible infant or toddler and that infant's or toddler's family shall receive:

(1) timely, comprehensive, multidisciplinary assessment of the unique strengths and needs of each eligible infant and toddler, and assessment of the concerns and priorities of the families to appropriately assist them in meeting their needs and identify supports and services to meet those needs; and

(2) a written Individualized Family Service Plan developed by a multidisciplinary team which includes the parent or guardian. The individualized family service plan shall be based on the multidisciplinary team's assessment of the resources, priorities, and concerns of the family and its identification of the supports and services necessary to enhance the family's capacity to meet the developmental needs of the infant or toddler, and shall include the identification of services appropriate to meet those needs, including the frequency, intensity, and method of delivering services. During and as part of the initial development of the individualized family services plan, and any periodic reviews of the plan, the multidisciplinary team may seek consultation from the lead agency's designated experts, if any, to help determine appropriate services and the frequency and intensity of those services. All services in the individualized family services plan must be justified by the multidisciplinary assessment of the unique strengths and needs of the infant or toddler and must be appropriate to meet those needs. At the periodic reviews, the team shall determine whether modification or revision of the outcomes or services is necessary.

(b) The Individualized Family Service Plan shall be evaluated once a year and the family shall be provided a review of the Plan at 6-month intervals or more often where appropriate based on infant or toddler and family needs. The lead agency shall create a quality review process regarding Individualized Family Service Plan development and changes thereto, to monitor and help ensure that resources are being used to provide appropriate early intervention services.

(c) The initial evaluation and initial assessment and initial Plan meeting must be held within 45 days after the initial contact with the early intervention services system. The 45-day timeline does not apply for any period when the child or parent is unavailable to complete the initial evaluation, the initial assessments of the child and family, or the initial Plan meeting, due to exceptional family circumstances that are documented in the child's early intervention records, or when the parent has not provided consent for the initial evaluation or the initial assessment of the child despite documented, repeated attempts to obtain parental consent. As soon as exceptional family circumstances no longer exist or parental consent has been obtained, the initial evaluation, the initial assessment, and the initial Plan meeting must be completed as soon as possible. With parental consent, early intervention services may commence before the completion of the comprehensive assessment and development of the Plan. All early intervention services shall be initiated as soon as possible but not later than 30 calendar days after the consent of the parent or guardian has been obtained for the individualized family service plan, in accordance with rules adopted by the Department of Human Services.

(d) Parents must be informed that early intervention services shall be provided to each eligible infant and toddler, to the maximum extent appropriate, in the natural environment, which may include the home or other community settings. Parents must also be informed of the availability of early intervention services provided through telehealth services. Parents shall make the final decision to accept or decline early intervention services, including whether accepted services are delivered in person or via telehealth services. A decision to decline such services shall not be a basis for administrative determination of parental fitness, or other findings or sanctions against the parents. Parameters of the Plan shall be set forth in rules.

(e) The regional intake offices shall explain to each family, orally and in writing, all of the following:

(1) That the early intervention program will pay for all early intervention services set forth in the individualized family service plan that are not covered or paid under the family's public or private insurance plan or policy and not eligible for payment through any other third party payor.

(2) That services will not be delayed due to any rules or restrictions under the family's insurance plan or policy.

(3) That the family may request, with appropriate documentation supporting the request, a determination of an exemption from private insurance use under Section 13.25.

(4) That responsibility for co-payments or co-insurance under a family's private insurance plan or policy will be transferred to the lead agency's central billing office.

(5) That families will be responsible for payments of family fees, which will be based on a sliding scale according to the State's definition of ability to pay which is comparing household size and income to the sliding scale and considering out-of-pocket medical or disaster expenses, and that these fees are payable to the central billing office. Families who fail to provide income information shall be charged the maximum amount on the sliding scale.

(f) The individualized family service plan must state whether the family has private insurance coverage and, if the family has such coverage, must have attached to it a copy of the family's insurance identification card or otherwise include all of the following information:

(1) The name, address, and telephone number of the insurance carrier.

(2) The contract number and policy number of the insurance plan.

(3) The name, address, and social security number of the primary insured.

(4) The beginning date of the insurance benefit year.

(g) A copy of the individualized family service plan must be provided to each enrolled provider who is providing early intervention services to the child who is the subject of that plan.

(h) Children receiving services under this Act shall receive a smooth and effective transition by their third birthday consistent with federal regulations adopted pursuant to Sections 1431 through 1444 of Title 20 of the United States Code. On and after the effective date of this amendatory Act of the 104th General Assembly ~~Beginning January 1, 2022~~, children who receive early intervention services prior to their third birthday, who have been found eligible for early childhood special education services under the Individuals with Disabilities Education Act, 20 U.S.C. 1414(d)(1)(A), and this Section, who have an individualized education program developed ~~and are found eligible for an individualized education program~~ under the

Individuals with Disabilities Education Act~~, 20 U.S.C. 1414(d)(1)(A),~~ and under Section 14-8.02 of the School Code, and whose birthday falls between May 1 and August 31 may continue to receive early intervention services until the beginning of the school year following their third birthday in order to minimize gaps in services, ensure better continuity of care, and align practices for the enrollment of preschool children with special needs to the enrollment practices of typically developing preschool children. (Source: P.A. 101-654, eff. 3-8-21; 102-104, eff. 7-22-21; 102-209, eff. 11-30-21 (See Section 5 of P.A. 102-671 for effective date of P.A. 102-209); 102-813, eff. 5-13-22; 102-962, eff. 7-1-22.)

Section 30. The Mental Health and Developmental Disabilities Code is amended by changing Sections 1-122, 6-103, 6-103.2, and 6-103.3 and by adding Section 1-120.1 as follows:

(405 ILCS 5/1-120.1 new)

Sec. 1-120.1. Physician assistant. "Physician assistant" means a person who is licensed as a physician assistant under the Physician Assistant Practice Act of 1987 and is authorized to practice under a collaborating physician.

(405 ILCS 5/1-122) (from Ch. 91 1/2, par. 1-122)

Sec. 1-122. Qualified examiner. "Qualified examiner" means a person who is:

(a) a Clinical social worker as defined in this Act and who is also a licensed clinical social worker licensed under the Clinical Social Work and Social Work Practice Act,

(b) a registered nurse with a master's degree in psychiatric nursing who has 3 years of clinical training and experience in the evaluation and treatment of mental illness which has been acquired subsequent to any training and experience which constituted a part of the degree program,

(c) a licensed clinical professional counselor with a master's or doctoral degree in counseling or psychology or a similar master's or doctorate program from a regionally accredited institution who has at least 3 years of supervised post-master's clinical professional counseling experience that includes the provision of mental health services for the evaluation, treatment, and prevention of mental and emotional disorders, ~~or~~

(d) a licensed marriage and family therapist with a master's or doctoral degree in marriage and family therapy from a regionally accredited educational institution or a similar master's program or from a program accredited by either the Commission on Accreditation for Marriage and Family Therapy or the Commission on Accreditation for Counseling Related Educational Programs, who has at least 3 years of supervised post-master's experience as a marriage and family therapist that includes the provision of mental health services for the evaluation, treatment, and prevention of mental and emotional disorders, or ~~.~~

(e) a physician assistant who has 3 years of clinical training and experience in the evaluation and treatment of mental illness which has been acquired subsequent to any training and experience which constituted a part of the degree program.

~~A social worker who is a qualified examiner shall be a licensed clinical social worker under the Clinical Social Work and Social Work Practice Act.~~

(Source: P.A. 96-1357, eff. 1-1-11; 97-333, eff. 8-12-11.)

(405 ILCS 5/6-103) (from Ch. 91 1/2, par. 6-103)

Sec. 6-103. (a) All persons acting in good faith and without negligence in connection with the preparation of applications, petitions, certificates or other documents, for the apprehension, transportation, examination, treatment, habilitation, detention or discharge of an individual under the provisions of this Act incur no liability, civil or criminal, by reason of such acts.

(b) There shall be no liability on the part of, and no cause of action shall arise against, any person who is a physician, clinical psychologist, advanced practice psychiatric nurse, or qualified examiner based upon that person's failure to warn of and protect from a recipient's threatened or actual violent behavior except where the recipient has communicated to the person a serious threat of physical violence against a reasonably identifiable victim or victims. Nothing in this Section shall relieve any employee or director of any residential mental health or developmental disabilities facility from any duty he may have to protect the residents of such a facility from any other resident.

(c) Any duty which any person may owe to anyone other than a resident of a mental health and developmental disabilities facility shall be discharged by that person making a reasonable effort to communicate the threat to the victim and to a law enforcement agency, or by a reasonable effort to obtain the hospitalization of the recipient.

(d) An act of omission or commission by a peace officer acting in good faith in rendering emergency assistance or otherwise enforcing this Code does not impose civil liability on the peace officer or his or her supervisor or employer unless the act is a result of willful or wanton misconduct.
(Source: P.A. 91-726, eff. 6-2-00.)

(405 ILCS 5/6-103.2)

Sec. 6-103.2. Developmental disability; notice. If a person 14 years old or older is determined to be a person with a developmental disability by a physician, clinical psychologist, advanced practice psychiatric nurse, or qualified examiner, the physician, clinical psychologist, advanced practice psychiatric nurse, or qualified examiner shall notify the Department of Human Services within 7 days of making the determination that the person has a developmental disability. The Department of Human Services shall immediately update its records and information relating to mental health and developmental disabilities, and if appropriate, shall notify the Illinois State Police in a form and manner prescribed by the Illinois State Police. Information disclosed under this Section shall remain privileged and confidential, and shall not be redisclosed, except as required under subsection (e) of Section 3.1 of the Firearm Owners Identification Card Act, nor used for any other purpose. The method of providing this information shall guarantee that the information is not released beyond that which is necessary for the purpose of this Section and shall be provided by rule by the Department of Human Services. The identity of the person reporting under this Section shall not be disclosed to the subject of the report.

The physician, clinical psychologist, advanced practice psychiatric nurse, or qualified examiner making the determination and his or her employer may not be held criminally, civilly, or professionally liable for making or not making the notification required under this Section, except for willful or wanton misconduct.

For purposes of this Section, "developmental disability" means a disability which is attributable to any other condition which results in impairment similar to that caused by an intellectual disability and which requires services similar to those required by intellectually disabled persons. The disability must originate before the age of 18 years, be expected to continue indefinitely, and constitute a substantial disability. This disability results, in the professional opinion of a physician, clinical psychologist, advanced practice psychiatric nurse, or qualified examiner, in significant functional limitations in 3 or more of the following areas of major life activity:

(i) self-care;

(ii) receptive and expressive language;

(iii) learning;

(iv) mobility; or

(v) self-direction.

"Determined to be a person with a developmental disability by a physician, clinical psychologist, advanced practice psychiatric nurse, or qualified examiner" means in the professional opinion of the physician, clinical psychologist, advanced practice psychiatric nurse, or qualified examiner, a person, with whom the physician, psychologist, nurse, or examiner has a formal relationship in his or her professional or official capacity, is diagnosed, assessed, or evaluated as having a developmental disability.
(Source: P.A. 102-538, eff. 8-20-21.)

(405 ILCS 5/6-103.3)

Sec. 6-103.3. Clear and present danger; notice. If a person is determined to pose a clear and present danger to himself, herself, or to others by a physician, clinical psychologist, advanced practice psychiatric nurse, or qualified examiner, whether employed by the State, by any public or private mental health facility or part thereof, or by a law enforcement official or a school administrator, then the physician, clinical psychologist, advanced practice psychiatric nurse, or qualified examiner shall notify the Department of Human Services and a law enforcement official or school administrator shall notify the Illinois State Police, within 24 hours of making the determination that the person poses a clear and present danger. The Department of Human Services shall immediately update its records and information relating to mental health and developmental disabilities, and if appropriate, shall notify the Illinois State Police in a form and manner prescribed by the Illinois State Police. Information disclosed under this Section shall remain privileged and confidential, and shall not be redisclosed, except as required under subsection (e) of Section 3.1 of the Firearm Owners Identification Card Act, nor used for any other purpose. The method of providing this information shall guarantee that the information is not released beyond that which is necessary for the purpose of this Section and shall be provided by rule by the Department of Human Services. The identity of the person reporting under this Section shall not be disclosed to the subject of the report. The physician,

clinical psychologist, advanced practice psychiatric nurse, qualified examiner, law enforcement official, or school administrator making the determination and his or her employer shall not be held criminally, civilly, or professionally liable for making or not making the notification required under this Section, except for willful or wanton misconduct. This Section does not apply to a law enforcement official, if making the notification under this Section will interfere with an ongoing or pending criminal investigation.

For the purposes of this Section:

"Clear and present danger" has the meaning ascribed to it in Section 1.1 of the Firearm Owners Identification Card Act.

"Determined to pose a clear and present danger to himself, herself, or to others by a physician, clinical psychologist, advanced practice psychiatric nurse, or qualified examiner" means in the professional opinion of the physician, clinical psychologist, advanced practice psychiatric nurse, or qualified examiner, a person, with whom the physician, psychologist, nurse, or examiner has a formal relationship in his or her official capacity, poses a clear and present danger.

"School administrator" means the person required to report under the School Administrator Reporting of Mental Health Clear and Present Danger Determinations Law.

(Source: P.A. 102-538, eff. 8-20-21.)

Section 35. The Firearm Owners Identification Card Act is amended by changing Sections 1.1, 8, 8.1, and 10 as follows:

(430 ILCS 65/1.1)

Sec. 1.1. For purposes of this Act:

"Addicted to narcotics" means a person who has been:

(1) convicted of an offense involving the use or possession of cannabis, a controlled substance, or methamphetamine within the past year; or

(2) determined by the Illinois State Police to be addicted to narcotics based upon federal law or federal guidelines.

"Addicted to narcotics" does not include possession or use of a prescribed controlled substance under the direction and authority of a physician or other person authorized to prescribe the controlled substance when the controlled substance is used in the prescribed manner.

"Adjudicated as a person with a mental disability" means the person is the subject of a determination by a court, board, commission or other lawful authority that the person, as a result of marked subnormal intelligence, or mental illness, mental impairment, incompetency, condition, or disease:

(1) presents a clear and present danger to himself, herself, or to others;

(2) lacks the mental capacity to manage his or her own affairs or is adjudicated a person with a disability as defined in Section 11a-2 of the Probate Act of 1975;

(3) is not guilty in a criminal case by reason of insanity, mental disease or defect;

(3.5) is guilty but mentally ill, as provided in Section 5-2-6 of the Unified Code of Corrections;

(4) is incompetent to stand trial in a criminal case;

(5) is not guilty by reason of lack of mental responsibility under Articles 50a and 72b of the Uniform Code of Military Justice, 10 U.S.C. 850a, 876b;

(6) is a sexually violent person under subsection (f) of Section 5 of the Sexually Violent Persons Commitment Act;

(7) is a sexually dangerous person under the Sexually Dangerous Persons Act;

(8) is unfit to stand trial under the Juvenile Court Act of 1987;

(9) is not guilty by reason of insanity under the Juvenile Court Act of 1987;

(10) is subject to involuntary admission as an inpatient as defined in Section 1-119 of the Mental Health and Developmental Disabilities Code;

(11) is subject to involuntary admission as an outpatient as defined in Section 1-119.1 of the Mental Health and Developmental Disabilities Code;

(12) is subject to judicial admission as set forth in Section 4-500 of the Mental Health and Developmental Disabilities Code; or

(13) is subject to the provisions of the Interstate Agreements on Sexually Dangerous Persons Act.

"Advanced practice psychiatric nurse" has the meaning ascribed to that term in Section 1-101.3 of the Mental Health and Developmental Disabilities Code.

"Clear and present danger" means a person who:

(1) communicates a serious threat of physical violence against a reasonably identifiable victim or poses a clear and imminent risk of serious physical injury to himself, herself, or another person as determined by a physician, clinical psychologist, advanced practice psychiatric nurse, or qualified examiner; or

(2) demonstrates threatening physical or verbal behavior, such as violent, suicidal, or assaultive threats, actions, or other behavior, as determined by a physician, clinical psychologist, advanced practice psychiatric nurse, qualified examiner, school administrator, or law enforcement official.

"Clinical psychologist" has the meaning provided in Section 1-103 of the Mental Health and Developmental Disabilities Code.

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

"Counterfeit" means to copy or imitate, without legal authority, with intent to deceive.

"Developmental disability" means a severe, chronic disability of an individual that:

(1) is attributable to a mental or physical impairment or combination of mental and physical impairments;

(2) is manifested before the individual attains age 22;

(3) is likely to continue indefinitely;

(4) results in substantial functional limitations in 3 or more of the following areas of major life activity:

(A) Self-care.

(B) Receptive and expressive language.

(C) Learning.

(D) Mobility.

(E) Self-direction.

(F) Capacity for independent living.

(G) Economic self-sufficiency; and

(5) reflects the individual's need for a combination and sequence of special, interdisciplinary, or generic services, individualized supports, or other forms of assistance that are of lifelong or extended duration and are individually planned and coordinated.

"Federally licensed firearm dealer" means a person who is licensed as a federal firearms dealer under Section 923 of the federal Gun Control Act of 1968 (18 U.S.C. 923).

"Firearm" means any device, by whatever name known, which is designed to expel a projectile or projectiles by the action of an explosion, expansion of gas or escape of gas; excluding, however:

(1) any pneumatic gun, spring gun, paint ball gun, or B-B gun which expels a single globular projectile not exceeding .18 inch in diameter or which has a maximum muzzle velocity of less than 700 feet per second;

(1.1) any pneumatic gun, spring gun, paint ball gun, or B-B gun which expels breakable paint balls containing washable marking colors;

(2) any device used exclusively for signaling or safety and required or recommended by the United States Coast Guard or the Interstate Commerce Commission;

(3) any device used exclusively for the firing of stud cartridges, explosive rivets or similar industrial ammunition; and

(4) an antique firearm (other than a machine-gun) which, although designed as a weapon, the Illinois State Police finds by reason of the date of its manufacture, value, design, and other characteristics is primarily a collector's item and is not likely to be used as a weapon.

"Firearm ammunition" means any self-contained cartridge or shotgun shell, by whatever name known, which is designed to be used or adaptable to use in a firearm; excluding, however:

(1) any ammunition exclusively designed for use with a device used exclusively for signaling or safety and required or recommended by the United States Coast Guard or the Interstate Commerce Commission; and

(2) any ammunition designed exclusively for use with a stud or rivet driver or other similar industrial ammunition.

"Gun show" means an event or function:

(1) at which the sale and transfer of firearms is the regular and normal course of business and where 50 or more firearms are displayed, offered, or exhibited for sale, transfer, or exchange; or

(2) at which not less than 10 gun show vendors display, offer, or exhibit for sale, sell, transfer, or exchange firearms.

"Gun show" includes the entire premises provided for an event or function, including parking areas for the event or function, that is sponsored to facilitate the purchase, sale, transfer, or exchange of firearms as described in this Section. Nothing in this definition shall be construed to exclude a gun show held in conjunction with competitive shooting events at the World Shooting Complex sanctioned by a national governing body in which the sale or transfer of firearms is authorized under subparagraph (5) of paragraph (g) of subsection (A) of Section 24-3 of the Criminal Code of 2012.

Unless otherwise expressly stated, "gun show" does not include training or safety classes, competitive shooting events, such as rifle, shotgun, or handgun matches, trap, skeet, or sporting clays shoots, dinners, banquets, raffles, or any other event where the sale or transfer of firearms is not the primary course of business.

"Gun show promoter" means a person who organizes or operates a gun show.

"Gun show vendor" means a person who exhibits, sells, offers for sale, transfers, or exchanges any firearms at a gun show, regardless of whether the person arranges with a gun show promoter for a fixed location from which to exhibit, sell, offer for sale, transfer, or exchange any firearm.

"Intellectual disability" means significantly subaverage general intellectual functioning, existing concurrently with deficits in adaptive behavior and manifested during the developmental period, which is defined as before the age of 22, that adversely affects a child's educational performance.

"Involuntarily admitted" has the meaning as prescribed in Sections 1-119 and 1-119.1 of the Mental Health and Developmental Disabilities Code.

"Mental health facility" means any licensed private hospital or hospital affiliate, institution, or facility, or part thereof, and any facility, or part thereof, operated by the State or a political subdivision thereof which provides treatment of persons with mental illness and includes all hospitals, institutions, clinics, evaluation facilities, mental health centers, colleges, universities, long-term care facilities, and nursing homes, or parts thereof, which provide treatment of persons with mental illness whether or not the primary purpose is to provide treatment of persons with mental illness.

"National governing body" means a group of persons who adopt rules and formulate policy on behalf of a national firearm sporting organization.

"Noncitizen" means a person who is not a citizen of the United States, but is a person who is a foreign-born person who lives in the United States, has not been naturalized, and is still a citizen of a foreign country.

"Patient" means:

(1) a person who is admitted as an inpatient or resident of a public or private mental health facility for mental health treatment under Chapter III of the Mental Health and Developmental Disabilities Code as an informal admission, a voluntary admission, a minor admission, an emergency admission, or an involuntary admission, unless the treatment was solely for an alcohol abuse disorder; or

(2) a person who voluntarily or involuntarily receives mental health treatment as an out-patient or is otherwise provided services by a public or private mental health facility and who poses a clear and present danger to himself, herself, or others.

"Physician" has the meaning as defined in Section 1-120 of the Mental Health and Developmental Disabilities Code.

"Protective order" means any orders of protection issued under the Illinois Domestic Violence Act of 1986, stalking no contact orders issued under the Stalking No Contact Order Act, civil no contact orders issued under the Civil No Contact Order Act, and firearms restraining orders issued under the Firearms Restraining Order Act or a substantially similar order issued by the court of another state, tribe, or United States territory or military judge.

"Qualified examiner" has the meaning provided in Section 1-122 of the Mental Health and Developmental Disabilities Code.

"Sanctioned competitive shooting event" means a shooting contest officially recognized by a national or state shooting sport association, and includes any sight-in or practice conducted in conjunction with the event.

"School administrator" means the person required to report under the School Administrator Reporting of Mental Health Clear and Present Danger Determinations Law.

"Stun gun or taser" has the meaning ascribed to it in Section 24-1 of the Criminal Code of 2012.

(Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21; 102-813, eff. 5-13-22; 102-890, eff. 5-19-22; 102-972, eff. 1-1-23; 102-1030, eff. 5-27-22; 103-154, eff. 6-30-23; 103-407, eff. 7-28-23.)

(430 ILCS 65/8) (from Ch. 38, par. 83-8)

Sec. 8. Grounds for denial and revocation. The Illinois State Police has authority to deny an application for or to revoke and seize a Firearm Owner's Identification Card previously issued under this Act only if the Illinois State Police finds that the applicant or the person to whom such card was issued is or was at the time of issuance:

(a) A person under 21 years of age who has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent;

(b) This subsection (b) applies through the 180th day following July 12, 2019 (the effective date of Public Act 101-80). A person under 21 years of age who does not have the written consent of his parent or guardian to acquire and possess firearms and firearm ammunition, or whose parent or guardian has revoked such written consent, or where such parent or guardian does not qualify to have a Firearm Owner's Identification Card;

(b-5) This subsection (b-5) applies on and after the 181st day following July 12, 2019 (the effective date of Public Act 101-80). A person under 21 years of age who is not an active duty member of the United States Armed Forces or the Illinois National Guard and does not have the written consent of his or her parent or guardian to acquire and possess firearms and firearm ammunition, or whose parent or guardian has revoked such written consent, or where such parent or guardian does not qualify to have a Firearm Owner's Identification Card;

(c) A person convicted of a felony under the laws of this or any other jurisdiction;

(d) A person addicted to narcotics;

(e) A person who has been a patient of a mental health facility within the past 5 years or a person who has been a patient in a mental health facility more than 5 years ago who has not received the certification required under subsection (u) of this Section. An active law enforcement officer employed by a unit of government or a Department of Corrections employee authorized to possess firearms who is denied, revoked, or has his or her Firearm Owner's Identification Card seized under this subsection (e) may obtain relief as described in subsection (c-5) of Section 10 of this Act if the officer or employee did not act in a manner threatening to the officer or employee, another person, or the public as determined by the treating clinical psychologist or physician, and the officer or employee seeks mental health treatment;

(f) A person whose mental condition is of such a nature that it poses a clear and present danger to the applicant, any other person or persons, or the community;

(g) A person who has an intellectual disability;

(h) A person who intentionally makes a false statement in the Firearm Owner's Identification Card application or endorsement affidavit;

(i) A noncitizen who is unlawfully present in the United States under the laws of the United States;

(i-5) A noncitizen who has been admitted to the United States under a non-immigrant visa (as that term is defined in Section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26))), except that this subsection (i-5) does not apply to any noncitizen who has been lawfully admitted to the United States under a non-immigrant visa if that noncitizen is:

(1) admitted to the United States for lawful hunting or sporting purposes;

(2) an official representative of a foreign government who is:

(A) accredited to the United States Government or the Government's mission to an international organization having its headquarters in the United States; or

(B) en route to or from another country to which that noncitizen is accredited;

(3) an official of a foreign government or distinguished foreign visitor who has been so designated by the Department of State;

(4) a foreign law enforcement officer of a friendly foreign government entering the United States on official business; or

(5) one who has received a waiver from the Attorney General of the United States pursuant to 18 U.S.C. 922(y)(3);

(j) (Blank);

(k) A person who has been convicted within the past 5 years of battery, assault, aggravated assault, violation of an order of protection, or a substantially similar offense in another jurisdiction, in which a firearm was used or possessed;

(l) A person who has been convicted of domestic battery, aggravated domestic battery, or a substantially similar offense in another jurisdiction committed before, on or after January 1, 2012 (the effective date of Public Act 97-158). If the applicant or person who has been previously issued a Firearm Owner's Identification Card under this Act knowingly and intelligently waives the right to have an offense described in this paragraph (l) tried by a jury, and by guilty plea or otherwise, results in a conviction for an offense in which a domestic relationship is not a required element of the offense but in which a determination of the applicability of 18 U.S.C. 922(g)(9) is made under Section 112A-11.1 of the Code of Criminal Procedure of 1963, an entry by the court of a judgment of conviction for that offense shall be grounds for denying an application for and for revoking and seizing a Firearm Owner's Identification Card previously issued to the person under this Act;

(m) (Blank);

(n) A person who is prohibited from acquiring or possessing firearms or firearm ammunition by any Illinois State statute or by federal law;

(o) A minor subject to a petition filed under Section 5-520 of the Juvenile Court Act of 1987 alleging that the minor is a delinquent minor for the commission of an offense that if committed by an adult would be a felony;

(p) An adult who had been adjudicated a delinquent minor under the Juvenile Court Act of 1987 for the commission of an offense that if committed by an adult would be a felony;

(q) A person who is not a resident of the State of Illinois, except as provided in subsection (a-10) of Section 4;

(r) A person who has been adjudicated as a person with a mental disability;

(s) A person who has been found to have a developmental disability;

(t) A person involuntarily admitted into a mental health facility; or

(u) A person who has had his or her Firearm Owner's Identification Card revoked or denied under subsection (e) of this Section or item (iv) of paragraph (2) of subsection (a) of Section 4 of this Act because he or she was a patient in a mental health facility as provided in subsection (e) of this Section, shall not be permitted to obtain a Firearm Owner's Identification Card, after the 5-year period has lapsed, unless he or she has received a mental health evaluation by a physician, clinical psychologist, advanced practice psychiatric nurse, or qualified examiner as those terms are defined in the Mental Health and Developmental Disabilities Code, and has received a certification that he or she is not a clear and present danger to himself, herself, or others. The physician, clinical psychologist, advanced practice psychiatric nurse, or qualified examiner making the certification and his or her employer shall not be held criminally, civilly, or professionally liable for making or not making the certification required under this subsection, except for willful or wanton misconduct. This subsection does not apply to a person whose firearm possession rights have been restored through administrative or judicial action under Section 10 or 11 of this Act.

Upon revocation of a person's Firearm Owner's Identification Card, the Illinois State Police shall provide notice to the person and the person shall comply with Section 9.5 of this Act.

(Source: P.A. 101-80, eff. 7-12-19; 102-538, eff. 8-20-21; 102-645, eff. 1-1-22; 102-813, eff. 5-13-22; 102-1030, eff. 5-27-22; 102-1116, eff. 1-10-23.)

(430 ILCS 65/8.1) (from Ch. 38, par. 83-8.1)

Sec. 8.1. Notifications to the Illinois State Police.

(a) The Circuit Clerk shall, in the form and manner required by the Supreme Court, notify the Illinois State Police of all final dispositions of cases for which the Department has received information reported to it under Sections 2.1 and 2.2 of the Criminal Identification Act.

(b) Upon adjudication of any individual as a person with a mental disability as defined in Section 1.1 of this Act or a finding that a person has been involuntarily admitted, the court shall direct the circuit court clerk to immediately notify the Illinois State Police, Firearm Owner's Identification (FOID) department, and shall forward a copy of the court order to the Department.

(b-1) Beginning July 1, 2016, and each July 1 and December 30 of every year thereafter, the circuit court clerk shall, in the form and manner prescribed by the Illinois State Police, notify the Illinois State Police, Firearm Owner's Identification (FOID) department if the court has not directed the circuit court clerk to notify the Illinois State Police, Firearm Owner's Identification (FOID) department under subsection (b) of

this Section, within the preceding 6 months, because no person has been adjudicated as a person with a mental disability by the court as defined in Section 1.1 of this Act or if no person has been involuntarily admitted. The Supreme Court may adopt any orders or rules necessary to identify the persons who shall be reported to the Illinois State Police under subsection (b), or any other orders or rules necessary to implement the requirements of this Act.

(c) The Department of Human Services shall, in the form and manner prescribed by the Illinois State Police, report all information collected under subsection (b) of Section 12 of the Mental Health and Developmental Disabilities Confidentiality Act for the purpose of determining whether a person who may be or may have been a patient in a mental health facility is disqualified under State or federal law from receiving or retaining a Firearm Owner's Identification Card, or purchasing a weapon.

(d) If a person is determined to pose a clear and present danger to himself, herself, or to others:

(1) by a physician, clinical psychologist, advanced practice psychiatric nurse, or qualified examiner, or is determined to have a developmental disability by a physician, clinical psychologist, advanced practice psychiatric nurse, or qualified examiner, whether employed by the State or privately, then the physician, clinical psychologist, advanced practice psychiatric nurse, or qualified examiner shall, within 24 hours of making the determination, notify the Department of Human Services that the person poses a clear and present danger or has a developmental disability; or

(2) by a law enforcement official or school administrator, then the law enforcement official or school administrator shall, within 24 hours of making the determination, notify the Illinois State Police that the person poses a clear and present danger.

The Department of Human Services shall immediately update its records and information relating to mental health and developmental disabilities, and if appropriate, shall notify the Illinois State Police in a form and manner prescribed by the Illinois State Police. The Illinois State Police shall determine whether to revoke the person's Firearm Owner's Identification Card under Section 8 of this Act. Any information disclosed under this subsection shall remain privileged and confidential, and shall not be redisclosed, except as required under subsection (e) of Section 3.1 of this Act, nor used for any other purpose. The method of providing this information shall guarantee that the information is not released beyond what is necessary for the purpose of this Section and shall be provided by rule by the Department of Human Services. The identity of the person reporting under this Section shall not be disclosed to the subject of the report. The physician, clinical psychologist, advanced practice psychiatric nurse, qualified examiner, law enforcement official, or school administrator making the determination and his or her employer shall not be held criminally, civilly, or professionally liable for making or not making the notification required under this subsection, except for willful or wanton misconduct.

(e) The Illinois State Police shall adopt rules to implement this Section.

(Source: P.A. 102-538, eff. 8-20-21.)

(430 ILCS 65/10) (from Ch. 38, par. 83-10)

Sec. 10. Appeals; hearing; relief from firearm prohibitions.

(a) Whenever an application for a Firearm Owner's Identification Card is denied or whenever such a Card is revoked or seized as provided for in Section 8 of this Act, the aggrieved party may (1) file a record challenge with the Director regarding the record upon which the decision to deny or revoke the Firearm Owner's Identification Card was based under subsection (a-5); or (2) appeal to the Director of the Illinois State Police through December 31, 2022, or beginning January 1, 2023, the Firearm Owner's Identification Card Review Board for a hearing seeking relief from such denial or revocation unless the denial or revocation was based upon a forcible felony, stalking, aggravated stalking, domestic battery, any violation of the Illinois Controlled Substances Act, the Methamphetamine Control and Community Protection Act, or the Cannabis Control Act that is classified as a Class 2 or greater felony, any felony violation of Article 24 of the Criminal Code of 1961 or the Criminal Code of 2012, or any adjudication as a delinquent minor for the commission of an offense that if committed by an adult would be a felony, in which case the aggrieved party may petition the circuit court in writing in the county of his or her residence for a hearing seeking relief from such denial or revocation.

(a-5) There is created a Firearm Owner's Identification Card Review Board to consider any appeal under subsection (a) beginning January 1, 2023, other than an appeal directed to the circuit court and except when the applicant is challenging the record upon which the decision to deny or revoke was based as provided in subsection (a-10).

(0.05) In furtherance of the policy of this Act that the Board shall exercise its powers and duties in an independent manner, subject to the provisions of this Act but free from the direction, control, or

influence of any other agency or department of State government. All expenses and liabilities incurred by the Board in the performance of its responsibilities hereunder shall be paid from funds which shall be appropriated to the Board by the General Assembly for the ordinary and contingent expenses of the Board.

(1) The Board shall consist of 7 members appointed by the Governor, with the advice and consent of the Senate, with 3 members residing within the First Judicial District and one member residing within each of the 4 remaining Judicial Districts. No more than 4 members shall be members of the same political party. The Governor shall designate one member as the chairperson. The members shall have actual experience in law, education, social work, behavioral sciences, law enforcement, or community affairs or in a combination of those areas.

(2) The terms of the members initially appointed after January 1, 2022 (the effective date of Public Act 102-237) shall be as follows: one of the initial members shall be appointed for a term of one year, 3 shall be appointed for terms of 2 years, and 3 shall be appointed for terms of 4 years. Thereafter, members shall hold office for 4 years, with terms expiring on the second Monday in January immediately following the expiration of their terms and every 4 years thereafter. Members may be reappointed. Vacancies in the office of member shall be filled in the same manner as the original appointment, for the remainder of the unexpired term. The Governor may remove a member for incompetence, neglect of duty, malfeasance, or inability to serve. Members shall receive compensation in an amount equal to the compensation of members of the Executive Ethics Commission and, beginning July 1, 2023, shall be compensated from appropriations provided to the Comptroller for this purpose. Members may be reimbursed, from funds appropriated for such a purpose, for reasonable expenses actually incurred in the performance of their Board duties. The Illinois State Police shall designate an employee to serve as Executive Director of the Board and provide logistical and administrative assistance to the Board.

(3) The Board shall meet at least quarterly each year and at the call of the chairperson as often as necessary to consider appeals of decisions made with respect to applications for a Firearm Owner's Identification Card under this Act. If necessary to ensure the participation of a member, the Board shall allow a member to participate in a Board meeting by electronic communication. Any member participating electronically shall be deemed present for purposes of establishing a quorum and voting.

(4) The Board shall adopt rules for the review of appeals and the conduct of hearings. The Board shall maintain a record of its decisions and all materials considered in making its decisions. All Board decisions and voting records shall be kept confidential and all materials considered by the Board shall be exempt from inspection except upon order of a court.

(5) In considering an appeal, the Board shall review the materials received concerning the denial or revocation by the Illinois State Police. By a vote of at least 4 members, the Board may request additional information from the Illinois State Police or the applicant or the testimony of the Illinois State Police or the applicant. The Board may require that the applicant submit electronic fingerprints to the Illinois State Police for an updated background check if the Board determines it lacks sufficient information to determine eligibility. The Board may consider information submitted by the Illinois State Police, a law enforcement agency, or the applicant. The Board shall review each denial or revocation and determine by a majority of members whether an applicant should be granted relief under subsection (c).

(6) The Board shall by order issue summary decisions. The Board shall issue a decision within 45 days of receiving all completed appeal documents from the Illinois State Police and the applicant. However, the Board need not issue a decision within 45 days if:

(A) the Board requests information from the applicant, including, but not limited to, electronic fingerprints to be submitted to the Illinois State Police, in accordance with paragraph (5) of this subsection, in which case the Board shall make a decision within 30 days of receipt of the required information from the applicant;

(B) the applicant agrees, in writing, to allow the Board additional time to consider an appeal; or

(C) the Board notifies the applicant and the Illinois State Police that the Board needs an additional 30 days to issue a decision. The Board may only issue 2 extensions under this subparagraph (C). The Board's notification to the applicant and the Illinois State Police shall include an explanation for the extension.

(7) If the Board determines that the applicant is eligible for relief under subsection (c), the Board shall notify the applicant and the Illinois State Police that relief has been granted and the Illinois State Police shall issue the Card.

(8) Meetings of the Board shall not be subject to the Open Meetings Act and records of the Board shall not be subject to the Freedom of Information Act.

(9) The Board shall report monthly to the Governor and the General Assembly on the number of appeals received and provide details of the circumstances in which the Board has determined to deny Firearm Owner's Identification Cards under this subsection (a-5). The report shall not contain any identifying information about the applicants.

(a-10) Whenever an applicant or cardholder is not seeking relief from a firearms prohibition under subsection (c) but rather does not believe the applicant is appropriately denied or revoked and is challenging the record upon which the decision to deny or revoke the Firearm Owner's Identification Card was based, or whenever the Illinois State Police fails to act on an application within 30 days of its receipt, the applicant shall file such challenge with the Director. The Director shall render a decision within 60 business days of receipt of all information supporting the challenge. The Illinois State Police shall adopt rules for the review of a record challenge.

(b) At least 30 days before any hearing in the circuit court, the petitioner shall serve the relevant State's Attorney with a copy of the petition. The State's Attorney may object to the petition and present evidence. At the hearing, the court shall determine whether substantial justice has been done. Should the court determine that substantial justice has not been done, the court shall issue an order directing the Illinois State Police to issue a Card. However, the court shall not issue the order if the petitioner is otherwise prohibited from obtaining, possessing, or using a firearm under federal law.

(c) Any person prohibited from possessing a firearm under Sections 24-1.1 or 24-3.1 of the Criminal Code of 2012 or acquiring a Firearm Owner's Identification Card under Section 8 of this Act may apply to the Firearm Owner's Identification Card Review Board or petition the circuit court in the county where the petitioner resides, whichever is applicable in accordance with subsection (a) of this Section, requesting relief from such prohibition and the Board or court may grant such relief if it is established by the applicant to the court's or the Board's satisfaction that:

(0.05) when in the circuit court, the State's Attorney has been served with a written copy of the petition at least 30 days before any such hearing in the circuit court and at the hearing the State's Attorney was afforded an opportunity to present evidence and object to the petition;

(1) the applicant has not been convicted of a forcible felony under the laws of this State or any other jurisdiction within 20 years of the applicant's application for a Firearm Owner's Identification Card, or at least 20 years have passed since the end of any period of imprisonment imposed in relation to that conviction;

(2) the circumstances regarding a criminal conviction, where applicable, the applicant's criminal history and his reputation are such that the applicant will not be likely to act in a manner dangerous to public safety;

(3) granting relief would not be contrary to the public interest; and

(4) granting relief would not be contrary to federal law.

(c-5) (1) An active law enforcement officer employed by a unit of government or a Department of Corrections employee authorized to possess firearms who is denied, revoked, or has his or her Firearm Owner's Identification Card seized under subsection (e) of Section 8 of this Act may apply to the Firearm Owner's Identification Card Review Board requesting relief if the officer or employee did not act in a manner threatening to the officer or employee, another person, or the public as determined by the treating clinical psychologist or physician, and as a result of his or her work is referred by the employer for or voluntarily seeks mental health evaluation or treatment by a licensed clinical psychologist, psychiatrist, advanced practice psychiatric nurse, or qualified examiner, and:

(A) the officer or employee has not received treatment involuntarily at a mental health facility, regardless of the length of admission; or has not been voluntarily admitted to a mental health facility for more than 30 days and not for more than one incident within the past 5 years; and

(B) the officer or employee has not left the mental institution against medical advice.

(2) The Firearm Owner's Identification Card Review Board shall grant expedited relief to active law enforcement officers and employees described in paragraph (1) of this subsection (c-5) upon a determination by the Board that the officer's or employee's possession of a firearm does not present a threat to themselves, others, or public safety. The Board shall act on the request for relief within 30 business days of receipt of:

(A) a notarized statement from the officer or employee in the form prescribed by the Board detailing the circumstances that led to the hospitalization;

(B) all documentation regarding the admission, evaluation, treatment and discharge from the treating licensed clinical psychologist or psychiatrist of the officer;

(C) a psychological fitness for duty evaluation of the person completed after the time of discharge; and

(D) written confirmation in the form prescribed by the Board from the treating licensed clinical psychologist or psychiatrist that the provisions set forth in paragraph (1) of this subsection (c-5) have been met, the person successfully completed treatment, and their professional opinion regarding the person's ability to possess firearms.

(3) Officers and employees eligible for the expedited relief in paragraph (2) of this subsection (c-5) have the burden of proof on eligibility and must provide all information required. The Board may not consider granting expedited relief until the proof and information is received.

(4) "Clinical psychologist", "psychiatrist", advanced practice psychiatric nurse, and "qualified examiner" shall have the same meaning as provided in Chapter I of the Mental Health and Developmental Disabilities Code.

(c-10) (1) An applicant, who is denied, revoked, or has his or her Firearm Owner's Identification Card seized under subsection (e) of Section 8 of this Act based upon a determination of a developmental disability or an intellectual disability may apply to the Firearm Owner's Identification Card Review Board requesting relief.

(2) The Board shall act on the request for relief within 60 business days of receipt of written certification, in the form prescribed by the Board, from a physician or clinical psychologist, advanced practice psychiatric nurse, or qualified examiner, that the aggrieved party's developmental disability or intellectual disability condition is determined by a physician, clinical psychologist, or qualified to be mild. If a fact-finding conference is scheduled to obtain additional information concerning the circumstances of the denial or revocation, the 60 business days the Director has to act shall be tolled until the completion of the fact-finding conference.

(3) The Board may grant relief if the aggrieved party's developmental disability or intellectual disability is mild as determined by a physician, clinical psychologist, advanced practice psychiatric nurse, or qualified examiner and it is established by the applicant to the Board's satisfaction that:

(A) granting relief would not be contrary to the public interest; and

(B) granting relief would not be contrary to federal law.

(4) The Board may not grant relief if the condition is determined by a physician, clinical psychologist, advanced practice psychiatric nurse, or qualified examiner to be moderate, severe, or profound.

(5) The changes made to this Section by Public Act 99-29 apply to requests for relief pending on or before July 10, 2015 (the effective date of Public Act 99-29), except that the 60-day period for the Director to act on requests pending before the effective date shall begin on July 10, 2015 (the effective date of Public Act 99-29). All appeals as provided in subsection (a-5) pending on January 1, 2023 shall be considered by the Board.

(d) When a minor is adjudicated delinquent for an offense which if committed by an adult would be a felony, the court shall notify the Illinois State Police.

(e) The court shall review the denial of an application or the revocation of a Firearm Owner's Identification Card of a person who has been adjudicated delinquent for an offense that if committed by an adult would be a felony if an application for relief has been filed at least 10 years after the adjudication of delinquency and the court determines that the applicant should be granted relief from disability to obtain a Firearm Owner's Identification Card. If the court grants relief, the court shall notify the Illinois State Police that the disability has been removed and that the applicant is eligible to obtain a Firearm Owner's Identification Card.

(f) Any person who is subject to the disabilities of 18 U.S.C. 922(d)(4) and 922(g)(4) of the federal Gun Control Act of 1968 because of an adjudication or commitment that occurred under the laws of this State or who was determined to be subject to the provisions of subsections (e), (f), or (g) of Section 8 of this Act may apply to the Illinois State Police requesting relief from that prohibition. The Board shall grant the relief if it is established by a preponderance of the evidence that the person will not be likely to act in a manner dangerous to public safety and that granting relief would not be contrary to the public interest. In making this determination, the Board shall receive evidence concerning (i) the circumstances regarding the firearms disabilities from which relief is sought; (ii) the petitioner's mental health and criminal history

records, if any; (iii) the petitioner's reputation, developed at a minimum through character witness statements, testimony, or other character evidence; and (iv) changes in the petitioner's condition or circumstances since the disqualifying events relevant to the relief sought. If relief is granted under this subsection or by order of a court under this Section, the Director shall as soon as practicable but in no case later than 15 business days, update, correct, modify, or remove the person's record in any database that the Illinois State Police makes available to the National Instant Criminal Background Check System and notify the United States Attorney General that the basis for the record being made available no longer applies. The Illinois State Police shall adopt rules for the administration of this Section.
(Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21; 102-645, eff. 1-1-22; 102-813, eff. 5-13-22; 102-1115, eff. 1-9-23; 102-1129, eff. 2-10-23; 103-605, eff. 7-1-24.)

Section 40. The Mental Health and Developmental Disabilities Confidentiality Act is amended by changing Section 5 as follows:

(740 ILCS 110/5) (from Ch. 91 1/2, par. 805)

Sec. 5. Disclosure; consent.

(a) Except as provided in Sections 6 through 12.2 of this Act, records and communications may be disclosed to someone other than those persons listed in Section 4 of this Act only with the written consent of those persons who are entitled to inspect and copy a recipient's record pursuant to Section 4 of this Act.

(b) Every consent form shall be in writing and shall specify the following:

(1) the person or agency to whom disclosure is to be made;

(2) the purpose for which disclosure is to be made;

(3) the nature of the information to be disclosed;

(4) the right to inspect and copy the information to be disclosed;

(5) the consequences of a refusal to consent, if any; and

(6) the calendar date on which the consent expires, provided that if no calendar date is stated, information may be released only on the day the consent form is received by the therapist; and

(7) the right to revoke the consent at any time.

The consent form shall be signed by the person entitled to give consent ~~and the signature shall be witnessed by a person who can attest to the identity of the person so entitled~~. A copy of the consent and a notation as to any action taken thereon shall be entered in the recipient's record. Any revocation of consent shall be in writing, signed by the person who gave the consent ~~and the signature shall be witnessed by a person who can attest to the identity of the person so entitled~~. No written revocation of consent shall be effective to prevent disclosure of records and communications until it is received by the person otherwise authorized to disclose records and communications.

(c) Only information relevant to the purpose for which disclosure is sought may be disclosed. Blanket consent to the disclosure of unspecified information shall not be valid. Advance consent may be valid only if the nature of the information to be disclosed is specified in detail and the duration of the consent is indicated. Consent may be revoked in writing at any time; any such revocation shall have no effect on disclosures made prior thereto.

(d) No person or agency to whom any information is disclosed under this Section may redisclose such information unless the person who consented to the disclosure specifically consents to such redisclosure.

(e) Except as otherwise provided in this Act, records and communications shall remain confidential after the death of a recipient and shall not be disclosed unless the recipient's representative, as defined in the Probate Act of 1975 and the therapist consent to such disclosure or unless disclosure is authorized by court order after in camera examination and upon good cause shown.

(f) Paragraphs (a) through (e) of this Section shall not apply to and shall not be construed to limit insurance companies writing Life, Accident or Health insurance as defined in Section 4 of the Illinois Insurance Code in obtaining general consents for the release to them or their designated representatives of any and all confidential communications and records kept by agencies, hospitals, therapists or record custodians, and utilizing such information in connection with the underwriting of applications for coverage for such policies or contracts, or in connection with evaluating claims or liability under such policies or contracts, or coordinating benefits pursuant to policy or contract provisions.
(Source: P.A. 90-655, eff. 7-30-98)

(30 ILCS 105/5.653 rep.)

Section 50. The State Finance Act is amended by repealing Section 5.653.

(35 ILCS 5/507JJ rep.)
Section 55. The Illinois Income Tax Act is amended by repealing Section 507JJ.

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

There being no further amendments, the foregoing Amendment No. 2 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Holmes, **Senate Bill No. 9** 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 9
AMENDMENT NO. 1 . Amend Senate Bill 9 by replacing everything after the enacting clause with the following:

"Section 1. Short title; references to Act.
(a) Short Title. This Act may be cited as the End-of-Life Options for Terminally Ill Patients Act.
(b) References to Act. This Act may be referred to as Deb's Law.

Section 5. Findings and intent.
(a) The General Assembly finds that:
(1) Medical aid in dying is part of general medical care and complements other end-of-life options, such as comfort care, pain control, palliative care, and hospice care, for individuals to have an end-of-life experience aligned with their beliefs and values.
(2) The availability of medical aid in dying provides an additional end-of-life care option for terminally ill individuals who seek to retain their autonomy and some level of control over the progression of the disease as they near the end of life or to ease unnecessary pain and suffering.
(3) Illinoisans facing a terminal diagnosis have been at the forefront of statewide efforts to provide the full range of end-of-life care options available in 10 states and the District of Columbia, to qualified mentally capable terminal adults residing in Illinois through the addition of medical aid-in-dying care as an end-of-life option in their home state. Advocates include:
(A) Deb Robertson, a lifelong Illinois resident who has been living with a rare form of her terminal illness, who wants to live but knows that she is going to die, and who has been actively engaged in advocacy to change Illinois law because she doesn't want to move to another state in order to access the end-of-life medical care that would bring her comfort and reduce her fear related to the pain of dying.
(B) Andrew Flack, who could not move back to Illinois to be with his family after his terminal diagnosis and instead had to live hundreds of miles away from his family, in a state that offered medical aid-in-dying care, in order to have a painless death surrounded by his loved ones.
(C) Miguel Carrasquillo, who despite enduring excruciatingly painful treatments to cure his cancer, which spread to his liver, stomach, testicles, and other organs, continued to advocate for a change in the law until his death, so other Illinoisans with a terminal diagnosis would not be forced to suffer at the end of their lives and die in pain as he did but would instead have the option of medical aid-in-dying care.
(4) Illinoisans throughout the State, across demographics, including religion, political affiliation, race, gender, disability, and age, also support the inclusion of medical aid-in-dying care in the options available for end-of-life care. Supporters and advocates recognize that mentally capable adult individuals have a fundamental right to determine their own medical treatment options in accordance with their own values, beliefs, or personal preferences, and having the option of medical aid in dying is an expression of this fundamental right. This includes advocates, like Lowell Sachnoff, who, alongside his wife Fay Clayton, was a tireless advocate for the expansion of end-of-life options for terminally ill adults over the course of a decade, up to and including the day he died.

(b) It is the intent of the General Assembly to uphold both the highest standard of medical care and the full range of options for each individual, particularly at the end of life.

Section 10. Definitions. As used in this Act:

"Adult" means an individual 18 years of age or older.

"Advanced practice registered nurse" means an advanced practice registered nurse licensed under the Nurse Practice Act who is certified as a psychiatric mental health practitioner.

"Aid in dying" means an end-of-life care option that allows a qualified patient to obtain a prescription for medication pursuant to this Act.

"Attending physician" means the physician who has primary responsibility for the care of the patient and treatment of the patient's terminal disease.

"Clinical psychologist" means a psychologist licensed under the Clinical Psychologist Licensing Act.

"Clinical social worker" means a person licensed under the Clinical Social Work and Social Work Practice Act.

"Coercion or undue influence" means the willful attempt, whether by deception, intimidation, or any other means to:

(1) cause a patient to request, obtain, or self-administer medication pursuant to this Act with intent to cause the death of the patient; or

(2) prevent a qualified patient, in a manner that conflicts with the Health Care Right of Conscience Act, from obtaining or self-administering medication pursuant to this Act.

"Consulting physician" means a physician who is qualified by specialty or experience to make a professional diagnosis and prognosis regarding the patient's disease.

"Department" means the Department of Public Health.

"Health care entity" means a hospital or hospital affiliate, nursing home, hospice or any other facility licensed under any of the following Acts: the Ambulatory Surgical Treatment Center Act; the Home Health, Home Services, and Home Nursing Agency Licensing Act; the Hospice Program Licensing Act; the Hospital Licensing Act; the Nursing Home Care Act; or the University of Illinois Hospital Act. "Health care entity" does not include a physician.

"Health care professional" means a physician, pharmacist, or licensed mental health professional.

"Informed decision" means a decision by a patient with mental capacity and a terminal disease to request and obtain a prescription for medication pursuant to this Act, that the qualified patient may self-administer to bring about a peaceful death, after being fully informed by the attending physician and consulting physician of:

(1) the patient's diagnosis and prognosis;

(2) the potential risks and benefits associated with taking the medication to be prescribed;

(3) the probable result of taking the medication to be prescribed;

(4) the feasible end-of-life care and treatment options for the patient's terminal disease, including, but not limited to, comfort care, palliative care, hospice care, and pain control, and the risks and benefits of each;

(5) the patient's right to withdraw a request pursuant this Act, or consent for any other treatment, at any time; and

(6) the patient's right to choose not to obtain the drug or to choose to obtain the drug but not to ingest it.

"Licensed mental health care professional" means a psychiatrist, clinical psychologist, clinical social worker, or advanced practice registered nurse.

"Mental capacity" means that, in the opinion of the attending physician or the consulting physician or, if the opinion of a licensed mental health care professional is required under Section 45, the licensed mental health care professional, the patient requesting medication pursuant to this Act has the ability to make and communicate an informed decision.

"Oral request" means an affirmative statement that demonstrates a contemporaneous affirmatively stated desire by the patient seeking aid in dying.

"Pharmacist" means an individual licensed to engage in the practice of pharmacy under the Pharmacy Practice Act.

"Physician" means a person licensed to practice medicine in all of its branches under the Medical Practice Act of 1987.

"Psychiatrist" means a physician who has successfully completed a residency program in psychiatry accredited by either the Accreditation Council for Graduate Medical Education or the American Osteopathic Association.

"Qualified patient" means an adult Illinois resident with the mental capacity to make medical decisions who has satisfied the requirements of this Act in order to obtain a prescription for medication to bring about a peaceful death. No person will be considered a "qualified patient" under this Act solely because of advanced age, disability, or a mental health condition, including depression.

"Self-administer" means an affirmative, conscious, voluntary action, performed by a qualified patient, to ingest medication prescribed pursuant to this Act to bring about the patient's peaceful death. "Self-administer" does not include administration by parenteral injection or infusion.

"Terminal disease" means an incurable and irreversible disease that will, within reasonable medical judgment, result in death within 6 months. The existence of a terminal disease, as determined after in-person examination by the patient's physician and concurrence by another physician, shall be documented in writing in the patient's medical record. A diagnosis of a major depressive disorder, as defined in the current edition of the Diagnostic and Statistical Manual of Mental Disorders, alone does not qualify as a terminal disease.

Section 15. Informed consent.

(a) Nothing in this Act may be construed to limit the amount of information provided to a patient to ensure the patient can make a fully informed health care decision.

(b) An attending physician must provide sufficient information to a patient regarding all appropriate end-of-life care options, including comfort care, hospice care, palliative care, and pain control, as well as the foreseeable risks and benefits of each, so that the patient can make a voluntary and affirmative decision regarding the patient's end-of-life care.

(c) If a patient makes a request for the patient's medical records to be transmitted to an alternative physician, the patient's medical records shall be transmitted without undue delay.

Section 20. Standard of care. Nothing contained in this Act shall be interpreted to lower the applicable standard of care for the health care professionals participating under this Act.

Section 25. Qualification.

(a) A qualified patient with a terminal disease may request a prescription for medication under this Act in the following manner:

(1) The qualified patient may orally request a prescription for medication under this Act from the patient's attending physician.

(2) The oral request from the qualified patient shall be documented by the attending physician.

(3) The qualified patient shall provide a written request in accordance with this Act to the patient's attending physician after making the initial oral request.

(4) The qualified patient shall repeat the oral request to the patient's attending physician no less than 5 days after making the initial oral request.

(b) The attending and consulting physicians of a qualified patient shall have met all the requirements of Sections 35 and 40.

(c) Notwithstanding subsection (a), if the individual's attending physician has medically determined that the individual will, within reasonable medical judgment, die within 5 days after making the initial oral request under this Section, the individual may satisfy the requirements of this Section by providing a written request and reiterating the oral request to the attending physician at any time after making the initial oral request.

(d) At the time the patient makes the second oral request, the attending physician shall offer the patient an opportunity to rescind the request.

(e) Oral and written requests for aid in dying may be made only by the patient and shall not be made by the patient's surrogate decision-maker, health care proxy, health care agent, attorney-in-fact for health care, guardian, nor via advance health care directive.

(f) If a requesting patient decides to transfer care to an alternative physician, the records custodian shall, upon written request, transmit, without undue delay, the patient's medical records, including written documentation of the dates of the patient's requests concerning aid in dying.

(g) A transfer of care or medical records does not toll or restart any waiting period.

Section 30. Form of written request.

(a) A written request for medication under this Act shall be in substantially the form under subsection (e), signed and dated by the requesting patient, and witnessed in the presence of the patient by at least 2 witnesses who attest that to the best of their knowledge and belief the patient has mental capacity, is acting voluntarily, and is not being coerced or unduly influenced to sign the request.

(b) One of the witnesses required under this Section must be a person who is not:

(1) a relative of the patient by blood, marriage, civil union, registered domestic partnership, or adoption;

(2) a person who, at the time the request is signed, would be entitled to any portion of the estate of the qualified patient upon death, under any will or by operation of law; or

(3) an owner, operator, or employee of a health care entity where the qualified patient is receiving medical treatment or is a resident.

(c) The patient's attending physician at the time the request is signed shall not be a witness.

(d) If a person uses an interpreter, the interpreter shall not be a witness.

(e) The written request for medication under this Act shall be substantially as follows:

"Request for Medication to End My Life in a Peaceful Manner

I, ... (NAME OF PATIENT), am an adult of sound mind, and a resident of Illinois. I have been diagnosed with ..... (NAME OF CONDITION) and given a terminal disease prognosis of 6 months or less to live by my attending physician.

I affirm that my terminal disease diagnosis was given or confirmed during at least one in-person visit to a health care professional.

I have been fully informed of the feasible alternatives and concurrent or additional treatment opportunities for my terminal disease, including, but not limited to, comfort care, palliative care, hospice care, or pain control, as well as the potential risks and benefits of each. I have been offered, have received, or have been offered and received resources or referrals to pursue these alternatives and concurrent or additional treatment opportunities for my terminal disease.

I have been fully informed of the nature of the medication to be prescribed, including the risks and benefits, and I understand that the likely outcome of self-administering the medication is death.

I understand that I can rescind this request at any time, that I am under no obligation to fill the prescription once written, and that I have no duty to self-administer the medication if I obtain it.

I request that my attending physician furnish a prescription for medication that will end my life if I choose to self-administer it, and I authorize my attending physician to transmit the prescription to a pharmacist to dispense the medication at a time of my choosing.

I make this request voluntarily, free from coercion or undue influence.

Dated: .....

Signed .....

(patient)

Dated: .....

Signed .....

(witness #1)

Dated: .....

Signed .....

(witness #2)"

(f) The interpreter attachment for a written request for medication under this Act shall be substantially as follows:

"Request for Medication to End My Life in a Peaceful Manner
Interpreter Attachment

I, ... (NAME OF INTERPRETER), am fluent in English and ..... (LANGUAGE OF PATIENT, INCLUDING SIGN LANGUAGE).

On ..... (DATE) at approximately ..... (TIME), I read the "Request for Medication to End My Life in a Peaceful Manner" form to ..... (NAME OF PATIENT) in ..... (LANGUAGE OF PATIENT, INCLUDING SIGN LANGUAGE).

..... (NAME OF PATIENT) affirmed to me that they understand the content of this form, that they desire to sign this form under their own power and volition, and that they requested to sign the form after consultations with an attending physician.

Under penalty of perjury, I declare that I am fluent in English and ..... (LANGUAGE OF PATIENT, INCLUDING SIGN LANGUAGE) and that the contents of this form, to the best of my knowledge, are true and correct. Executed at ..... (NAME OF CITY, COUNTY, AND STATE) on ..... (DATE).

Interpreter's signature: .....

Interpreter's printed name: .....

Interpreter's address: .....".

Section 35. Attending physician responsibilities.

(a) Following the request of a patient for aid in dying, the attending physician shall conduct an evaluation of the patient and:

(1) determine whether the patient has a terminal disease or has been diagnosed as having a terminal disease;

(2) determine whether a patient has mental capacity;

(3) confirm that the patient's request does not arise from coercion or undue influence;

(4) inform the patient of:

(A) the diagnosis;

(B) the prognosis;

(C) the potential risks, benefits, and probable result of self-administering the prescribed medication to bring about a peaceful death;

(D) the potential benefits and risks of feasible alternatives, including, but not limited to, concurrent or additional treatment options for the patient's terminal disease, comfort care, palliative care, hospice care, and pain control; and

(E) the patient's right to rescind the request for medication pursuant to this Act at any time;

(5) inform the patient that there is no obligation to fill the prescription nor an obligation to self-administer the medication, if it is obtained;

(6) provide the patient with a referral for comfort care, palliative care, hospice care, pain control, or other end-of-life treatment options as requested by the patient and as clinically indicated;

(7) refer the patient to a consulting physician for medical confirmation that the patient requesting medication pursuant to this Act:

(A) has a terminal disease with a prognosis of 6 months or less to live; and

(B) has mental capacity.

(8) include the consulting physician's written determination in the patient's medical record;

(9) refer the patient to a licensed mental health professional in accordance with Section 45 if the attending physician observes signs that the individual may not be capable of making an informed decision;

(10) include the licensed mental health professional's written determination in the patient's medical record, if such determination was requested;

(11) inform the patient of the benefits of notifying the next of kin of the patient's decision to request medication pursuant to this Act;

(12) fulfill the medical record documentation requirements;

(13) ensure that all steps are carried out in accordance with this Act before providing a prescription to a qualified patient for medication pursuant to this Act including:

(A) confirming that the patient has made an informed decision to obtain a prescription for medication;

(B) offering the patient an opportunity to rescind the request for medication; and

(C) providing information to the patient on:

(i) the recommended procedure for self-administering the medication to be prescribed;

(ii) the safekeeping and proper disposal of unused medication in accordance with State and federal law;

(iii) the importance of having another person present when the patient self-administers the medication to be prescribed; and

(iv) not taking the aid-in-dying medication in a public place;

(14) deliver, in accordance with State and federal law, the prescription personally, by mail, or through an authorized electronic transmission to a licensed pharmacist who will dispense the medication, including any ancillary medications, to the qualified patient, or to a person expressly designated by the qualified patient in person or with a signature required on delivery, by mail service, or by messenger service;

(15) if authorized by the Drug Enforcement Administration, dispense the prescribed medication, including any ancillary medications, to the qualified patient or a person designated by the qualified patient; and

(16) include, in the qualified patient's medical record, the patient's diagnosis and prognosis, determination of mental capacity, the date of each oral request, a copy of the written request, a notation that the requirements under this Section have been completed, and an identification of the medication and ancillary medications prescribed to the qualified patient pursuant to this Act.

(b) Notwithstanding any other provision of law, the attending physician may sign the patient's death certificate.

Section 40. Consulting physician responsibilities. A consulting physician shall:

(1) conduct an evaluation of the patient and review the patient's relevant medical records, including the evaluation pursuant to Section 45, if such evaluation was necessary;

(2) confirm in writing to the attending physician that the patient:

(A) has requested a prescription for aid-in-dying medication;

(B) has a documented terminal disease;

(C) has mental capacity or has provided documentation that the consulting health care professional has referred the individual for further evaluation in accordance with Section 45; and

(D) is acting voluntarily, free from coercion or undue influence.

Section 45. Referral for determination that the requesting patient has mental capacity.

(a) If either the attending physician or the consulting physician has doubts whether the individual has mental capacity and if either one is unable to confirm that the individual is capable of making an informed decision, the attending physician or consulting physician shall refer the patient to a licensed mental health professional for determination regarding mental capability.

(b) The licensed mental health professional shall additionally determine whether the patient is suffering from a psychiatric or psychological disorder causing impaired judgment.

(c) The licensed mental health professional who evaluates the patient under this Section shall submit to the requesting attending or consulting physician a written determination of whether the patient has mental capacity.

(d) If the licensed mental health professional determines that the patient does not have mental capacity, or is suffering from a psychiatric or psychological disorder causing impaired judgment, the patient shall not be deemed a qualified patient and the attending physician shall not prescribe medication to the patient under this Act.

Section 50. Residency requirement.

(a) Only requests made by Illinois residents may be granted under this Act.

(b) A patient is able to establish residency through any one or more of the following means:

(1) possession of a driver's license or other identification issued by the Secretary of State or State of Illinois;

(2) registration to vote in Illinois;

(3) evidence that the person owns, rents, or leases property in Illinois;

(4) the location of any dwelling occupied by the person;

(5) the place where any motor vehicle owned by the person is registered;

(6) the residence address, not a post office box, shown on an income tax return filed for the year preceding the year in which the person initially makes an oral request under this Act;

(7) the residence address, not a post office box, at which the person's mail is received;

(8) the residence address, not a post office box, shown on any unexpired resident hunting or fishing or other licenses held by the person;

(9) the receipt of any public benefit conditioned upon residency; or

(10) any other objective facts tending to indicate a person's place of residence is in Illinois.

Section 55. Safe disposal of unused medications. A person who has custody or control of medication prescribed pursuant to this Act after the qualified patient's death shall dispose of the medication by delivering it to the nearest qualified facility that properly disposes of controlled substances or, if none is available, by lawful means in accordance with applicable State and federal guidelines.

Section 60. Health care professional protections; no duty to provide aid in dying.

(a) A health care professional shall not be under any duty, by law or contract, to participate in the provision of aid-in-dying care to a patient as set forth in this Act.

(b) A health care professional shall not be subject to civil or criminal liability for participating or refusing to participate in the provision of aid-in-dying care to a patient in good faith compliance with this Act.

(c) Except as set forth in Section 65, a health care entity or licensing board shall not subject a health care professional to censure, discipline, suspension, loss of license, loss of privileges, loss of membership, or other penalty for participating or refusing to participate in accordance with this Act.

(d) A health care professional may choose not to engage in aid-in-dying care.

(e) Only willing health care professionals shall provide aid-in-dying care in accordance with this Act. If a health care professional is unable or unwilling to carry out a patient's request under this Act, and the patient transfers the patient's care to a new health care professional, the prior health care professional shall transmit, upon request, a copy of the patient's relevant medical records to the new health care professional without undue delay.

(f) A health care professional shall not engage in false, misleading, or deceptive practices relating to a willingness to qualify a patient or provide aid-in-dying care. Intentionally misleading a patient constitutes coercion or undue influence.

(g) The provisions of the Health Care Right of Conscience Act apply to this Act and are incorporated by reference.

Section 65. Health care entity protections and permissible prohibitions and duties.

(a) A health care entity shall not be under any duty, by law or contract, to participate in the provision of aid-in-dying care to a patient as set forth in this Act.

(b) A health care entity shall not be subject to civil or criminal liability for participating or refusing to participate in the provision of aid-in-dying care to a patient in good faith compliance with this Act.

(c) A health care entity may prohibit health care professionals, staff, employees, or independent contractors, from practicing aid-in-dying care while performing duties for the entity. A prohibiting entity must provide advance notice in writing to health care professionals and staff at the time of hiring, contracting with, or privileging and on a yearly basis thereafter. Such policies prohibiting aid-in-dying care may include provisions for the health care entity to take disciplinary action, including, but not limited to, termination for those employees, independent contractors, and staff who violate the health care entity's policies, consistent with existing disciplinary policies.

(d) If a patient wishes to transfer care to another health care entity, the prohibiting entity shall coordinate a timely transfer of care, including transmitting, without undue delay, the patient's medical records.

(e) No health care entity shall prohibit a health care professional from:

(1) providing information to a patient regarding the patient's health status, including, but not limited to, diagnosis, prognosis, recommended treatment and treatment alternatives, and the risks and benefits of each;

(2) providing information regarding health care services available pursuant to this Act, information about relevant community resources, and how to access those resources for obtaining care of the patient's choice;

(3) practicing aid-in-dying care outside the scope of the health care professional's employment or contract with the prohibiting entity and off the premises of the prohibiting entity; provided, however, that in such event the health care professional shall explicitly tell the patient that such health care professional is providing such services independently and not as a representative of their associated health care entity; or

(4) being present, if outside the scope of the health care professional's employment or contractual duties, when a qualified patient self-administers medication prescribed pursuant to this Act or at the time of death, if requested by the qualified patient or their representative.

(f) A health care entity shall not engage in false, misleading, or deceptive practices relating to its policy around end-of-life care services, including whether it has a policy that prohibits affiliated health care professionals from practicing aid-in-dying care; or intentionally denying a patient access to medication pursuant to this Act by intentionally failing to transfer a patient and the patient's medical records to another health care professional in a timely manner. Intentionally misleading a patient or deploying misinformation to obstruct access to services pursuant to this Act constitutes coercion or undue influence.

(g) The provisions of the Health Care Right of Conscience Act apply to this Act and are incorporated by reference.

(h) If any part of this Section is found to be in conflict with federal requirements which are a prescribed condition to receipt of federal funds, the conflicting part of this Section is inoperative solely to the extent of the conflict with respect to the entity directly affected, and such finding or determination shall not affect the operation of the remainder of the Section or this Act.

Section 70. Immunities for actions in good faith; prohibition against reprisals.

(a) Except as set forth in Section 65, a health care professional or health care entity shall not be subject to civil or criminal liability, licensing sanctions, or other professional disciplinary action for actions taken in good faith compliance with this Act.

(b) If a health care professional or health care entity is unable or unwilling to carry out an individual's request for aid in dying, the professional or entity shall, at a minimum:

(1) inform the individual of the professional's or entity's inability or unwillingness;

(2) refer the individual either to a health care professional who is able and willing to evaluate and qualify the individual or to another individual or entity to assist the requesting individual in seeking aid in dying, in accordance with the Health Care Right of Conscience Act; and

(3) note, in the medical record, the individual's date of request and health care professional's notice to the individual of the health care professional's unwillingness or inability to carry out the individual's request.

(c) Except as set forth in Section 65, a health care entity or licensing board shall not subject a health care professional to censure, discipline, suspension, loss of license, loss of privileges, loss of membership, or other penalty for engaging in good faith compliance with this Act.

(d) Except as set forth in Section 65, a health care professional, health care entity, or licensing board shall not subject a health care professional to discharge, demotion, censure, discipline, suspension, loss of license, loss of privileges, loss of membership, discrimination, or any other penalty for providing aid-in-dying care in accordance with the standard of care and in good faith under this Act when:

(1) engaged in the outside practice of medicine and off of the objecting health care entity's premises; or

(2) providing scientific and accurate information about aid-in-dying care to a patient when discussing end-of-life care options.

(e) A physician is not subject to civil or criminal liability or professional discipline if, at the request of the qualified patient, the physician is present outside the scope of the physician's employment contract and off the entity's premises, when the qualified patient self-administers medication pursuant to this Act, or at the time of death.

(f) A physician who is present at self-administration may, without civil or criminal liability, assist the qualified patient by preparing the medication prescribed pursuant to this Act.

(g) A request by a patient for aid in dying does not alone constitute grounds for neglect or elder abuse for any purpose of law, nor shall it be the sole basis for appointment of a guardian.

(h) This Section does not limit civil liability for intentional misconduct.

Section 75. Reporting requirements.

(a) Within 45 days after the effective date of this Act, the Department shall create and post to its website an Attending Physician Checklist Form and Attending Physician Follow-Up Form to facilitate collection of the information described in this Section. Failure to create or post the Attending Physician Checklist Form, the Attending Physician Follow-Up Form, or both shall not suspend the effective date of this Act.

(b) Within 30 calendar days of providing a prescription for medication pursuant to this Act, the attending physician shall submit to the Department an Attending Physician Checklist Form with the following information:

(1) the qualifying patient's name and date of birth;

(2) the qualifying patient's terminal diagnosis and prognosis;

(3) notice that the requirements under this Act were completed; and

(4) notice that medication has been prescribed pursuant to this Act.

(c) Within 60 calendar days of notification of a qualified patient's death from self-administration of medication prescribed pursuant to this Act, the attending physician shall submit to the Department, an Attending Physician Follow-Up Form with the following information:

(1) the qualified patient's name and date of birth;

(2) the date of the qualified patient's death; and

(3) a notation of whether the qualified patient was enrolled in hospice services at the time of the qualified patient's death.

(d) The information collected shall be confidential and shall be collected in a manner that protects the privacy of the patient, the patient's family, and any health care professional involved with the patient under the provisions of this Act. The information shall be privileged and strictly confidential, and shall not be disclosed, discoverable, or compelled to be produced in any civil, criminal, administrative, or other proceeding.

(e) One year after the effective date of this Act, and each year thereafter, the Department shall create and post on its website a public statistical report of nonidentifying information. The report shall be limited to:

(1) the number of prescriptions for medication written pursuant to this Act;

(2) the number of physicians who wrote prescriptions for medication pursuant to this Act;

(3) the number of qualified patients who died following self-administration of medication prescribed and dispensed pursuant to this Act; and

(4) the number of people who died due to using an aid-in-dying drug, with demographic percentages organized by the following characteristics as aggregated and de-identified data sets:

(A) age at death;

(B) education level;

(C) race;

(D) gender;

(E) type of insurance, including whether the patient had insurance;

(F) underlying illness; and

(G) enrollment in hospice.

(f) Except as otherwise required by law, the information collected by the Department is not a public record, is not available for public inspection, and is not available through the Freedom of Information Act.

(g) Willful failure or refusal to timely submit records required under this Act may result in disciplinary action.

Section 80. Effect on construction of wills, contracts, and statutes.

(a) No provision in a contract, will, or other agreement, whether written or oral, that would determine whether a patient may make or rescind a request pursuant to this Act is valid.

(b) No obligation owing under any contract that is in effect on the effective date of this Act shall be conditioned or affected by a patient's act of making or rescinding a request pursuant to this Act.

(c) It is unlawful for an insurer to deny or alter health care benefits otherwise available to a patient with a terminal disease based on the availability of aid-in-dying care or otherwise attempt to coerce a patient with a terminal disease to make a request for aid-in-dying medication.

(d) Nothing in this Act prevents an insurer from exercising any right to void a policy based on a material misrepresentation, as provided under Section 154 of the Illinois Insurance Code, in an application for insurance.

Section 85. Insurance or annuity policies.

(a) The sale, procurement, or issuance of a life, health, or accident insurance policy, annuity policy, or the rate charged for a policy shall not be conditioned upon or affected by a patient's act of making or rescinding a request for medication pursuant to this Act.

(b) A qualified patient's act of self-administering medication pursuant to this Act does not invalidate any part of a life, health, or accident insurance, or annuity policy.

(c) An insurance plan, including medical assistance under Article V of the Illinois Public Aid Code, shall not deny or alter benefits to a patient with a terminal disease who is a covered beneficiary of a health insurance plan, based on the availability of aid-in-dying care, their request for medication pursuant to this Act, or the absence of a request for medication pursuant to this Act. Failure to meet this requirement shall constitute a violation of the Illinois Insurance Code.

(d) The Department of Insurance shall enforce the provisions of this Act with respect to any life, health, or accident insurance policy or annuity policy pursuant to the enforcement powers granted to it by law. A violation of this Act by any person or entity under the jurisdiction of the Department of Insurance shall be deemed a violation of the relevant provisions of the Illinois Insurance Code under which the person or entity is authorized to transact business in this State.

(e) For the purposes of this Act, "life, health, or accident insurance policy or annuity policy" means any insurance under Class 1(a), 1(b), or 2(a) of the Illinois Insurance Code, a health care plan under the Health Maintenance Organization Act, a limited health care plan under the Limited Health Service Organization Act, a dental service plan under the Dental Service Plans Act, or a voluntary health services plan under the Voluntary Health Services Plan Act.

Section 90. Death certificate.

(a) Unless otherwise prohibited by law, the attending physician may sign the death certificate of a qualified patient who obtained and self-administered a prescription for medication pursuant to this Act.

(b) When a death has occurred in accordance with this Act, the death shall be attributed to the underlying terminal disease.

(1) Death following self-administering medication under this Act does not alone constitute grounds for postmortem inquiry.

(2) Death in accordance with this Act shall not be designated a suicide or homicide.

(c) A qualified patient's act of self-administering medication prescribed pursuant to this Act shall not be indicated on the death certificate.

Section 95. Liabilities and penalties.

(a) Nothing in this Act limits civil or criminal liability arising from:

(1) Intentionally or knowingly altering or forging a patient's request for medication pursuant to this Act or concealing or destroying a rescission of a request for medication pursuant to this Act.

(2) Intentionally or knowingly coercing or exerting undue influence on a patient with a terminal disease to request medication pursuant to this Act or to request or use or not use medication pursuant to this Act.

(3) Intentional misconduct by a health care professional or health care entity.

(b) The penalties specified in this Act do not preclude criminal penalties applicable under other laws for conduct inconsistent with this Act.

(c) As used in this Section, "intentionally" and "knowingly" have the meanings provided in Sections 4-4 and 4-5 of the Criminal Code of 2012.

Section 100. Construction.

(a) Nothing in this Act authorizes a physician or any other person, including the qualified patient, to end the qualified patient's life by lethal injection, lethal infusion, mercy killing, homicide, murder, manslaughter, euthanasia, or any other criminal act.

(b) Actions taken in accordance with this Act do not, for any purposes, constitute suicide, assisted suicide, euthanasia, mercy killing, homicide, murder, manslaughter, elder abuse or neglect, or any other civil or criminal violation under the law.

Section 105. Rulemaking Authority. The Department of Public Health and the Department of Veterans Affairs may adopt rules for the implementation and administration of this Act.

Section 110. Severability. The provisions of this Act are severable under Section 1.31 of the Statute on Statutes.

Section 200. The Freedom of Information Act is amended by changing Section 7.5 as follows:
(5 ILCS 140/7.5)

Sec. 7.5. Statutory exemptions. To the extent provided for by the statutes referenced below, the following shall be exempt from inspection and copying:

(a) All information determined to be confidential under Section 4002 of the Technology Advancement and Development Act.

(b) Library circulation and order records identifying library users with specific materials under the Library Records Confidentiality Act.

(c) Applications, related documents, and medical records received by the Experimental Organ Transplantation Procedures Board and any and all documents or other records prepared by the Experimental Organ Transplantation Procedures Board or its staff relating to applications it has received.

(d) Information and records held by the Department of Public Health and its authorized representatives relating to known or suspected cases of sexually transmitted infection or any information the disclosure of which is restricted under the Illinois Sexually Transmitted Infection Control Act.

(e) Information the disclosure of which is exempted under Section 30 of the Radon Industry Licensing Act.

(f) Firm performance evaluations under Section 55 of the Architectural, Engineering, and Land Surveying Qualifications Based Selection Act.

(g) Information the disclosure of which is restricted and exempted under Section 50 of the Illinois Prepaid Tuition Act.

(h) Information the disclosure of which is exempted under the State Officials and Employees Ethics Act, and records of any lawfully created State or local inspector general's office that would be exempt if created or obtained by an Executive Inspector General's office under that Act.

(i) Information contained in a local emergency energy plan submitted to a municipality in accordance with a local emergency energy plan ordinance that is adopted under Section 11-21.5-5 of the Illinois Municipal Code.

(j) Information and data concerning the distribution of surcharge moneys collected and remitted by carriers under the Emergency Telephone System Act.

(k) Law enforcement officer identification information or driver identification information compiled by a law enforcement agency or the Department of Transportation under Section 11-212 of the Illinois Vehicle Code.

(l) Records and information provided to a residential health care facility resident sexual assault and death review team or the Executive Council under the Abuse Prevention Review Team Act.

(m) Information provided to the predatory lending database created pursuant to Article 3 of the Residential Real Property Disclosure Act, except to the extent authorized under that Article.

(n) Defense budgets and petitions for certification of compensation and expenses for court appointed trial counsel as provided under Sections 10 and 15 of the Capital Crimes Litigation Act (repealed). This subsection (n) shall apply until the conclusion of the trial of the case, even if the prosecution chooses not to pursue the death penalty prior to trial or sentencing.

(o) Information that is prohibited from being disclosed under Section 4 of the Illinois Health and Hazardous Substances Registry Act.

(p) Security portions of system safety program plans, investigation reports, surveys, schedules, lists, data, or information compiled, collected, or prepared by or for the Department of Transportation under Sections 2705-300 and 2705-616 of the Department of Transportation Law of the Civil Administrative Code of Illinois, the Regional Transportation Authority under Section 2.11 of the Regional Transportation Authority Act, or the St. Clair County Transit District under the Bi-State Transit Safety Act (repealed).

(q) Information prohibited from being disclosed by the Personnel Record Review Act.

(r) Information prohibited from being disclosed by the Illinois School Student Records Act.

(s) Information the disclosure of which is restricted under Section 5-108 of the Public Utilities Act.

(t) (Blank).

(u) Records and information provided to an independent team of experts under the Developmental Disability and Mental Health Safety Act (also known as Brian's Law).

(v) Names and information of people who have applied for or received Firearm Owner's Identification Cards under the Firearm Owners Identification Card Act or applied for or received a concealed carry license under the Firearm Concealed Carry Act, unless otherwise authorized by the Firearm Concealed Carry Act; and databases under the Firearm Concealed Carry Act, records of the Concealed Carry Licensing Review Board under the Firearm Concealed Carry Act, and law enforcement agency objections under the Firearm Concealed Carry Act.

(v-5) Records of the Firearm Owner's Identification Card Review Board that are exempted from disclosure under Section 10 of the Firearm Owners Identification Card Act.

(w) Personally identifiable information which is exempted from disclosure under subsection (g) of Section 19.1 of the Toll Highway Act.

(x) Information which is exempted from disclosure under Section 5-1014.3 of the Counties Code or Section 8-11-21 of the Illinois Municipal Code.

(y) Confidential information under the Adult Protective Services Act and its predecessor enabling statute, the Elder Abuse and Neglect Act, including information about the identity and administrative finding against any caregiver of a verified and substantiated decision of abuse, neglect, or financial exploitation of an eligible adult maintained in the Registry established under Section 7.5 of the Adult Protective Services Act.

(z) Records and information provided to a fatality review team or the Illinois Fatality Review Team Advisory Council under Section 15 of the Adult Protective Services Act.

(aa) Information which is exempted from disclosure under Section 2.37 of the Wildlife Code.

(bb) Information which is or was prohibited from disclosure by the Juvenile Court Act of 1987.

(cc) Recordings made under the Law Enforcement Officer-Worn Body Camera Act, except to the extent authorized under that Act.

(dd) Information that is prohibited from being disclosed under Section 45 of the Condominium and Common Interest Community Ombudsperson Act.

(ee) Information that is exempted from disclosure under Section 30.1 of the Pharmacy Practice Act.

(ff) Information that is exempted from disclosure under the Revised Uniform Unclaimed Property Act.

(gg) Information that is prohibited from being disclosed under Section 7-603.5 of the Illinois Vehicle Code.

(hh) Records that are exempt from disclosure under Section 1A-16.7 of the Election Code.

(ii) Information which is exempted from disclosure under Section 2505-800 of the Department of Revenue Law of the Civil Administrative Code of Illinois.

(jj) Information and reports that are required to be submitted to the Department of Labor by registering day and temporary labor service agencies but are exempt from disclosure under subsection (a-1) of Section 45 of the Day and Temporary Labor Services Act.

(kk) Information prohibited from disclosure under the Seizure and Forfeiture Reporting Act.

(ll) Information the disclosure of which is restricted and exempted under Section 5-30.8 of the Illinois Public Aid Code.

(mm) Records that are exempt from disclosure under Section 4.2 of the Crime Victims Compensation Act.

(nn) Information that is exempt from disclosure under Section 70 of the Higher Education Student Assistance Act.

(oo) Communications, notes, records, and reports arising out of a peer support counseling session prohibited from disclosure under the First Responders Suicide Prevention Act.

(pp) Names and all identifying information relating to an employee of an emergency services provider or law enforcement agency under the First Responders Suicide Prevention Act.

(qq) Information and records held by the Department of Public Health and its authorized representatives collected under the Reproductive Health Act.

(rr) Information that is exempt from disclosure under the Cannabis Regulation and Tax Act.

(ss) Data reported by an employer to the Department of Human Rights pursuant to Section 2-108 of the Illinois Human Rights Act.

(tt) Recordings made under the Children's Advocacy Center Act, except to the extent authorized under that Act.

(uu) Information that is exempt from disclosure under Section 50 of the Sexual Assault Evidence Submission Act.

(vv) Information that is exempt from disclosure under subsections (f) and (j) of Section 5-36 of the Illinois Public Aid Code.

(ww) Information that is exempt from disclosure under Section 16.8 of the State Treasurer Act.

(xx) Information that is exempt from disclosure or information that shall not be made public under the Illinois Insurance Code.

(yy) Information prohibited from being disclosed under the Illinois Educational Labor Relations Act.

(zz) Information prohibited from being disclosed under the Illinois Public Labor Relations Act.

(aaa) Information prohibited from being disclosed under Section 1-167 of the Illinois Pension Code.

(bbb) Information that is prohibited from disclosure by the Illinois Police Training Act and the Illinois State Police Act.

(ccc) Records exempt from disclosure under Section 2605-304 of the Illinois State Police Law of the Civil Administrative Code of Illinois.

(ddd) Information prohibited from being disclosed under Section 35 of the Address Confidentiality for Victims of Domestic Violence, Sexual Assault, Human Trafficking, or Stalking Act.

(eee) Information prohibited from being disclosed under subsection (b) of Section 75 of the Domestic Violence Fatality Review Act.

(fff) Images from cameras under the Expressway Camera Act. This subsection (fff) is inoperative on and after July 1, 2025.

(ggg) Information prohibited from disclosure under paragraph (3) of subsection (a) of Section 14 of the Nurse Agency Licensing Act.

(hhh) Information submitted to the Illinois State Police in an affidavit or application for an assault weapon endorsement, assault weapon attachment endorsement, .50 caliber rifle endorsement, or .50 caliber cartridge endorsement under the Firearm Owners Identification Card Act.

(iii) Data exempt from disclosure under Section 50 of the School Safety Drill Act.

(jjj) Information exempt from disclosure under Section 30 of the Insurance Data Security Law.

(kkk) Confidential business information prohibited from disclosure under Section 45 of the Paint Stewardship Act.

(lll) Data exempt from disclosure under Section 2-3.196 of the School Code.

(mmm) Information prohibited from being disclosed under subsection (e) of Section 1-129 of the Illinois Power Agency Act.

(nnn) Materials received by the Department of Commerce and Economic Opportunity that are confidential under the Music and Musicians Tax Credit and Jobs Act.

(ooo) ~~(nnn)~~ Data or information provided pursuant to Section 20 of the Statewide Recycling Needs and Assessment Act.

(ppp) ~~(nnn)~~ Information that is exempt from disclosure under Section 28-11 of the Lawful Health Care Activity Act.

(qqq) ~~(nnn)~~ Information that is exempt from disclosure under Section 7-101 of the Illinois Human Rights Act.

(rrr) ~~(nnnn)~~ Information prohibited from being disclosed under Section 4-2 of the Uniform Money Transmission Modernization Act.

(sss) ~~(nnn)~~ Information exempt from disclosure under Section 40 of the Student-Athlete Endorsement Rights Act.

(ttt) Information exempt from disclosure under Section 70 of the End-of-Life Options for Terminally Ill Patients Act.

(Source: P.A. 102-36, eff. 6-25-21; 102-237, eff. 1-1-22; 102-292, eff. 1-1-22; 102-520, eff. 8-20-21; 102-559, eff. 8-20-21; 102-813, eff. 5-13-22; 102-946, eff. 7-1-22; 102-1042, eff. 6-3-22; 102-1116, eff.

1-10-23; 103-8, eff. 6-7-23; 103-34, eff. 6-9-23; 103-142, eff. 1-1-24; 103-372, eff. 1-1-24; 103-472, eff. 8-1-24; 103-508, eff. 8-4-23; 103-580, eff. 12-8-23; 103-592, eff. 6-7-24; 103-605, eff. 7-1-24; 103-636, eff. 7-1-24; 103-724, eff. 1-1-25; 103-786, eff. 8-7-24; 103-859, eff. 8-9-24; 103-991, eff. 8-9-24; 103-1049, eff. 8-9-24; revised 11-26-24.)

Section 999. Effective date. This Act takes effect 9 months after this Act becomes law.".

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 Villanueva, **Senate Bill No. 144** 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 144

AMENDMENT NO. 1 . Amend Senate Bill 144 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by changing Section 27A-10.10 as follows:

(105 ILCS 5/27A-10.10)

Sec. 27A-10.10. Closure of charter school; unspent public funds; procedures for the disposition of property and assets.

(a) Upon the closing of a charter school authorized by one or more local school boards, the governing body of the charter school or its designee shall refund to the chartering entity or entities all unspent public funds. The charter school's other property and assets shall be disposed of under the provisions of the charter application and contract. If the application and contract are silent or ambiguous as to the disposition of any of the school's property or assets, any property or assets of the charter school purchased with public funds shall be returned to the school district or districts from which the charter school draws enrollment, at no cost to the receiving district or districts, subject to each district's acceptance of the property or asset. Any unspent public funds or other property or assets received by the charter school directly from any State or federal agency shall be refunded to or revert back to that State or federal agency, respectively.

(b) Upon the closing of a charter school authorized by the State Board, the governing body of the charter school or its designee shall refund all unspent public funds to the State Board. The charter school's other property and assets shall be disposed of under the provisions of the charter application and contract. If the application and contract are silent or ambiguous as to the disposition of any of the school's property or assets, any property or assets of the charter school purchased with public funds shall be returned to the school district or districts from which the charter school draws its enrollment, at no cost to the receiving district or districts, subject to each district's acceptance of the property or asset. Any unspent public funds or other property or assets provided by a State agency other than the State Board or by a federal agency shall be refunded to or revert back to that State or federal agency, respectively.

(c) For charter schools located in a school district organized under Article 34 of this Code, if a charter school proposes to close one or more campuses during the term of its contract, then (i) the charter school shall announce the proposal no later than September 1 of the year prior to the effective date of the closure, (ii) the charter school is subject to the procedures set forth in Sections 34-200 through 34-235 of this Code, and (iii) the local school board retains the authority to approve or deny the closure. If the local school board approves the closure, the governing body of the charter school shall work collaboratively with the local school board, educators, and the families of students attending the campus of the charter school that is the subject of the closure to ensure the successful integration of affected students into new learning environments. Affected students who reside in the district shall be guaranteed a seat at a district school. ~~If a determination is made to close a charter school located within the boundaries of a school district organized under Article 34 of this Code for at least one school year, the charter school shall give at least 60 days' notice of the closure to all affected students and parents or legal guardians.~~

(d) Upon the closing of a charter school located in a school district organized under Article 34 of this Code, the charter school's licensed teachers shall be guaranteed a similar position for which they are qualified at a district school, preferably one that receives students from the closed charter school, with full recognition of prior service if those teachers choose to work in the district. Teachers of the closed charter

school without an educator license shall be provided a pathway to a short-term license and preference in receiving a job at a district school.
(Source: P.A. 103-175, eff. 6-30-23.)".

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 Morrison, **Senate Bill No. 2415** having been printed, was taken up, read by title a second time.

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

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

Senator Murphy asked and obtained unanimous consent to recess for the purpose of a Democrat caucus.

Senator McClure asked and obtained unanimous consent to recess for the purpose of a Republican caucus.

At the hour of 1:05 o'clock p.m., the Chair announced that the Senate stands at recess subject to the call of the Chair.

AFTER RECESS

At the hour of 2:17 o'clock p.m., the Senate resumed consideration of business.

Senator Cunningham, presiding.

SENATE BILL RECALLED

On motion of Senator Preston, **Senate Bill No. 93** was recalled from the order of third reading to the order of second reading.

Senator Preston offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 93

AMENDMENT NO. 1 . Amend Senate Bill 93 on page 3, by replacing lines 7 through 14 with the following:

"(1) Potassium bromate (Chemical Abstract Services number 7758-01-2); or
(2) Propylparaben (Chemical Abstract Services number 94-13-3).".

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 Preston, **Senate Bill No. 93** 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 7.

The following voted in the affirmative:

Anderson	Feigenholtz	Koehler	Simmons

Balkema	Fine	Lewis	Sims
Belt	Fowler	Lightford	Stadelman
Bryant	Guzmán	Loughran Cappel	Turner, D.
Castro	Halpin	Martwick	Ventura
Cervantes	Harris, N.	McClure	Villa
Collins	Harriss, E.	Morrison	Villanueva
Cunningham	Hastings	Murphy	Villivalam
Curran	Hills	Peters	Walker
Edly-Allen	Holmes	Porfirio	Wilcox
Ellman	Johnson	Preston	Mr. President
Faraci	Joyce	Rezin	

The following voted in the negative:

Arellano, L.	DeWitte	Syverson	Turner, S.
Chesney	Rose	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.

On motion of Senator Cervantes, **Senate Bill No. 108** 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 35; NAYS 19.

The following voted in the affirmative:

Castro	Glowiak Hilton	Lightford	Sims
Cervantes	Guzmán	Loughran Cappel	Stadelman
Collins	Halpin	Martwick	Ventura
Cunningham	Harris, N.	Morrison	Villa
Edly-Allen	Hastings	Murphy	Villanueva
Ellman	Hills	Peters	Villivalam
Faraci	Holmes	Porfirio	Walker
Feigenholtz	Johnson	Preston	Mr. President
Fine	Koehler	Simmons	

The following voted in the negative:

Anderson	Curran	Lewis	Syverson
Arellano, L.	DeWitte	McClure	Tracy
Balkema	Fowler	Plummer	Turner, S.
Bryant	Harriss, E.	Rezin	Wilcox
Chesney	Joyce	Rose	

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 Halpin, **Senate Bill No. 189** was recalled from the order of third reading to the order of second reading.

Senator Halpin offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 189

AMENDMENT NO. 1 . Amend Senate Bill 189 by replacing everything after the enacting clause with the following:

"Section 5. The Swimming Facility Act is amended by changing Section 13 as follows:

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

Sec. 13. Rules. The Department shall promulgate, publish, adopt and amend such rules as may be necessary for the proper enforcement of this Act, to protect the health and safety of the public using swimming facilities and their appurtenances, and may, when necessary, utilize the services of any other state agencies to assist in carrying out the purposes of this Act. These rules shall include but are not limited to design criteria for swimming facility areas and bather preparation facilities, standards relating to sanitation, cleanliness, plumbing, water supply, sewage and solid waste disposal, design and construction of all equipment, buildings, rodent and insect control, communicable disease control, safety and sanitation of appurtenant swimming facilities. The rules must include provisions for the prevention of bather entrapment or entanglement at new and existing swimming facilities. Bather preparation facilities consisting of dressing room space, toilets and showers shall be available for use of patrons of swimming facilities, except as provided by Department rules.

Notwithstanding any other provision of law, the rules adopted by the Department shall permit sporting good equipment systems and fitness equipment systems to be installed in swimming facilities if the sporting good equipment system or fitness equipment system is designed for pool use and installed in accordance with the safe-use parameters specified by the manufacturer. Sporting good equipment systems and fitness equipment systems that meet these requirements shall not be considered an obstruction. This paragraph does not apply to school swimming facilities.

(Source: P.A. 96-1081, eff. 7-16-10; 97-957, eff. 1-1-13.)".

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 BILL OF THE SENATE A THIRD TIME

On motion of Senator Halpin, **Senate Bill No. 189** 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 55; NAYS None.

The following voted in the affirmative:

Anderson	Faraci	Lewis	Sims
Arellano, L.	Feigenholtz	Lightford	Stadelman
Balkema	Fine	Loughran Cappel	Syverson
Belt	Fowler	Martwick	Tracy
Bryant	Guzmán	McClure	Turner, D.
Castro	Halpin	Morrison	Turner, S.
Cervantes	Harris, N.	Murphy	Ventura
Chesney	Harriss, E.	Peters	Villa
Collins	Hastings	Plummer	Villanueva

Cunningham	Hills	Porfirio	Villivalam
Curran	Holmes	Preston	Walker
DeWitte	Johnson	Rezin	Wilcox
Edly-Allen	Joyce	Rose	Mr. President
Ellman	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 Stadelman, **Senate Bill No. 213** was recalled from the order of third reading to the order of second reading.

Senator Stadelman offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 213

AMENDMENT NO. 2 . Amend Senate Bill 213, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Government Advertising Spending Transparency Act.

Section 5. Findings. The General Assembly finds and declares:

(a) Illinois benefits from robust local news services that provide trusted and essential information to the community that limits corruption, encourages citizen participation, helps combat misinformation, and mitigates community and individual alienation.

(b) Local news in Illinois and throughout the country is struggling with newspaper advertising dropping 82% nationally since 2000, contributing to a 57% drop in the number of reporters at newspapers and thousands of closures.

(c) Local news outlets are trusted sources of information for communities throughout Illinois and advertising spending with these outlets carries a substantial benefit for the effective dissemination of important government information to the communities it serves.

(d) Government initiatives to increase spending on local news advertising have been manifestly successful in both supporting local news outlets and improving the information diet of communities in several major cities.

(e) The public has a right to know where government is spending its advertising dollars and what proportion of those dollars are going to local news outlets in this State.

Section 15. Reporting requirements.

(a) No later than October 1, 2026, and October 1 of each year thereafter, each State agency or department shall report the amount and distribution of its advertising spending to the General Assembly and post the report on its website.

(b) The annual report described in subsection (a) shall include:

(1) the overall amount of advertising spending made by the State agency or department;

(2) the names of each advertising vendor that received advertising contracts from the State agency or department and the amount of those contracts;

(3) the type of entity that received the advertising spending, categorized by media type, including, but not limited to, search platforms, national news outlets, digital platforms, and local news outlets; and

(4) the general subject matter of the advertising placement, such as military recruitment, public health, or job training.

(c) If a contracted vendor places advertisements on behalf of a State agency or department, the State agency or department shall make a good faith effort to collect from the vendor sufficient information to

comply with paragraph (3) of subsection (b).".

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 Stadelman, **Senate Bill No. 213** 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 55; NAYS None.

The following voted in the affirmative:

Anderson	Feigenholtz	Lewis	Sims
Arellano, L.	Fine	Lightford	Stadelman
Balkema	Fowler	Loughran Cappel	Syverson
Belt	Glowiak Hilton	Martwick	Tracy
Bryant	Guzmán	McClure	Turner, D.
Castro	Halpin	Morrison	Turner, S.
Cervantes	Harris, N.	Murphy	Ventura
Chesney	Harriss, E.	Peters	Villa
Collins	Hastings	Plummer	Villanueva
Cunningham	Hills	Porfirio	Villivalam
Curran	Holmes	Preston	Walker
Edly-Allen	Johnson	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 Hastings, **Senate Bill No. 328** was recalled from the order of third reading to the order of second reading.

Senator Hastings offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 328

AMENDMENT NO. 1 . Amend Senate Bill 328 by replacing everything after the enacting clause with the following:

"Section 5. The Code of Civil Procedure is amended by changing Section 2-616 as follows:

(735 ILCS 5/2-616) (from Ch. 110, par. 2-616)

Sec. 2-616. Amendments.

(a) At any time before final judgment amendments may be allowed on just and reasonable terms, introducing any party who ought to have been joined as plaintiff or defendant, dismissing any party, changing the cause of action or defense or adding new causes of action or defenses, and in any matter, either of form or substance, in any process, pleading, bill of particulars or proceedings, which may enable the

plaintiff to sustain the claim for which it was intended to be brought or the defendant to make a defense or assert a cross claim.

(b) The cause of action, cross claim or defense set up in any amended pleading shall not be barred by lapse of time under any statute or contract prescribing or limiting the time within which an action may be brought or right asserted, if the time prescribed or limited had not expired when the original pleading was filed, and if it shall appear from the original and amended pleadings that the cause of action asserted, or the defense or cross claim interposed in the amended pleading grew out of the same transaction or occurrence set up in the original pleading, even though the original pleading was defective in that it failed to allege the performance of some act or the existence of some fact or some other matter which is a necessary condition precedent to the right of recovery or defense asserted, if the condition precedent has in fact been performed, and for the purpose of preserving the cause of action, cross claim or defense set up in the amended pleading, and for that purpose only, an amendment to any pleading shall be held to relate back to the date of the filing of the original pleading so amended.

(b-5) If a clerk's office rejects an electronically submitted document for any of the reasons stated in the Electronic Filing Rejection Standards as provided by the Supreme Court Rules, the later filing of the original document with the error or errors corrected relates back to the earlier date of the electronic submission of the original document. Any submission of a corrected original document as set forth in this subsection must be made within 7 business days of the date that the clerk's office served notice upon the party that it has rejected the submitted document.

(b-10) If a clerk's office does not file an electronically submitted document because of a technical failure of any court-approved electronic filing system, the later filing of that document relates back to the date the original document was electronically submitted.

(c) A pleading may be amended at any time, before or after judgment, to conform the pleadings to the proofs, upon terms as to costs and continuance that may be just.

(d) A cause of action against a person not originally named a defendant is not barred by lapse of time under any statute or contract prescribing or limiting the time within which an action may be brought or right asserted, if all the following terms and conditions are met: (1) the time prescribed or limited had not expired when the original action was commenced; (2) the person, within the time that the action might have been brought or the right asserted against him or her plus the time for service permitted under Supreme Court Rule 103(b), received such notice of the commencement of the action that the person will not be prejudiced in maintaining a defense on the merits and knew or should have known that, but for a mistake concerning the identity of the proper party, the action would have been brought against him or her; and (3) it appears from the original and amended pleadings that the cause of action asserted in the amended pleading grew out of the same transaction or occurrence set up in the original pleading, even though the original pleading was defective in that it failed to allege the performance of some act or the existence of some fact or some other matter which is a necessary condition precedent to the right of recovery when the condition precedent has in fact been performed, and even though the person was not named originally as a defendant. For the purpose of preserving the cause of action under those conditions, an amendment adding the person as a defendant relates back to the date of the filing of the original pleading so amended.

(e) A cause of action against a beneficiary of a land trust not originally named a defendant is not barred by lapse of time under any statute or contract prescribing or limiting the time within which an action may be brought or right asserted, if all the following terms and conditions are met: (1) the cause of action arises from the ownership, use or possession of real estate, record title whereto is held by a land trustee; (2) the time prescribed or limited had not expired when the original action was commenced; (3) the land trustee of record is named as a defendant; and (4) the plaintiff proceeds with reasonable diligence subsequent to the commencement of the action to serve process upon the land trustee, to determine the identity of the beneficiary, and to amend the complaint to name the beneficiary as a defendant.

(f) The changes made by this amendatory Act of the 92nd General Assembly apply to all complaints filed on or after the effective date of this amendatory Act, and to complaints filed before the effective date of this amendatory Act if the limitation period has not ended before the effective date.

(g) The changes made by this amendatory Act of the 104th General Assembly apply to actions commenced or pending on or after the effective date of this amendatory Act.

(Source: P.A. 92-116, eff. 1-1-02.)

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

The motion prevailed.
And the amendment was adopted and ordered printed.
Senator Hastings offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 328

AMENDMENT NO. 2 . Amend Senate Bill 328, AS AMENDED, by deleting Section 99.

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.

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Hastings, **Senate Bill No. 328** 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 56; NAYS None.

The following voted in the affirmative:

Anderson	Feigenholtz	Lightford	Syverson
Arellano, L.	Fine	Loughran Cappel	Tracy
Balkema	Fowler	Martwick	Turner, D.
Belt	Glowiak Hilton	McClure	Turner, S.
Bryant	Guzmán	Morrison	Ventura
Castro	Halpin	Murphy	Villa
Cervantes	Harris, N.	Peters	Villanueva
Chesney	Harriss, E.	Plummer	Villivalam
Collins	Hastings	Porfirio	Walker
Cunningham	Hills	Preston	Wilcox
Curran	Holmes	Rezin	Mr. President
DeWitte	Johnson	Rose	
Edly-Allen	Joyce	Simmons	
Ellman	Koehler	Sims	
Faraci	Lewis	Stadelman	

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. 408** 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 408

AMENDMENT NO. 1 . Amend Senate Bill 408 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 6 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' or guardians' names and addresses;~~,~~ attendance records; a summary of performance for students that received special education services;~~,~~ and such other entries as the State Board may require or authorize. A summary of performance shall be substantially similar to the summary of performance form developed by the State Board. Any summary of performance maintained as part of a Student Permanent Record shall be kept confidential and not be disclosed except as authorized by paragraph (1) or (14) of subsection (a) of Section 6. A summary of performance may be excluded from a Student Permanent Record if, after being notified in writing that (i) school districts do not keep special education records beyond 5 years and (ii) if a summary of performance record is not kept in a student's permanent file, the student may not have the documentation necessary to qualify for State or federal benefits in the future, the student and parents or guardians consent in writing to the exclusion of a summary of performance.

(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' or guardians' names and addresses, attendance records; a summary of performance for students that received special education services; and such other entries as the State Board may require or authorize. A summary of performance shall be substantially similar to the summary of performance form developed by the State Board. Any summary of performance maintained as part of a Student Permanent Record shall be kept confidential and not be disclosed except as authorized by paragraph (1) or (14) of subsection (a) of Section 6. A summary of performance may be excluded from a Student Permanent Record if, after being notified in writing that (i) school districts do not keep special education records beyond 5 years and (ii) if a summary of performance record is not kept in a student's permanent file, the student may not have the documentation necessary to qualify for State or federal benefits in the future, the student and parents or guardians consent in writing to the exclusion of a summary of performance.

(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 10/6) (from Ch. 122, par. 50-6)

Sec. 6. (a) No school student records or information contained therein may be released, transferred, disclosed or otherwise disseminated, except as follows:

(1) to a parent or student or person specifically designated as a representative by a parent, as provided in paragraph (a) of Section 5;

(2) to an employee or official of the school or school district or State Board with current demonstrable educational or administrative interest in the student, in furtherance of such interest;

(3) to the official records custodian of another school within Illinois or an official with similar responsibilities of a school outside Illinois, in which the student has enrolled, or intends to enroll, upon the request of such official or student;

(4) to any person for the purpose of research, statistical reporting, or planning, provided that such research, statistical reporting, or planning is permissible under and undertaken in accordance with the federal Family Educational Rights and Privacy Act (20 U.S.C. 1232g);

(5) pursuant to a court order, provided that the parent shall be given prompt written notice upon receipt of such order of the terms of the order, the nature and substance of the information proposed to be released in compliance with such order and an opportunity to inspect and copy the school student records and to challenge their contents pursuant to Section 7;

(6) to any person as specifically required by State or federal law;

(6.5) to juvenile authorities when necessary for the discharge of their official duties who request information prior to adjudication of the student and who certify in writing that the information will not be disclosed to any other party except as provided under law or order of court. For purposes of this Section "juvenile authorities" means: (i) a judge of the circuit court and members of the staff of the court designated by the judge; (ii) parties to the proceedings under the Juvenile Court Act of 1987 and their attorneys; (iii) probation officers and court appointed advocates for the juvenile authorized by the judge hearing the case; (iv) any individual, public or private agency having custody of the child pursuant to court order; (v) any individual, public or private agency providing education, medical or mental health service to the child when the requested information is needed to determine the appropriate service or treatment for the minor; (vi) any potential placement provider when such release is authorized by the court for the limited purpose of determining the appropriateness of the potential placement; (vii) law enforcement officers and prosecutors; (viii) adult and juvenile prisoner review boards; (ix) authorized military personnel; (x) individuals authorized by court;

(7) subject to regulations of the State Board, in connection with an emergency, to appropriate persons if the knowledge of such information is necessary to protect the health or safety of the student or other persons;

(8) to any person, with the prior specific dated written consent of the parent designating the person to whom the records may be released, provided that at the time any such consent is requested or obtained, the parent shall be advised in writing that he has the right to inspect and copy such records in accordance with Section 5, to challenge their contents in accordance with Section 7 and to limit any such consent to designated records or designated portions of the information contained therein;

(9) to a governmental agency, or social service agency contracted by a governmental agency, in furtherance of an investigation of a student's school attendance pursuant to the compulsory student attendance laws of this State, provided that the records are released to the employee or agent designated by the agency;

(10) to those SHOCAP committee members who fall within the meaning of "state and local officials and authorities", as those terms are used within the meaning of the federal Family Educational Rights and Privacy Act, for the purposes of identifying serious habitual juvenile offenders and matching those offenders with community resources pursuant to Section 5-145 of the Juvenile Court Act of 1987, but only to the extent that the release, transfer, disclosure, or dissemination is consistent with the Family Educational Rights and Privacy Act;

(11) to the Department of Healthcare and Family Services in furtherance of the requirements of Section 2-3.131, 3-14.29, 10-28, or 34-18.26 of the School Code or Section 10 of the School Breakfast and Lunch Program Act;

(12) to the State Board or another State government agency or between or among State government agencies in order to evaluate or audit federal and State programs or perform research and planning, but only to the extent that the release, transfer, disclosure, or dissemination is consistent with the federal Family Educational Rights and Privacy Act (20 U.S.C. 1232g);

(12.5) if the student is in the legal custody of the Department of Children and Family Services, to the Department's Office of Education and Transition Services; ~~or~~

(13) under an intergovernmental agreement if an elementary school district and a high school district have attendance boundaries that overlap and are parties to an intergovernmental agreement that allows the sharing of student records and information between the districts. However, the sharing of student information is allowed under an intergovernmental agreement only if the intergovernmental agreement meets all of the following requirements:

(A) The sharing of student information must be voluntary and at the discretion of each school district that is a party to the agreement.

(B) The sharing of student information applies only to students who have been enrolled in both districts or would be enrolled in both districts based on district attendance boundaries, and the student's parent or guardian has expressed in writing that the student intends to enroll or has enrolled in the high school district.

(C) The sharing of student information does not exceed the scope of information that is shared among schools in a unit school district. However, the terms of an intergovernmental agreement may place further limitations on the information that is allowed to be shared; or ~~.~~

(14) to the Department of Human Services for the sole purpose of assessing or evaluating the student's eligibility for Medicaid waiver benefits consistent with rules adopted by the Department of Human Services.

(b) No information may be released pursuant to subparagraph (3) or (6) of paragraph (a) of this Section 6 unless the parent receives prior written notice of the nature and substance of the information proposed to be released, and an opportunity to inspect and copy such records in accordance with Section 5 and to challenge their contents in accordance with Section 7. Provided, however, that such notice shall be sufficient if published in a local newspaper of general circulation or other publication directed generally to the parents involved where the proposed release of information is pursuant to subparagraph (6) of paragraph (a) of this Section 6 and relates to more than 25 students.

(c) A record of any release of information pursuant to this Section must be made and kept as a part of the school student record and subject to the access granted by Section 5. Such record of release shall be maintained for the life of the school student records and shall be available only to the parent and the official records custodian. Each record of release shall also include:

(1) the nature and substance of the information released;

(2) the name and signature of the official records custodian releasing such information;

(3) the name of the person requesting such information, the capacity in which such a request has been made, and the purpose of such request;

(4) the date of the release; and

(5) a copy of any consent to such release.

(d) Except for the student and his or her parents or, if applicable, the Department's Office of Education and Transition Services, no person to whom information is released pursuant to this Section and no person specifically designated as a representative by a parent may permit any other person to have access to such information without a prior consent of the parent obtained in accordance with the requirements of subparagraph (8) of paragraph (a) of this Section.

(e) Nothing contained in this Act shall prohibit the publication of student directories which list student names, addresses and other identifying information and similar publications which comply with regulations issued by the State Board.

(Source: P.A. 102-199, eff. 7-1-22; 102-557, eff. 8-20-21; 102-813, eff. 5-13-22.)

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. 408** 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 56; NAYS None.

The following voted in the affirmative:

Anderson	Feigenholtz	Lightford	Syverson
Arellano, L.	Fine	Loughran Cappel	Tracy
Balkema	Fowler	Martwick	Turner, D.
Belt	Glowiak Hilton	McClure	Turner, S.
Bryant	Guzmán	Morrison	Ventura
Castro	Halpin	Murphy	Villa
Cervantes	Harris, N.	Peters	Villanueva
Chesney	Harriss, E.	Plummer	Villivalam
Collins	Hastings	Porfirio	Walker
Cunningham	Hills	Preston	Wilcox
Curran	Holmes	Rezin	Mr. President
DeWitte	Johnson	Rose	
Edly-Allen	Joyce	Simmons	
Ellman	Koehler	Sims	
Faraci	Lewis	Stadelman	

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 Simmons, **Senate Bill No. 634** was recalled from the order of third reading to the order of second reading.

Senator Simmons offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 634

AMENDMENT NO. 1 . Amend Senate Bill 634, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Local Records Act is amended by adding Section 30 as follows:

(50 ILCS 205/30 new)

Sec. 30. Contracts of $5,000,000 or more.

(a) A municipality must compile and maintain a list of each contract it enters into for $5,000,000 or more for public infrastructure projects. The list shall be available for public inspection or copying and on the municipality's website.

(b) A home rule municipality may not compile or maintain a list of contracts it enters into for $5,000,000 or more in a manner that is inconsistent with 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.".

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 Simmons, **Senate Bill No. 634** 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 44; NAYS 12.

The following voted in the affirmative:

Balkema	Fine	Lightford	Stadelman
Belt	Glowiak Hilton	Loughran Cappel	Turner, D.
Bryant	Guzmán	Martwick	Ventura
Castro	Halpin	Morrison	Villa
Cervantes	Harris, N.	Murphy	Villanueva
Collins	Harriss, E.	Peters	Villivalam
Cunningham	Hastings	Plummer	Walker
Curran	Hills	Porfirio	Mr. President
Edly-Allen	Holmes	Preston	
Ellman	Johnson	Rezin	
Faraci	Joyce	Simmons	
Feigenholtz	Koehler	Sims	

The following voted in the negative:

Anderson	Fowler	Syverson
Arellano, L.	Lewis	Tracy
Chesney	McClure	Turner, S.
DeWitte	Rose	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.

SENATE BILL RECALLED

On motion of Senator Belt, **Senate Bill No. 784** was recalled from the order of third reading to the order of second reading.

Senator Belt offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 784

AMENDMENT NO. 1 . Amend Senate Bill 784 by replacing everything after the enacting clause with the following:

"Section 5. The Interstate Mutual Emergency Aid Act is amended by adding Section 12 as follows:
(5 ILCS 235/12 new)

Sec. 12. Emergency aid to bordering states. Notwithstanding any provision of this Act to the contrary, any public safety agency, including, but not limited to, a fire department, a fire protection district, emergency medical services, a municipal police department, a county sheriff's department, a local emergency management agency, a local public works department, or public or private contractors of any such public safety agency, may provide assistance to any other public safety agency in the State or in a

bordering State at the time of a disaster, such as a fire, earthquake, flood, tornado, hazardous material incident, or other such disaster.".

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 Belt, **Senate Bill No. 784** 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 56; NAYS None.

The following voted in the affirmative:

Anderson	Feigenholtz	Lightford	Syverson
Arellano, L.	Fine	Loughran Cappel	Tracy
Balkema	Fowler	Martwick	Turner, D.
Belt	Glowiak Hilton	McClure	Turner, S.
Bryant	Guzmán	Morrison	Ventura
Castro	Halpin	Murphy	Villa
Cervantes	Harris, N.	Peters	Villanueva
Chesney	Harriss, E.	Plummer	Villivalam
Collins	Hastings	Porfirio	Walker
Cunningham	Hills	Preston	Wilcox
Curran	Holmes	Rezin	Mr. President
DeWitte	Johnson	Rose	
Edly-Allen	Joyce	Simmons	
Ellman	Koehler	Sims	
Faraci	Lewis	Stadelman	

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 Simmons, **Senate Bill No. 1173** was recalled from the order of third reading to the order of second reading.

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

Senator Simmons offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 1173

AMENDMENT NO. 2 . Amend Senate Bill 1173 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Notary Public Act is amended by changing Sections 3-104 and 6-104 as follows:

(5 ILCS 312/3-104) (from Ch. 102, par. 203-104)

Sec. 3-104. Maximum fee.

(a) Except as otherwise provided in this subsection (a), the maximum fee for non-electronic notarization in this State is $5 for any notarial act performed and up to $25 for any notarial act performed pursuant to Section 3-102.

Fees for a notary public, agency, or any other person who is not an attorney or an accredited representative filling out immigration forms shall be limited to the following:

(1) $10 per form completion;

(2) $10 per page for the translation of a non-English language into English where such translation is required for immigration forms;

(3) $5 for notarizing;

(4) $3 to execute any procedures necessary to obtain a document required to complete immigration forms; and

(5) A maximum of $75 for one complete application.

Fees authorized under this subsection shall not include application fees required to be submitted with immigration applications.

(b) The maximum fee in this State up to $25 for any electronic notarial act performed pursuant to this Act. An electronic notary public may charge a reasonable fee to recover any cost of providing a copy of an entry or a recording of an audio-video communication in an electronic journal maintained pursuant to Section 3-107.

(c) Any person who violates the provisions of subsection (a) or (b) shall be guilty of a Class A misdemeanor for a first offense and a Class 3 felony for a second or subsequent offense committed within 5 years of a previous conviction for the same offense.

(d) Upon his own information or upon complaint of any person, the Attorney General or any State's Attorney, or their designee, may maintain an action for injunctive relief in the court against any notary public or any other person who violates the provisions of subsection (a) or (b) of this Section. These remedies are in addition to, and not in substitution for, other available remedies.

If the Attorney General or any State's Attorney fails to bring an action as provided pursuant to this subsection within 90 days of receipt of a complaint, any person may file a civil action to enforce the provisions of this subsection and maintain an action for injunctive relief.

(e) All notaries public must provide itemized receipts and keep records for fees accepted for services provided. Notarial fees must appear on the itemized receipt as separate and distinct from any other charges assessed. Failure to provide itemized receipts and keep records that can be presented as evidence of no wrongdoing shall be construed as a presumptive admission of allegations raised in complaints against the notary for violations related to accepting prohibited fees.

(f) No fee shall be charged for any notarial act related to the execution of an Illinois Secretary of State Department of Driver Services Homeless Status Certification form.

(Source: P.A. 102-160, eff. 5-6-23 (See Section 91 of P.A. 103-562 for effective date of P.A. 102-160).)

(5 ILCS 312/6-104) (from Ch. 102, par. 206-104)

Sec. 6-104. Acts prohibited.

(a) A notary public shall not use any name or initial in signing certificates other than that by which the notary was commissioned.

(b) A notary public shall not acknowledge any instrument in which the notary's name appears as a party to the transaction.

(c) A notary public shall not affix his signature to a blank form of affidavit or certificate of acknowledgment.

(d) A notary public shall not take the acknowledgment of or administer an oath to any person whom the notary actually knows to have been adjudged mentally ill by a court of competent jurisdiction and who has not been restored to mental health as a matter of record.

(e) A notary public shall not take the acknowledgment of any person who is blind until the notary has read the instrument to such person.

(f) A notary public shall not take the acknowledgment of any person who does not speak or understand the English language, unless the nature and effect of the instrument to be notarized is translated into a language which the person does understand.

(g) A notary public shall not change anything in a written instrument after it has been signed by anyone.

(h) No notary public shall be authorized to prepare any legal instrument, or fill in the blanks of an instrument, other than a notary certificate; however, this prohibition shall not prohibit an attorney, who is also a notary public, from performing notarial acts for any document prepared by that attorney.

(i) If a notary public accepts or receives any money from any one to whom an oath has been administered or on behalf of whom an acknowledgment has been taken for the purpose of transmitting or forwarding such money to another and willfully fails to transmit or forward such money promptly, the notary is personally liable for any loss sustained because of such failure. The person or persons damaged by such failure may bring an action to recover damages, together with interest and reasonable attorney fees, against such notary public or his bondsmen.

(j) A notary public shall not perform any notarial act when his or her commission is suspended or revoked, nor shall he or she fail to comply with any term of suspension which may be imposed for violation of this Section.

(k) No notary public shall be authorized to explain, certify, or verify the contents of any document; however, this prohibition shall not prohibit an attorney, who is also a notary public, from performing notarial acts for any document prepared by that attorney.

(l) A notary public shall not represent himself or herself as an electronic notary public if the person has not been commissioned as an electronic notary public by the Secretary of State.

(m) No person shall knowingly create, manufacture, or distribute software or hardware for the purpose of allowing a person to act as an electronic notary public without being commissioned in accordance with this Act. A violation of this subsection (m) is a Class A misdemeanor.

(n) No person shall wrongfully obtain, conceal, damage, or destroy the technology or device used to create the electronic signature or seal of an electronic notary public. A violation of this subsection (n) is a Class A misdemeanor.

(o) A notary public shall not sell, rent, transfer, or otherwise make available to a third party, other than the electronic notarization platform, the contents of the notarial journal, audio-video recordings, or any other record associated with any notarial act, including personally identifiable information, except when required by law, law enforcement, the Secretary of State, or a court order. Upon written request of a third party, which request must include the name of the parties, the type of document, and the month and year in which a record was notarized, a notary public may supply a copy of the line item representing the requested transaction after personally identifying information has been redacted.

(p) The Secretary of State may suspend the commission of a notary or electronic notary who fails to produce any journal entry within 10 days after receipt of a request from the Secretary of State.

(q) Upon surrender, revocation, or expiration of a commission as a notary or electronic notary, all notarial records or electronic notarial records required under this Section, except as otherwise provided by law, must be kept by the notary public or electronic notary for a period of 5 years after the termination of the registration of the notary public or electronic notary public.

(r) A notary public shall not charge a fee for any notarial act related to the execution of an Illinois Secretary of State Department of Driver Services Homeless Status Certification form.

(Source: P.A. 102-160, eff. 6-5-23 (See Section 91 of P.A. 102-562 for effective date of P.A. 102-160).)".

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 Simmons, **Senate Bill No. 1173** 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 51; NAYS 5.

The following voted in the affirmative:

Anderson	Faraci	Joyce	Simmons
Arellano, L.	Feigenholtz	Koehler	Sims
Balkema	Fine	Lewis	Stadelman
Belt	Fowler	Lightford	Tracy
Castro	Glowiak Hilton	Loughran Cappel	Turner, D.
Cervantes	Guzmán	Martwick	Ventura
Chesney	Halpin	McClure	Villa
Collins	Harris, N.	Morrison	Villanueva
Cunningham	Harriss, E.	Murphy	Villivalam
Curran	Hastings	Peters	Walker
DeWitte	Hills	Plummer	Wilcox
Edly-Allen	Holmes	Porfirio	Mr. President
Ellman	Johnson	Preston	

The following voted in the negative:

Bryant	Rose	Turner, S.
Rezin	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 Stadelman, **Senate Bill No. 1181** 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 55; NAY 1.

The following voted in the affirmative:

Anderson	Feigenholtz	Lewis	Sims
Arellano, L.	Fine	Lightford	Stadelman
Balkema	Fowler	Loughran Cappel	Syverson
Belt	Glowiak Hilton	Martwick	Tracy
Bryant	Guzmán	McClure	Turner, D.
Castro	Halpin	Morrison	Turner, S.
Cervantes	Harris, N.	Murphy	Ventura
Collins	Harriss, E.	Peters	Villa
Cunningham	Hastings	Plummer	Villanueva
Curran	Hills	Porfirio	Villivalam
DeWitte	Holmes	Preston	Walker
Edly-Allen	Johnson	Rezin	Wilcox
Ellman	Joyce	Rose	Mr. President
Faraci	Koehler	Simmons	

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 McClure, **Senate Bill No. 1241** 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 55; NAY 1.

The following voted in the affirmative:

Anderson	Feigenholtz	Lewis	Sims
Arellano, L.	Fine	Lightford	Stadelman
Belt	Fowler	Loughran Cappel	Syverson
Bryant	Glowiak Hilton	Martwick	Tracy
Castro	Guzmán	McClure	Turner, D.
Cervantes	Halpin	Morrison	Turner, S.
Chesney	Harris, N.	Murphy	Ventura
Collins	Harriss, E.	Peters	Villa
Cunningham	Hastings	Plummer	Villanueva
Curran	Hills	Porfirio	Villivalam
DeWitte	Holmes	Preston	Walker
Edly-Allen	Johnson	Rezin	Wilcox
Ellman	Joyce	Rose	Mr. President
Faraci	Koehler	Simmons	

The following voted in the negative:

Balkema

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 Balkema asked and obtained unanimous consent for the Journal to reflect his intention to have voted in the affirmative on **Senate Bill No. 1241**.

SENATE BILL RECALLED

On motion of Senator Guzmán, **Senate Bill No. 1261** was recalled from the order of third reading to the order of second reading.

Senator Guzmán offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 1261

AMENDMENT NO. 1 . Amend Senate Bill 1261 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Community Land Trust Home Ownership Act.

Section 5. Purposes. The purposes of this Act are to ensure access to affordable housing loan products, grants, and other types of assistance for buyers and owners of housing located in a community land trust or other leasehold ownership structure with a ground lease between the buyer or owner and a 501(c)(3) organization.

Section 10. Findings. The General Assembly finds the following:

(1) The State of Illinois is facing an affordable housing crisis.

(2) Homeownership is the principal way families build wealth, yet homeownership is most inaccessible to communities of color in Illinois, who are 1.6 times less likely than white people to be homeowners.

(3) Homeownership serves as a critical tool to close the racial wealth gap by enabling historically excluded families to build generational wealth.

(4) Community land trusts and other ownership structures that promote long-term affordability are critical housing options that can reduce the affordable housing gap.

(5) Community land trusts and other ownership structures that promote long-term affordability curb displacement and foster generational wealth by creating opportunities for homeownership to remain affordable for generations.

(6) Community land trusts and other ownership structures that promote long-term affordability preserve naturally occurring affordable housing by closing the affordability gap so that low-to-moderate income households can live in high opportunity neighborhoods.

(7) The property tax sale system contributes to the racial wealth gap in homeownership by transferring home equity from communities of color to investors, threatening community stability, and increasing housing costs.

(8) Community land trusts can be a powerful solution for homeowners facing delinquent property taxes or other financial threats to continued homeownership that keeps residents in their homes and creates permanently affordable properties for future buyers.

(9) Local community land trusts currently operate to successfully preserve and create affordable housing in urban areas in Illinois, but there is need for centralized support and coordination for the establishment of local community land trusts across the State.

Section 15. Definitions. As used in this Act:

"501(c)(3) organization" means a nonprofit organization that is exempt or qualified for exemption from taxation under Section 501(c)(3) of the Internal Revenue Code of 1986.

"Community land trust" means a 501(c)(3) organization governed by a board of community land trusts residents, community residents, and public representatives that provide permanent or long-term affordability and shared equity homeownership opportunities.

"Task Force" means the Community Land Trust Task Force.

Section 20. Eligibility for homeownership programs. The Illinois Housing Development Authority's homeownership programs, including loan products, grants, and other types of assistance, shall be made available to home buyers and owners seeking to purchase or maintain housing where a leasehold interest in real property is held by a community land trust or other 501(c)(3) organization for the purposes of promoting long-term affordability, preservation of affordable housing, or community revitalization efforts. Any other type of seller, including for-profit or private sellers of homes, through leasehold agreements, such as installment contracts, contract for deeds, or any other type of purchase or ownership structure, shall not be eligible under this Section.

Section 25. Rulemaking. Within 90 days after the effective date of this Act, the Illinois Housing Development Authority shall propose new or amended administrative rules that will make the Authority's homeownership programs consistent with the purposes of this Act.

Section 30. Community Land Trust Task Force.

(a) The Community Land Trust Task Force is created within the Illinois Housing Development Authority to explore the findings of the 2024 Community Land Trust Report. The Task Force shall consist of the following members:

(1) The Governor, or his or her designee.

(2) The Executive Director of the Illinois Housing Development Authority, or his or her designee.

(3) The Director of Revenue, or his or her designee.

(4) The Secretary of Human Services, or his or her designee.

(5) The Director of Commerce and Economic Opportunity, or his or her designee.

(6) One member representing the Governor's Office of Management and Budget, appointed by the Governor.

(7) One member of the Senate, appointed by the President of the Senate.

(8) One member of the Senate, appointed by the Minority Leader of the Senate.

(9) One member of the House of Representatives, appointed by the Speaker of the House of Representatives.

(10) One member of the House of Representatives, appointed by the Minority Leader of the House of Representatives.

(11) One representative from each of the 4 Illinois-based community land trusts that were established for the purpose of supporting affordable housing, appointed by the Governor.

(12) One representative of a university located in Illinois who has expertise on housing studies, appointed by the Governor.

(13) One member representing a national laboratory that provides technical support to advance affordable housing solutions, appointed by the Governor.

(14) One member representing a statewide organization that advocates for affordable housing in Illinois, appointed by the Governor.

(15) One member from the nongovernmental sector, appointed by the Governor.

(b) All members of the Task Force shall serve without compensation. Task Force members shall be appointed within 30 days after the effective date of this Act. If a vacancy occurs in the membership, a replacement shall be appointed by the co-chairs of the Task Force.

(c) The following individuals shall serve as co-chairs of the Task Force:

(1) the Executive Director of the Illinois Housing Development Authority, or his or her designee;

(2) the member of the Senate appointed by the President of the Senate; and

(3) the member of the House of Representatives appointed by the Speaker of the House of Representatives.

(d) The member from the nongovernmental sector shall serve as vice-chair of the Task Force.

Section 35. Administrative support. The Illinois Housing Development Authority shall provide administrative and technical support to the Task Force, be responsible for administering the Task Force's operations, and ensure that the duties of the Task Force are completed.

Section 40. Meetings. The Task Force shall hold its initial meeting within 60 days after the effective date of this Act. The Task Force shall convene and meet at the call of the co-chairs and shall meet as frequently as necessary to carry out its duties under Section 45.

Section 45. Duties. The Community Land Trust Task Force shall:

(1) implement the 2024 Community Land Trust Task Force Report recommendations including, but not limited to:

(A) exploring funding mechanisms currently existing through the State as well as identifying new revenue streams including, but not limited to, bond issuance, innovation funding, real estate transfer tax, and the Illinois Affordable Housing Trust Fund;

(B) considering the incorporation of community land trusts into the local tax sale process;

(C) exploring methods for providing technical assistance support to emerging community land trusts;

(D) evaluating different approaches to community land trust centralization; and

(E) ensuring statewide use of existing tax assessment language and adjusting policy to ease burdens on community land trusts and community land trust owners;

(2) study the use of community land trusts as a tool to create permanently affordable housing, including as an alternative to property tax sales;

(3) increase the number of State grants for organizational capacity-building and housing development, with spending rules tailored to the needs of community land trusts and the size of community land trust projects;

(4) promote innovative sources of dedicated funding and property for community land trusts;

(5) leverage rising industry and catalytic projects to generate revenue for lasting affordable housing; and

(6) encourage partnerships between community land trusts and land banks.

Section 50. Report. The Task Force shall submit periodic reports to the Governor and General Assembly covering the Task Force's investigation into community land trusts and the Task Force's duties under Section 45. These reports shall be made available on the Illinois Housing Development Authority's website for viewing by the general public.

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 Guzmán, **Senate Bill No. 1261** 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 56; NAYS None.

The following voted in the affirmative:

Anderson	Feigenholtz	Lightford	Syverson
Arellano, L.	Fine	Loughran Cappel	Tracy
Balkema	Fowler	Martwick	Turner, D.
Belt	Glowiak Hilton	McClure	Turner, S.
Bryant	Guzmán	Morrison	Ventura
Castro	Halpin	Murphy	Villa
Cervantes	Harris, N.	Peters	Villanueva
Chesney	Harriss, E.	Plummer	Villivalam
Collins	Hastings	Porfirio	Walker
Cunningham	Hills	Preston	Wilcox
Curran	Holmes	Rezin	Mr. President
DeWitte	Johnson	Rose	
Edly-Allen	Joyce	Simmons	
Ellman	Koehler	Sims	
Faraci	Lewis	Stadelman	

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 Fine, **Senate Bill No. 1346** 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 56; NAYS None.

The following voted in the affirmative:

Anderson	Feigenholtz	Lightford	Syverson
Arellano, L.	Fine	Loughran Cappel	Tracy
Balkema	Fowler	Martwick	Turner, D.
Belt	Glowiak Hilton	McClure	Turner, S.

Bryant	Guzmán	Morrison	Ventura
Castro	Halpin	Murphy	Villa
Cervantes	Harris, N.	Peters	Villanueva
Chesney	Harriss, E.	Plummer	Villivalam
Collins	Hastings	Porfirio	Walker
Cunningham	Hills	Preston	Wilcox
Curran	Holmes	Rezin	Mr. President
DeWitte	Johnson	Rose	
Edly-Allen	Joyce	Simmons	
Ellman	Koehler	Sims	
Faraci	Lewis	Stadelman	

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 Halpin, **Senate Bill No. 1422** was recalled from the order of third reading to the order of second reading.

Senator Halpin offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 1422

AMENDMENT NO. 1 . Amend Senate Bill 1422 by replacing everything after the enacting clause with the following:

"Section 5. The Lodging Services Human Trafficking Recognition Training Act is amended by changing Sections 1, 5, 10, and, 15 and by adding Section 20 as follows:

(820 ILCS 95/1)

Sec. 1. Short title. This Act may be cited as the ~~Lodging Services~~ Human Trafficking Recognition Training Act.

(Source: P.A. 101-18, eff. 6-20-19; 101-499, eff. 8-23-19.)

(820 ILCS 95/5)

Sec. 5. Definitions. In this Act:

"Department" means the Department of Human Services.

"Employee" means a person employed by a lodging establishment, restaurant, or truck stop who has recurring interactions with the public, including, but not limited to, an employee who works in a reception area, performs housekeeping duties, helps customers in moving their possessions, or transports by vehicle customers of the lodging establishment, restaurant, or truck stop.

"Employer" means a person or entity that operates a lodging establishment, restaurant, or truck stop.

"Human trafficking" means the deprivation or violation of the personal liberty of another with the intent to obtain forced labor or services, procure or sell the individual for commercial sex, or exploit the individual in obscene matter. Depriving or violating a person's liberty includes substantial and sustained restriction of another's liberty accomplished through fraud, deceit, coercion, violence, duress, menace, or threat of unlawful injury to the victim or to another person, under circumstances where the person receiving or apprehending the threat reasonably believes that it is likely that the person making the threat would carry it out.

"Lodging establishment" means an establishment classified as a hotel or motel in the 2017 North American Industry Classification System under code 721110, and an establishment classified as a casino hotel in the 2017 North American Industry Classification System under code 721120.

"Restaurant" means any business that is primarily engaged in the sale of ready-to-eat food for immediate consumption comprising at least 51% of the total sales, excluding the sale of liquor.

"Truck stop" means an establishment intended to provide services to the trucking industry, including, but not limited to, selling fuel and food, providing showers, offering repair services, and offering ample room where drivers of long-haul trucks can park and rest.

(Source: P.A. 101-18, eff. 6-20-19; 101-499, eff. 8-23-19; 102-324, eff. 1-1-22.)

(820 ILCS 95/10)

Sec. 10. Human trafficking recognition training. An employer ~~Beginning June 1, 2020, a lodging establishment, restaurant, or truck stop~~ shall provide its employees with training in the recognition of human trafficking and protocols for reporting observed human trafficking to the appropriate authority. The employees shall ~~must~~ complete the training within 6 months after beginning employment in such role with the employer ~~lodging establishment~~ and every 2 years thereafter, if still employed by the employer ~~lodging establishment~~. The training shall be at least 20 minutes in duration.

(Source: P.A. 101-18, eff. 6-20-19; 101-499, eff. 8-23-19; 102-324, eff. 1-1-22.)

(820 ILCS 95/15)

Sec. 15. Human trafficking recognition training curriculum.

(a) An employer ~~A lodging establishment~~ may use its own human trafficking training program or that of a third party and be in full compliance with this Act if the human trafficking training program includes, at a minimum, all of the following:

(1) a definition of human trafficking and commercial exploitation of children;

(2) guidance on how to identify individuals who are most at risk for human trafficking;

(3) the difference between human trafficking for purposes of labor and for purposes of sex as the trafficking relates to the employer's business ~~lodging establishments~~; and

(4) guidance on the role of ~~lodging establishment~~ employees in reporting and responding to instances of human trafficking.

(b) The Department shall develop a curriculum for an approved human trafficking training recognition program which shall be used by an employer ~~a lodging establishment~~ that does not administer its own human trafficking recognition program as described in subsection (a). The human trafficking training recognition program developed by the Department shall include, at a minimum, all of the following:

(1) a definition of human trafficking and commercial exploitation of children;

(2) guidance on how to identify individuals who are most at risk for human trafficking;

(3) the difference between human trafficking for purposes of labor and for purposes of sex ~~as the trafficking relates to lodging establishments~~; and

(4) guidance on the role of ~~lodging establishment~~ employees in reporting and responding to instances of human trafficking.

The Department may consult the United States Department of Justice for the human trafficking recognition training program developed under this subsection. The Department may use a curriculum developed under other laws of the General Assembly if the curriculum satisfies the requirements of this Section.

The Department shall develop and publish the human trafficking recognition training program described in this subsection no later than October 1, 2026 ~~July 1, 2020~~.

(Source: P.A. 101-18, eff. 6-20-19; 101-499, eff. 8-23-19.)

(820 ILCS 95/20 new)

Sec. 20. Penalties.

(a) Beginning October 1, 2026, the Department, a unit of local government regulating an employer, or a law enforcement agency with jurisdiction over an employer may, in the course of its regulatory or enforcement duties, monitor and enforce compliance with this Act. Upon the discovery of a violation of this Act, the Department, unit of local government, or law enforcement agency shall provide the employer with a reasonable notice of noncompliance that informs the employer that if the employer does not cure the violation within 30 days after notice the employer is subject to the penalty described in subsection (b). The notice shall include information concerning where an employer can obtain the training curriculum developed by the Department under subsection (b) of Section 15.

(b) If the Department, a unit of local government regulating an employer, or a law enforcement agency with jurisdiction over an employer verifies that the violation was not corrected within the cure period described in subsection (a), the Attorney General or State's Attorney may bring a civil action against that employer. An employer that violates this Act is guilty of a business offense and may be fined not more than $1,500 for each offense.".

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 Halpin, **Senate Bill No. 1422** 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 55; NAYS None.

The following voted in the affirmative:

Anderson	Faraci	Koehler	Simmons
Arellano, L.	Feigenholtz	Lewis	Sims
Balkema	Fine	Lightford	Stadelman
Belt	Fowler	Loughran Cappel	Syverson
Bryant	Glowiak Hilton	Martwick	Tracy
Castro	Guzmán	McClure	Turner, D.
Cervantes	Halpin	Morrison	Turner, S.
Chesney	Harris, N.	Murphy	Ventura
Collins	Harriss, E.	Peters	Villa
Cunningham	Hastings	Plummer	Villanueva
Curran	Hills	Porfirio	Villivalam
DeWitte	Holmes	Preston	Walker
Edly-Allen	Johnson	Rezin	Wilcox
Ellman	Joyce	Rose	

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. 1507** 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 37; NAYS 19.

The following voted in the affirmative:

Belt	Glowiak Hilton	Loughran Cappel	Turner, D.
Castro	Guzmán	Martwick	Ventura
Cervantes	Halpin	Morrison	Villa
Collins	Harris, N.	Murphy	Villanueva
Cunningham	Hastings	Peters	Villivalam
Edly-Allen	Holmes	Porfirio	Walker
Ellman	Johnson	Preston	Mr. President
Faraci	Joyce	Simmons	
Feigenholtz	Koehler	Sims	
Fine	Lightford	Stadelman	

The following voted in the negative:

Anderson	Curran	Lewis	Syverson
Arellano, L.	DeWitte	McClure	Tracy
Balkema	Fowler	Plummer	Turner, S.
Bryant	Harriss, E.	Rezin	Wilcox
Chesney	Hills	Rose	

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 Stadelman, **Senate Bill No. 1551** was recalled from the order of third reading to the order of second reading.

Senator Stadelman offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 1551

AMENDMENT NO. 2 . Amend Senate Bill 1551, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Adult Protective Services Act is amended by changing Sections 2, 4, and 13 and by adding Section 4.3 as follows:

(320 ILCS 20/2) (from Ch. 23, par. 6602)

Sec. 2. Definitions. As used in this Act, unless the context requires otherwise:

(a) "Abandonment" means the desertion or willful forsaking of an eligible adult by an individual responsible for the care and custody of that eligible adult under circumstances in which a reasonable person would continue to provide care and custody. Nothing in this Act shall be construed to mean that an eligible adult is a victim of abandonment because of health care services provided or not provided by licensed health care professionals.

(a-1) "Abuse" means causing any physical, mental or sexual injury to an eligible adult, including exploitation of such adult's financial resources, and abandonment or subjecting an eligible adult to an environment which creates a likelihood of harm to the eligible adult's health, physical and emotional well-being, or welfare.

Nothing in this Act shall be construed to mean that an eligible adult is a victim of abuse, abandonment, neglect, or self-neglect for the sole reason that he or she is being furnished with or relies upon treatment by spiritual means through prayer alone, in accordance with the tenets and practices of a recognized church or religious denomination.

Nothing in this Act shall be construed to mean that an eligible adult is a victim of abuse because of health care services provided or not provided by licensed health care professionals.

Nothing in this Act shall be construed to mean that an eligible adult is a victim of abuse in cases of criminal activity by strangers, telemarketing scams, consumer fraud, internet fraud, home repair disputes, complaints against a homeowners' association, or complaints between landlords and tenants.

(a-5) "Abuser" means a person who is a family member, caregiver, or another person who has a continuing relationship with the eligible adult and abuses, abandons, neglects, or financially exploits an eligible adult.

(a-6) "Adult with disabilities" means a person aged 18 through 59 who resides in a domestic living situation and whose disability as defined in subsection (c-5) impairs his or her ability to seek or obtain protection from abuse, abandonment, neglect, or exploitation.

(a-7) "Agent" has the meaning ascribed to that term in Section 2-3 of the Illinois Power of Attorney Act.

(a-8) "Broker-dealer" means any person engaged in the business of effecting transactions in securities in this State for the account of others or for that person's own account and who is registered with the United States Securities and Exchange Commission.

(a-9) ~~(a-7)~~ "Caregiver" means a person who either as a result of a family relationship, voluntarily, or in exchange for compensation has assumed responsibility for all or a portion of the care of an eligible adult who needs assistance with activities of daily living or instrumental activities of daily living.

(b) "Department" means the Department on Aging of the State of Illinois.

(c) "Director" means the Director of the Department.

(c-5) "Disability" means a physical or mental disability, including, but not limited to, a developmental disability, an intellectual disability, a mental illness as defined under the Mental Health and Developmental Disabilities Code, or dementia as defined under the Alzheimer's Disease Assistance Act.

(d) "Domestic living situation" means a residence where the eligible adult at the time of the report lives alone or with his or her family or a caregiver, or others, or other community-based unlicensed facility, but is not:

(1) A licensed facility as defined in Section 1-113 of the Nursing Home Care Act;

(1.5) A facility licensed under the ID/DD Community Care Act;

(1.6) A facility licensed under the MC/DD Act;

(1.7) A facility licensed under the Specialized Mental Health Rehabilitation Act of 2013;

(2) A "life care facility" as defined in the Life Care Facilities Act;

(3) A home, institution, or other place operated by the federal government or agency thereof or by the State of Illinois;

(4) A hospital, sanitarium, or other institution, the principal activity or business of which is the diagnosis, care, and treatment of human illness through the maintenance and operation of organized facilities therefor, which is required to be licensed under the Hospital Licensing Act;

(5) A "community living facility" as defined in the Community Living Facilities Licensing Act;

(6) (Blank);

(7) A "community-integrated living arrangement" as defined in the Community-Integrated Living Arrangements Licensure and Certification Act or a "community residential alternative" as licensed under that Act;

(8) An assisted living or shared housing establishment as defined in the Assisted Living and Shared Housing Act; or

(9) A supportive living facility as described in Section 5-5.01a of the Illinois Public Aid Code.

(e) "Eligible adult" means either an adult with disabilities aged 18 through 59 or a person aged 60 or older who resides in a domestic living situation and is, or is alleged to be, abused, abandoned, neglected, or financially exploited by another individual or who neglects himself or herself. "Eligible adult" also includes an adult who resides in any of the facilities that are excluded from the definition of "domestic living situation" under paragraphs (1) through (9) of subsection (d), if either: (i) the alleged abuse, abandonment, or neglect occurs outside of the facility and not under facility supervision and the alleged abuser is a family member, caregiver, or another person who has a continuing relationship with the adult; or (ii) the alleged financial exploitation is perpetrated by a family member, caregiver, or another person who has a continuing relationship with the adult, but who is not an employee of the facility where the adult resides.

(f) "Emergency" means a situation in which an eligible adult is living in conditions presenting a risk of death or physical, mental or sexual injury and the provider agency has reason to believe the eligible adult is unable to consent to services which would alleviate that risk.

(f-1) "Financial exploitation" means the use of an eligible adult's resources by another to the disadvantage of that adult or for the profit or advantage of a person other than that adult."Financial exploitation" includes:

(1) the wrongful or unauthorized taking, withholding, appropriation, or use of money, assets, or property of an eligible adult; or

(2) any act or omission taken by a person, including through the use of a power of attorney, guardianship, or conservatorship of an eligible adult, to:

(A) obtain control, through deception, intimidation, or undue influence, over the eligible adult's money, assets, or property to deprive the eligible adult of the ownership, use, benefit, or possession of his or her money, assets, or property; or

(B) convert money, assets, or property of the eligible adult through deception, intimidation, or undue influence in order to deprive such eligible adult of the ownership, use, benefit, or possession of his or her money, assets, or property.

(f-2) ~~(f 3)~~ "Investment advisor" means any person required to register as a federally-covered investment adviser or an investment adviser ~~or investment adviser representative~~ under Section 8 of the Illinois Securities Law of 1953, which for purposes of this Act excludes any bank, trust company, savings bank, or credit union, or their respective employees.

(f-4) "Qualified individual" means any person who serves in a supervisory, compliance, or legal capacity for a broker-dealer or investment advisor.

(f-5) "Mandated reporter" means any of the following persons while engaged in carrying out their professional duties:

(1) a professional or professional's delegate while engaged in: (i) social services, (ii) law enforcement, (iii) education, (iv) the care of an eligible adult or eligible adults, or (v) any of the occupations required to be licensed under the Behavior Analyst Licensing Act, the Clinical Psychologist Licensing Act, the Clinical Social Work and Social Work Practice Act, the Illinois Dental Practice Act, the Dietitian Nutritionist Practice Act, the Marriage and Family Therapy Licensing Act, the Medical Practice Act of 1987, the Naprapathic Practice Act, the Nurse Practice Act, the Nursing Home Administrators Licensing and Disciplinary Act, the Illinois Occupational Therapy Practice Act, the Illinois Optometric Practice Act of 1987, the Pharmacy Practice Act, the Illinois Physical Therapy Act, the Physician Assistant Practice Act of 1987, the Podiatric Medical Practice Act of 1987, the Respiratory Care Practice Act, the Professional Counselor and Clinical Professional Counselor Licensing and Practice Act, the Illinois Speech-Language Pathology and Audiology Practice Act, the Veterinary Medicine and Surgery Practice Act of 2004, and the Illinois Public Accounting Act;

(1.5) an employee of an entity providing developmental disabilities services or service coordination funded by the Department of Human Services;

(2) an employee of a vocational rehabilitation facility prescribed or supervised by the Department of Human Services;

(3) an administrator, employee, or person providing services in or through an unlicensed community based facility;

(4) any religious practitioner who provides treatment by prayer or spiritual means alone in accordance with the tenets and practices of a recognized church or religious denomination, except as to information received in any confession or sacred communication enjoined by the discipline of the religious denomination to be held confidential;

(5) field personnel of the Department of Healthcare and Family Services, Department of Public Health, and Department of Human Services, and any county or municipal health department;

(6) personnel of the Department of Human Services, the Guardianship and Advocacy Commission, the State Fire Marshal, local fire departments, the Department on Aging and its subsidiary Area Agencies on Aging and provider agencies, except the State Long Term Care Ombudsman and any of his or her representatives or volunteers where prohibited from making such a report pursuant to 45 CFR 1324.11(e)(3)(iv);

(7) any employee of the State of Illinois not otherwise specified herein who is involved in providing services to eligible adults, including professionals providing medical or rehabilitation services and all other persons having direct contact with eligible adults;

(8) a person who performs the duties of a coroner or medical examiner;

(9) a person who performs the duties of a paramedic or an emergency medical technician; ~~or~~

(10) a person who performs the duties of an investment advisor; ~~.~~

(11) a person who performs the duties of a broker-dealer; or

(12) a qualified individual.

(g) "Neglect" means another individual's failure to provide an eligible adult with or willful withholding from an eligible adult the necessities of life including, but not limited to, food, clothing, shelter or health care. This subsection does not create any new affirmative duty to provide support to eligible adults. Nothing in this Act shall be construed to mean that an eligible adult is a victim of neglect because of health care services provided or not provided by licensed health care professionals.

(h) "Provider agency" means any public or nonprofit agency in a planning and service area that is selected by the Department or appointed by the regional administrative agency with prior approval by the

Department on Aging to receive and assess reports of alleged or suspected abuse, abandonment, neglect, or financial exploitation. A provider agency is also referenced as a "designated agency" in this Act.

(i) "Regional administrative agency" means any public or nonprofit agency in a planning and service area that provides regional oversight and performs functions as set forth in subsection (b) of Section 3 of this Act. The Department shall designate an Area Agency on Aging as the regional administrative agency or, in the event the Area Agency on Aging in that planning and service area is deemed by the Department to be unwilling or unable to provide those functions, the Department may serve as the regional administrative agency or designate another qualified entity to serve as the regional administrative agency; any such designation shall be subject to terms set forth by the Department.

(i-5) "Self-neglect" means a condition that is the result of an eligible adult's inability, due to physical or mental impairments, or both, or a diminished capacity, to perform essential self-care tasks that substantially threaten his or her own health, including: providing essential food, clothing, shelter, and health care; and obtaining goods and services necessary to maintain physical health, mental health, emotional well-being, and general safety. The term includes compulsive hoarding, which is characterized by the acquisition and retention of large quantities of items and materials that produce an extensively cluttered living space, which significantly impairs the performance of essential self-care tasks or otherwise substantially threatens life or safety.

(j) "Substantiated case" means a reported case of alleged or suspected abuse, abandonment, neglect, financial exploitation, or self-neglect in which a provider agency, after assessment, determines that there is reason to believe abuse, abandonment, neglect, or financial exploitation has occurred.

(k) "Verified" means a determination that there is "clear and convincing evidence" that the specific injury or harm alleged was the result of abuse, abandonment, neglect, or financial exploitation.

(Source: P.A. 102-244, eff. 1-1-22; 102-953, eff. 5-27-22; 103-329, eff. 1-1-24; 103-626, eff. 1-1-25.)

(320 ILCS 20/4) (from Ch. 23, par. 6604)

Sec. 4. Reports of abuse, abandonment, or neglect.

(a) Except as otherwise provided for broker-dealers, investment advisors, and qualified individuals in subsection (a-1), any ~~Any~~ person who suspects the abuse, abandonment, neglect, financial exploitation, or self-neglect of an eligible adult may report this suspicion or information about the suspicious death of an eligible adult to an agency designated to receive such reports under this Act or to the Department.

(a-1) If a broker-dealer, investment advisor, or qualified individual reasonably believes that financial exploitation of an eligible adult may have occurred, may have been attempted, or is being attempted, the broker-dealer, investment advisor, or qualified individual shall promptly notify the Department and the Illinois Securities Department within the Office of the Secretary of State, or the provider agency designated to receive such reports under this Act. The broker-dealer, investment advisor, or qualified individual may also notify any third party previously designated by the eligible adult. Disclosure shall not be made to any designated third party who is suspected of financial exploitation of the eligible adult.

(a-5) Except as otherwise provided for broker-dealers, investment advisors, and qualified individuals in subsection (a-1), if ~~If~~ any mandated reporter has reason to believe that an eligible adult, who because of a disability or other condition or impairment is unable to seek assistance for himself or herself, has, within the previous 12 months, been subjected to abuse, abandonment, neglect, or financial exploitation, the mandated reporter shall, within 24 hours after developing such belief, report this suspicion to an agency designated to receive such reports under this Act or to the Department. The agency designated to receive such reports under this Act or the Department may establish a manner in which a mandated reporter can make the required report through an Internet reporting tool. Information sent and received through the Internet reporting tool is subject to the same rules in this Act as other types of confidential reporting established by the designated agency or the Department. Whenever a mandated reporter is required to report under this Act in his or her capacity as a member of the staff of a medical or other public or private institution, facility, or agency, he or she shall make a report to an agency designated to receive such reports under this Act or to the Department in accordance with the provisions of this Act and may also notify the person in charge of the institution, facility, or agency or his or her designated agent that the report has been made. Under no circumstances shall any person in charge of such institution, facility, or agency, or his or her designated agent to whom the notification has been made, exercise any control, restraint, modification, or other change in the report or the forwarding of the report to an agency designated to receive such reports under this Act or to the Department. The privileged quality of communication between any professional person required to report and his or her patient or client shall not apply to situations involving abused, abandoned, neglected, or

financially exploited eligible adults and shall not constitute grounds for failure to report as required by this Act.

(a-6) Except as otherwise provided for broker-dealers, investment advisors, and qualified individuals in subsection (a-1), if ~~If~~ a mandated reporter has reason to believe that the death of an eligible adult may be the result of abuse or neglect, the matter shall be reported to an agency designated to receive such reports under this Act or to the Department for subsequent referral to the appropriate law enforcement agency and the coroner or medical examiner in accordance with subsection (c-5) of Section 3 of this Act.

(a-7) Except as otherwise provided for broker-dealers, investment advisors, and qualified individuals in subsection (a-8), any ~~A~~ person making a report under this Act in the belief that it is in the alleged victim's best interest shall be immune from criminal or civil liability or professional disciplinary action on account of making the report, notwithstanding any requirements concerning the confidentiality of information with respect to such eligible adult which might otherwise be applicable.

(a-8) A broker-dealer, investment advisor, or qualified individual who in good faith and exercising reasonable care makes a report or disclosure to the Department, the Illinois Securities Department within the Office of the Secretary of State, a designated provider agency, or a designated third-party in accordance with subsection (a-1) shall be immune from any administrative, civil, or criminal liability that might otherwise arise from such report or disclosure or for any failure to notify the eligible adult of the report or disclosure.

(a-9) Law enforcement officers shall continue to report incidents of alleged abuse pursuant to the Illinois Domestic Violence Act of 1986, notwithstanding any requirements under this Act.

(b) Any person, institution or agency participating in the making of a report, providing information or records related to a report, assessment, or services, or participating in the investigation of a report under this Act in good faith, or taking photographs or x-rays as a result of an authorized assessment, shall have immunity from any civil, criminal or other liability in any civil, criminal or other proceeding brought in consequence of making such report or assessment or on account of submitting or otherwise disclosing such photographs or x-rays to any agency designated to receive reports of alleged or suspected abuse, abandonment, or neglect. Any person, institution or agency authorized by the Department to provide assessment, intervention, or administrative services under this Act shall, in the good faith performance of those services, have immunity from any civil, criminal or other liability in any civil, criminal, or other proceeding brought as a consequence of the performance of those services. For the purposes of any civil, criminal, or other proceeding, the good faith of any person required to report, permitted to report, or participating in an investigation of a report of alleged or suspected abuse, abandonment, neglect, financial exploitation, or self-neglect shall be presumed.

(c) The identity of a person making a report of alleged or suspected abuse, abandonment, neglect, financial exploitation, or self-neglect or a report concerning information about the suspicious death of an eligible adult under this Act may be disclosed by the Department or other agency provided for in this Act only with such person's written consent or by court order, but is otherwise confidential.

(d) The Department shall by rule establish a system for filing and compiling reports made under this Act.

(e) Any physician who willfully fails to report as required by this Act shall be referred to the Illinois State Medical Disciplinary Board for action in accordance with subdivision (A)(22) of Section 22 of the Medical Practice Act of 1987. Any dentist or dental hygienist who willfully fails to report as required by this Act shall be referred to the Department of Financial and Professional Regulation for possible disciplinary action. Any optometrist who willfully fails to report as required by this Act shall be referred to the Department of Financial and Professional Regulation for action in accordance with paragraph (15) of subsection (a) of Section 24 of the Illinois Optometric Practice Act of 1987. Any other mandated reporter required by this Act to report suspected abuse, abandonment, neglect, or financial exploitation who willfully fails to report the same is guilty of a Class A misdemeanor.

(Source: P.A. 102-244, eff. 1-1-22; 103-329, eff. 1-1-24; 103-626, eff. 1-1-25.)

(320 ILCS 20/4.3 new)

Sec. 4.3. Delaying disbursements or transactions from eligible adult's financial accounts.

(a) Delaying disbursements or transactions.

(1) In cases of suspected financial exploitation, a broker-dealer or investment advisor may delay a disbursement or transaction from an account of an eligible adult or an account on which an eligible adult is a beneficiary if:

(A) the broker-dealer or investment advisor or a qualified individual reasonably believes, after initiating an internal review of the requested disbursement or transaction and the suspected

financial exploitation, that the requested disbursement or transaction may result in financial exploitation of an eligible adult; and

(B) the broker-dealer or investment advisor:

(i) immediately, but in no event more than 2 business days after the requested disbursement or transaction, provides written notification of the delay and the reason for the delay to all parties authorized to transact business on the account, unless any such party is reasonably believed to have engaged in suspected or attempted financial exploitation of the eligible adult;

(ii) immediately, but in no event more than 2 business days after the requested disbursement or transaction, notifies the Department, or a provider agency designated to receive such reports; and

(iii) continues its internal review of the suspected or attempted financial exploitation of the eligible adult, as necessary, and reports the investigation's results to the Department, or a provider agency designated to receive such reports, within 7 business days after the requested disbursement or transaction.

(2) Any delay of a disbursement or transaction as authorized by this subsection shall expire upon the sooner of:

(A) a determination by the broker-dealer or investment advisor that the disbursement or transaction will not result in financial exploitation of the eligible adult; or

(B) no later than 15 business days after the date the broker-dealer or investment advisor initially imposed the temporary hold on the disbursement or transaction, unless it is terminated or extended by a State regulator, agency with competent jurisdiction, or court of competent jurisdiction; or

(C) if, after conducting an internal review, the broker-dealer or investment advisor reasonably believes that financial exploitation of the eligible adult has occurred, is occurring, has been attempted, or will be attempted, the temporary hold may be extended by the broker-dealer or investment advisor for no more than 10 business days beyond the expiration date established in subparagraph (B), unless otherwise terminated or extended by a State regulator, agency with competent jurisdiction, or court of competent jurisdiction; or

(D) if, following the internal review, the broker-dealer or investment advisor reasonably believes that the financial exploitation of the eligible adult has occurred, is occurring, has been attempted, or will be attempted, and has notified a State regulator, agency with competent jurisdiction, or a court of competent jurisdiction of such belief, the temporary hold may be extended by the broker-dealer or investment advisor for up to 30 business days from the expiration date outlined in subparagraph (C), unless otherwise terminated or extended by a State regulator, agency with competent jurisdiction, or court of competent jurisdiction.

(3) A court of competent jurisdiction may enter an order extending the delay of the disbursement of funds or transaction, or may order other protective relief based on the petition of the Department, the broker-dealer, or the investment adviser that initiated the delay under this subsection, or other interested party.

(b) Immunity for delaying disbursements or transactions. A broker-dealer, investment advisor, or qualified individual who, in good faith and exercising reasonable care, complies with subsection (a) shall be immune from any administrative, civil, or criminal liability that might otherwise arise from such delay in a disbursement or transaction.

(c) Records. A broker-dealer, investment advisor, or qualified individual shall provide access to or copies of records that are relevant to the suspected or attempted financial exploitation of an eligible adult to a representative of the Department or a designated provider agency and to law enforcement, either as part of a referral to the Department, the provider agency, or law enforcement, or upon request of the Department, the provider agency, or law enforcement pursuant to an investigation. The records may include historical records as well as records relating to the most recent transaction or transactions that may comprise financial exploitation of an eligible adult. All records made available to the Department or a designated provider agency in accordance with this subsection are confidential and not subject to disclosure under the Freedom of Information Act. Nothing in this subsection shall limit or otherwise impede the authority of the Department or a designated provider agency to access or examine the books and records of broker-dealers, investment advisors, or qualified individuals as otherwise provided in Section 13 of this Act or other applicable law. Disclosure requirements do not apply when such disclosure would be prohibited by federal

law or regulation, or State law or regulation, including, but not limited to, FinCEN requirements that strictly prohibit any sharing of suspicious activity reports filed by banks.

(320 ILCS 20/13)

Sec. 13. Access.

(a) In accord with established law and Department protocols, procedures, and policies, the designated provider agencies shall have access to eligible adults who have been reported or found to be victims of abuse, abandonment, neglect, financial exploitation, or self-neglect in order to assess the validity of the report, assess other needs of the eligible adult, and provide services in accordance with this Act.

(a-5) A representative of the Department or a designated provider agency that is actively involved in an abuse, abandonment, neglect, financial exploitation, or self-neglect investigation under this Act shall be allowed access to the financial records, including those records described in subsection (c) of Section 4.3, mental and physical health records, and other relevant evaluative records of the eligible adult which are in the possession of any individual, financial institution, broker-dealer, investment advisor, qualified individual, health care provider, mental health provider, educational facility, or other facility if necessary to complete the investigation mandated by this Act. The individual, provider, or facility shall provide such records to the representative upon receipt of a written request and certification from the Department or designated provider agency that an investigation is being conducted under this Act and the records are pertinent to the investigation.

Any records received by such representative, the confidentiality of which is protected by another law or rule, shall be maintained as confidential, except for such use as may be necessary for any administrative or other legal proceeding. Nothing in this paragraph shall be construed to abrogate or supersede FinCEN requirements that strictly prohibit any sharing of suspicious activity reports filed by banks.

(b) Where access to an eligible adult is denied, including the refusal to provide requested records, the Office of the Attorney General, the Department, or the provider agency may petition the court for an order to require appropriate access where:

(1) a caregiver or third party has interfered with the assessment or service plan, or

(2) the agency has reason to believe that the eligible adult is denying access because of coercion, extortion, or justifiable fear of future abuse, abandonment, neglect, or financial exploitation.

(c) The petition for an order requiring appropriate access shall be afforded an expedited hearing in the circuit court.

(d) If the provider agency has substantiated financial exploitation against an eligible adult, and has documented a reasonable belief that the eligible adult will be irreparably harmed as a result of the financial exploitation, the Office of the Attorney General, the Department, or the provider agency may petition for an order freezing the assets of the eligible adult. The petition shall be filed in the county or counties in which the assets are located. The court's order shall prohibit the sale, gifting, transfer, or wasting of the assets of the eligible adult, both real and personal, owned by, or vested in, the eligible adult, without the express permission of the court. The petition to freeze the assets of the eligible adult shall be afforded an expedited hearing in the circuit court.

(Source: P.A. 102-244, eff. 1-1-22.)".

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 Stadelman, **Senate Bill No. 1551** 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 38; NAYS 17; Present 1.

The following voted in the affirmative:

Belt	Glowiak Hilton	Lightford	Stadelman
Castro	Guzmán	Loughran Cappel	Turner, D.
Cervantes	Halpin	Martwick	Ventura
Collins	Harris, N.	Morrison	Villa
Cunningham	Hastings	Murphy	Villanueva
Edly-Allen	Hills	Peters	Villivalam
Ellman	Holmes	Porfirio	Walker
Faraci	Johnson	Preston	Mr. President
Feigenholtz	Joyce	Simmons	
Fine	Koehler	Sims	

The following voted in the negative:

Anderson	Curran	Plummer	Turner, S.
Arellano, L.	DeWitte	Rezin	Wilcox
Balkema	Fowler	Rose	
Bryant	Harriss, E.	Syverson	
Chesney	McClure	Tracy	

The following voted present:

Lewis

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 Morrison, **Senate Bill No. 1602** 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 56; NAYS None.

The following voted in the affirmative:

Anderson	Feigenholtz	Lightford	Syverson
Arellano, L.	Fine	Loughran Cappel	Tracy
Balkema	Fowler	Martwick	Turner, D.
Belt	Glowiak Hilton	McClure	Turner, S.
Bryant	Guzmán	Morrison	Ventura
Castro	Halpin	Murphy	Villa
Cervantes	Harris, N.	Peters	Villanueva
Chesney	Harriss, E.	Plummer	Villivalam
Collins	Hastings	Porfirio	Walker
Cunningham	Hills	Preston	Wilcox
Curran	Holmes	Rezin	Mr. President
DeWitte	Johnson	Rose	
Edly-Allen	Joyce	Simmons	
Ellman	Koehler	Sims	
Faraci	Lewis	Stadelman	

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. 1667** was recalled from the order of third reading to the order of second reading.

Floor Amendment No. 2 was postponed in the Committee on Judiciary.

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

Floor Amendment No. 4 was recommended Do Adopt in the Committee on Judiciary.

Senator Martwick offered the following amendment and moved its adoption:

AMENDMENT NO. 5 TO SENATE BILL 1667

AMENDMENT NO. 5 . Amend Senate Bill 1667 by replacing everything after the enacting clause with the following:

"Section 3. The State Finance Act is amended by changing Section 14a as follows:

(30 ILCS 105/14a) (from Ch. 127, par. 150a)

Sec. 14a. Payments for unused benefits; use of sick leave.

(a) Upon the death of a State employee, his or her estate is entitled to receive from the appropriation for personal services available for payment of his or her compensation such sum for accrued vacation period, accrued overtime, and accrued qualifying sick leave as would have been paid or allowed to such employee had he or she survived and terminated his or her employment.

Except as provided in the Revised Uniform Unclaimed Property Act, the ~~The~~ State Comptroller shall draw a warrant or warrants against the appropriation, upon receipt of a proper death certificate, payable to decedent's estate, or if no estate is opened, to the person or persons entitled thereto under Section 25-1 of the Probate Act of 1975 upon receipt of the affidavit referred to in that Section, for the sum due. Funds owed to the estate or heirs of a deceased State employee pursuant to this Section that are not paid within one year of the State employee's death shall be reported and remitted to the State Treasurer pursuant to the Revised Uniform Unclaimed Property Act.

(b) The Department of Central Management Services shall prescribe by rule the method of computing the accrued vacation period and accrued overtime for all employees, including those not otherwise subject to its jurisdiction, and for the purposes of this Act the Department of Central Management Services may require such reports as it deems necessary. Accrued sick leave shall be computed as provided in subsection (f).

(c) Unless otherwise provided for in a collective bargaining agreement entered into under the Illinois Educational Labor Relations Act, upon the retirement or resignation of a State employee from State service, his or her accrued vacation, overtime, and qualifying sick leave shall be payable to the employee in a single lump sum payment. However, if the employee returns to employment in any capacity with the same agency or department within 30 days of the termination of his or her previous State employment, the employee must, as a condition of his or her new State employment, repay the lump sum amount within 30 days after his or her new State employment commences. The amount repaid shall be deposited into the fund from which the payment was made or the General Revenue Fund, and the accrued vacation, overtime and sick leave upon which the lump sum payment was based shall be credited to the account of the employee in accordance with the rules of the jurisdiction under which he or she is employed.

(d) Upon the movement of a State employee from a position subject to the Personnel Code to another State position not subject to the Personnel Code, or to a position subject to the Personnel Code from a State position not subject to the Personnel Code, or upon the movement of a State employee of an institution or agency subject to the State Universities Civil Service System from one such institution or agency to another such institution or agency, his or her accrued vacation, overtime and sick leave shall be credited to the employee's account in accordance with the rules of the jurisdiction to which the State employee moved. However, if the rules preclude crediting the State employee's total accrued vacation, overtime or sick leave to his or her account at the jurisdiction to which he or she is to move, the nontransferable accrued vacation, overtime, and qualifying sick leave shall be payable to the employee in a single lump sum payment by the jurisdiction from which he or she moved.

(e) Upon the death of a State employee or the retirement, indeterminate layoff or resignation of a State employee from State service, the employee's retirement or disability benefits shall be computed as if the employee had remained in the State employment at his or her most recent rate of compensation until his or

her accumulated unused leave for vacation, overtime, sickness and personal business would have been exhausted. The employing agency shall certify, in writing to the employee, the unused leaves the employee has accrued. This certification may be held by the employee or forwarded to the retirement fund. Employing agencies not covered by the Personnel Code shall certify, in writing to the employee, the unused leaves the employee has accrued.

(f) Accrued sick leave shall be computed by multiplying 1/2 of the number of days of accumulated sick leave by the daily rate of compensation applicable to the employee at the time of his or her death, retirement, resignation, or other termination of service described in this Section.

The payment for qualifying accrued sick leave after the employee's death, retirement, resignation, or other termination of service provided by Public Act 83-976 shall be for sick leave days earned on or after January 1, 1984 and before January 1, 1998. Sick leave accumulated on or after January 1, 1998 is not compensable under this Section at the time of the employee's death, retirement, resignation, or other termination of service, but may be used to establish retirement system service credit as provided in the Illinois Pension Code.

The Department of Central Management Services shall prescribe by rule the method of computing the accrued sick leave days for all employees, including those not otherwise subject to its jurisdiction. Beginning January 1, 1998, sick leave used by an employee shall be charged against his or her accumulated sick leave in the following order: first, sick leave accumulated before January 1, 1984; then sick leave accumulated on or after January 1, 1998; and finally sick leave accumulated on or after January 1, 1984 but before January 1, 1998.

(Source: P.A. 93-448, eff. 8-6-03.)

Section 5. 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, if practicable, 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. 103-977, eff. 1-1-25.)

(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, for a minimum of 7 years after the termination of the trust, a copy of the governing trust instrument under which the trustee was authorized to act at the time the trust terminated ~~trust records for a minimum of 7 years after the dissolution of the trust~~.

(f) Prior to the termination of the trust ~~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. 103-977, eff. 1-1-25.)

Section 10. The Revised Uniform Unclaimed Property Act is amended by changing Sections 15-102, 15-203, 15-504, 15-806, 15-1301, and 15-1302 and by adding Sections 15-214, 15-406, 15-1002.2, and 15-1303 as follows:

(765 ILCS 1026/15-102)

Sec. 15-102. Definitions. In this Act:

(1) "Administrator" means the State Treasurer.

(2) "Administrator's agent" means a person with which the administrator contracts to conduct an examination under Article 10 on behalf of the administrator. The term includes an independent

contractor of the person and each individual participating in the examination on behalf of the person or contractor.

(2.5) (Blank).

(3) "Apparent owner" means a person whose name appears on the records of a holder as the owner of property held, issued, or owing by the holder.

(4) "Business association" means a corporation, joint stock company, investment company, unincorporated association, joint venture, limited liability company, business trust, trust company, land bank, safe deposit company, safekeeping depository, financial organization, insurance company, federally chartered entity, utility, sole proprietorship, or other business entity, whether or not for profit.

(5) "Confidential information" means information that is "personal information" under the Personal Information Protection Act, "private information" under the Freedom of Information Act or personal information contained within public records, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, unless the disclosure is consented to in writing by the individual subjects of the information as provided in the Freedom of Information Act.

(6) "Domicile" means:

(A) for a corporation, the state of its incorporation;

(B) for a business association whose formation requires a filing with a state, other than a corporation, the state of its filing;

(C) for a federally chartered entity or an investment company registered under the Investment Company Act of 1940, the state of its home office; and

(D) for any other holder, the state of its principal place of business.

(7) "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

(8) "Electronic mail" means a communication by electronic means which is automatically retained and stored and may be readily accessed or retrieved.

(8.5) "Escheat fee" means any charge imposed solely by virtue of property being reported as presumed abandoned.

(9) "Financial organization" means a bank, savings bank, foreign bank, corporate fiduciary, currency exchange, money transmitter, or credit union.

(9.5) "Finder" means (i) a person engaged in the location, recovery, purchase, or assignment of property held by the administrator for a fee, compensation, commission, or other remuneration paid by the owner of the property or (ii) a person engaged in assisting in the location, recovery, purchase, or assignment of property held by the administrator for a fee, compensation, commission, or other remuneration paid by the owner of the property.

(10) "Game-related digital content" means digital content that exists only in an electronic game or electronic-game platform. The term:

(A) includes:

(i) game-play currency such as a virtual wallet, even if denominated in United States currency; and

(ii) the following if for use or redemption only within the game or platform or another electronic game or electronic-game platform:

(I) points sometimes referred to as gems, tokens, gold, and similar names; and

(II) digital codes; and

(B) does not include an item that the issuer:

(i) permits to be redeemed for use outside a game or platform for:

(I) money; or

(II) goods or services that have more than minimal value; or

(ii) otherwise monetizes for use outside a game or platform.

(11) "Gift card" means a record evidencing a promise made for consideration by the seller or issuer of the record that goods, services, or money will be provided to the owner of the record to the value or amount shown in the record that is either:

(A) a record:

(i) issued on a prepaid basis primarily for personal, family, or household purposes to a consumer in a specified amount;

(ii) the value of which does not expire;

(iii) that is not subject to a dormancy, inactivity, or post-sale service fee;

(iv) that is redeemable upon presentation for goods or services; and

(v) that, unless required by law, may not be redeemed for or converted into money or otherwise monetized by the issuer; or

(B) a prepaid commercial mobile radio service, as defined in 47 CFR 20.3, as amended.

(12) "Holder" means a person obligated to hold for the account of, or to deliver or pay to, the owner, property subject to this Act.

(13) "Insurance company" means an association, corporation, or fraternal or mutual-benefit organization, whether or not for profit, engaged in the business of providing life endowments, annuities, or insurance, including accident, burial, casualty, credit-life, contract-performance, dental, disability, fidelity, fire, health, hospitalization, illness, life, malpractice, marine, mortgage, surety, wage-protection, and worker-compensation insurance.

(14) "Loyalty card" means a record given without direct monetary consideration under an award, reward, benefit, loyalty, incentive, rebate, or promotional program which may be used or redeemed only to obtain goods or services or a discount on goods or services. The term does not include a record that may be redeemed for money or otherwise monetized by the issuer.

(15) "Mineral" means gas, oil, coal, oil shale, other gaseous liquid or solid hydrocarbon, cement material, sand and gravel, road material, building stone, chemical raw material, gemstone, fissionable and nonfissionable ores, colloidal and other clay, steam and other geothermal resources, and any other substance defined as a mineral by law of this State other than this Act.

(16) "Mineral proceeds" means an amount payable for extraction, production, or sale of minerals, or, on the abandonment of the amount, an amount that becomes payable after abandonment. The term includes an amount payable:

(A) for the acquisition and retention of a mineral lease, including a bonus, royalty, compensatory royalty, shut-in royalty, minimum royalty, and delay rental;

(B) for the extraction, production, or sale of minerals, including a net revenue interest, royalty, overriding royalty, extraction payment, and production payment; and

(C) under an agreement or option, including a joint-operating agreement, unit agreement, pooling agreement, and farm-out agreement.

(17) "Money order" means a payment order for a specified amount of money. The term includes an express money order and a personal money order on which the remitter is the purchaser.

(18) "Municipal bond" means a bond or evidence of indebtedness issued by a municipality or other political subdivision of a state.

(19) "Net card value" means the original purchase price or original issued value of a stored-value card, plus amounts added to the original price or value, minus amounts used and any service charge, fee, or dormancy charge permitted by law.

(20) "Non-freely transferable security" means a security that cannot be delivered to the administrator by the Depository Trust Clearing Corporation or similar custodian of securities providing post-trade clearing and settlement services to financial markets or cannot be delivered because there is no agent to effect transfer. The term includes a worthless security.

(21) "Owner", unless the context otherwise requires, means a person that has a legal, beneficial, or equitable interest in property subject to this Act or the person's legal representative when acting on behalf of the owner. The term includes:

(A) a depositor, for a deposit;

(B) a beneficiary, for a trust other than a deposit in trust;

(C) a creditor, claimant, or payee, for other property; and

(D) the lawful bearer of a record that may be used to obtain money, a reward, or a thing of value.

(22) "Payroll card" means a record that evidences a payroll-card account as defined in Regulation E, 12 CFR Part 1005, as amended.

(23) "Person" means an individual, estate, business association, public corporation, government or governmental subdivision, agency, or instrumentality, or other legal entity, whether or not for profit.

(24) "Property" means tangible property described in Section 15-205 ~~15-201~~ or a fixed and certain interest in intangible property held, issued, or owed in the course of a holder's business or by a government, governmental subdivision, agency, or instrumentality. The term:

(A) includes all income from or increments to the property;

(B) includes property referred to as or evidenced by:

(i) money, virtual currency, interest, or a dividend, check, draft, deposit, or payroll card;

(ii) a credit balance, customer's overpayment, stored-value card, security deposit, refund, credit memorandum, unpaid wage, unused ticket for which the issuer has an obligation to provide a refund, mineral proceeds, or unidentified remittance;

(iii) a security except for:

(I) a worthless security; or

(II) a security that is subject to a lien, legal hold, or restriction evidenced on the records of the holder or imposed by operation of law, if the lien, legal hold, or restriction restricts the holder's or owner's ability to receive, transfer, sell, or otherwise negotiate the security;

(iv) a bond, debenture, note, or other evidence of indebtedness;

(v) money deposited to redeem a security, make a distribution, or pay a dividend;

(vi) an amount due and payable under an annuity contract or insurance policy;

(vii) an amount distributable from a trust or custodial fund established under a plan to provide health, welfare, pension, vacation, severance, retirement, death, stock purchase, profit-sharing, employee-savings, supplemental-unemployment insurance, or a similar benefit; and

(viii) any instrument on which a financial organization or business association is directly liable; and

(C) does not include:

(i) game-related digital content;

(ii) a loyalty card;

(iii) a gift card; or

(iv) funds on deposit or held in trust pursuant to Section 16 of the Illinois Pre-Need Cemetery Sales Act.

(25) "Putative holder" means a person believed by the administrator to be a holder, until the person pays or delivers to the administrator property subject to this Act or the administrator or a court makes a final determination that the person is or is not a holder.

(26) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form. The phrase "records of the holder" includes records maintained by a third party that has contracted with the holder.

(27) "Security" means:

(A) a security as defined in Article 8 of the Uniform Commercial Code;

(B) a security entitlement as defined in Article 8 of the Uniform Commercial Code, including a customer security account held by a registered broker-dealer, to the extent the financial assets held in the security account are not:

(i) registered on the books of the issuer in the name of the person for which the broker-dealer holds the assets;

(ii) payable to the order of the person; or

(iii) specifically indorsed to the person; or

(C) an equity interest in a business association not included in subparagraph (A) or (B).

(28) "Sign" means, with present intent to authenticate or adopt a record:

(A) to execute or adopt a tangible symbol; or

(B) to attach to or logically associate with the record an electronic symbol, sound, or process.

(29) "State" means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

(30) "Stored-value card" means a card, code, or other device that is:

(A) issued on a prepaid basis primarily for personal, family, or household purposes to a consumer in a specified amount, whether or not that amount may be increased or reloaded in exchange for payment; and

(B) redeemable upon presentation at multiple unaffiliated merchants for goods or services or usable at automated teller machines; and

"Stored-value card" does not include a gift card, payroll card, loyalty card, or game-related digital content.

(31) "Utility" means a person that owns or operates for public use a plant, equipment, real property, franchise, or license for the following public services:

(A) transmission of communications or information;

(B) production, storage, transmission, sale, delivery, or furnishing of electricity, water, steam, or gas; or

(C) provision of sewage or septic services, or trash, garbage, or recycling disposal.

(32) "Virtual currency" means any type of digital unit, including cryptocurrency, used as a medium of exchange, unit of account, or a form of digitally stored value, which does not have legal tender status recognized by the United States. The term does not include:

(A) the software or protocols governing the transfer of the digital representation of value;

(B) game-related digital content; or

(C) a loyalty card or gift card.

(33) "Worthless security" means a security whose cost of liquidation and delivery to the administrator would exceed the value of the security on the date a report is due under this Act.

(Source: P.A. 101-552, eff. 1-1-20; 102-288, eff. 8-6-21.)

(765 ILCS 1026/15-203)

Sec. 15-203. When other tax-deferred account presumed abandoned.

(a) Subject to Section 15-210 and except for property described in Section 15-202, property held in an account or plan, including a health savings account, that qualifies for tax deferral under the income-tax laws of the United States is presumed abandoned if it is unclaimed by the apparent owner 3 years after the earlier of:

(1) the date, if determinable by the holder, specified in the income-tax laws and regulations of the United States by which distribution of the property must begin to avoid a tax penalty, with no distribution having been made; or

(2) 20 ~~30~~ years after the date the account was opened.

(b) If the owner is deceased, then property subject to this Section is presumed abandoned 2 years from the earliest of:

(1) the date of the distribution or attempted distribution of the property;

(2) the date of the required distribution as stated in the plan or trust agreement governing the plan; or

(3) the date, if determinable by the holder, specified in the income tax laws of the United States by which distribution of the property must begin in order to avoid a tax penalty.

(c) In the tenth year after the opening of an account holding property covered by this Section in which the apparent owner has not, within the previous 3 years, indicated an interest under Section 15-210 and that is not otherwise presumed abandoned, the holder shall attempt to contact the apparent owner of the account in a manner substantially similar to the manner in which notice is provided under Section 15-501. The administrator shall adopt rules to implement this subsection.

(Source: P.A. 100-22, eff. 1-1-18.)

(765 ILCS 1026/15-214 new)

Sec. 15-214. Funds owed to deceased state employees. After the death of an employee of a State agency, as defined in Section 1-7 of the Illinois State Auditing Act, any outstanding funds owed to the deceased employee shall be paid to the heirs of the deceased employee or the deceased employee's estate within one year of the employee's death in accordance with Section 14a of the State Finance Act. Upon expiration of the one year period, any funds remaining unpaid shall be reported and remitted to the administrator within 90 days. The administrator shall promptly provide notice to the employee's last known address under Section 15-503 of this Act.

(765 ILCS 1026/15-406 new)

Sec. 15-406. Presumptively abandoned property held in trust. A holder who holds property presumed abandoned under this Act holds the property in trust for the benefit of the administrator on behalf of the owner from and after the date the property is presumed abandoned under this Act. A holder shall establish trust accounts or otherwise segregate property held for the benefit of the administrator under this Section pending delivery in accordance with Section 15-603, provided that any failure to establish trust accounts or

otherwise segregate the property shall not affect the owner's interest in the property or the obligation of the holder to report and remit the property. This Section does not apply to property held by an insurance company as defined in this Act or property insured by the Federal Deposit Insurance Corporation, National Credit Union Administration, or other insurer of accounts approved by a depository institution's primary financial regulatory agency.

(765 ILCS 1026/15-504)

Sec. 15-504. Cooperation among State officers and agencies to locate apparent owner.

(a) Unless prohibited by law of this State other than this Act, on request of the administrator, each officer, agency, board, commission, division, and department of this State, any body politic and corporate created by this State for a public purpose, and each political subdivision of this State shall make its books and records available to the administrator and cooperate with the administrator to determine the current address of an apparent owner of property held by the administrator under this Act or to otherwise assist the administrator in the administration of this Act. The administrator may also enter into data sharing agreements to enable such other governmental agencies to provide an additional notice to apparent owners of property held by the administrator.

(b) If the administrator reasonably believes that the apparent owner of property presumed abandoned held by the administrator under this Act is a unit of local government in this State which files an audit report or annual financial report with the Comptroller, the administrator may give written notice to the person or persons identified in the most recent annual financial report as the contact person, the chief executive officer, and the chief financial officer.

(c) If the administrator reasonably believes that the apparent owner of property presumed abandoned held by the administrator under this Act is a State agency as defined in the Illinois State Auditing Act, the administrator may give written notice to ~~the person whom the records of the Comptroller indicate are~~ the chief executive officer ~~and chief fiscal officer~~ of such State agency and the Governor's Office of Management and Budget.

(Source: P.A. 103-148, eff. 6-30-23.)

(765 ILCS 1026/15-806)

Sec. 15-806. Escheat of certain abandoned State agency moneys. Property presumed abandoned where the administrator reasonably believes the owner is a State agency as defined in the Illinois State Auditing Act, shall escheat to the State and shall be deposited into the General Revenue Fund if all of the following apply:

(1) the administrator has provided written notice to the State agency and the Governor's Office of Management and Budget pursuant to subsection (c) of Section 15-504 ~~at least 3 times in at least 3 different calendar years~~;

(2) it has been more than 1 year ~~3 years~~ since the administrator first provided written notice to the State agency pursuant to subsection (c) of Section 15-504; ~~and~~

(3) the State agency has not initiated a claim or otherwise expressed an indication of interest in the property; and

(4) the administrator provides written notice of the escheat to the Director of the Governor's Office of Management and Budget.

(Source: P.A. 103-148, eff. 6-30-23.)

(765 ILCS 1026/15-1002.2 new)

Sec. 15-1002.2. Additional authority for the Secretary of Financial and Professional Regulation.

(a) Notwithstanding any law to the contrary, the Secretary of Financial and Professional Regulation may order any regulated person to immediately report and remit property subject to this Act, in whole or in part, to the administrator when the Secretary deems, in the Secretary's sole discretion, such reporting and remittance to be necessary to protect the interest of owners.

(b) Any order issued by the Secretary under this Section shall accelerate the dormancy period otherwise set forth in this Act.

(c) Notwithstanding any law to the contrary, a regulated person may accelerate the dormancy period otherwise set forth in this Act and immediately report and remit property subject to this Act, in whole or in part, with written permission from the Secretary of Financial and Professional Regulation, subject to any terms and conditions that the Secretary deems, in the Secretary's sole discretion, to be necessary to protect the interest of owners.

(d) The Secretary of Financial and Professional Regulation may adopt rules consistent with the purposes of this Section necessary to administer, implement, interpret, and enforce this Section.

(e) The administrator is authorized and empowered to adopt rules consistent with the purposes of this Section, including, but not limited to, rules necessary to administer, implement, interpret, and enforce this Section.

(f) For purposes of this Section, "regulated person" means any person or entity who is certified, permitted, approved, chartered, registered, licensed, or otherwise authorized to engage in any profession, trade, occupation, or industry by the Department of Financial and Professional Regulation's Division of Banking or Division of Financial Institutions under any Act or rule administered by the Division of Banking or Division of Financial Institutions. Notwithstanding the foregoing, banks, savings banks, and credit unions organized under the laws of this State are not subject to this Section.

(765 ILCS 1026/15-1301)

Sec. 15-1301. When agreement to locate property enforceable.

(a) An agreement by an owner or an apparent owner and a finder ~~another person~~, the primary purpose of which is to locate~~, deliver~~, recover, or assist in the location~~, delivery,~~ or recovery of property held by the administrator for a fee, compensation, commission, or other remuneration, is enforceable only if the agreement:

(1) is in a record that clearly states the nature of the property and the services to be provided;

(2) is signed by or on behalf of the owner or apparent owner; ~~and~~

(3) states the amount or value of the property reasonably expected to be recovered, computed before and after a fee, ~~or other~~ compensation, commission, or other remuneration to be paid to the finder ~~person~~ has been deducted; ~~.~~

(4) clearly states that the property is in the possession of the administrator and may be recovered from the administrator without paying a fee; and

(5) provides the contact information for recovering the property from the administrator.

(b) In conjunction with the filing of any claim involving an agreement by an owner or apparent owner and a finder, the administrator shall receive from the claimant a full and unredacted copy of the agreement signed by the owner or apparent owner and the finder.

(c) A finder may receive payment directly from the administrator only if the claimant provides a fully executed and unredacted copy of the agreement together with the claim and if the agreement provides for the direct payment to the finder. In all other cases, the administrator must remit the entirety of the payment to the claimant. All payments remain subject to offset as provided in Section 15-905.

(Source: P.A. 100-22, eff. 1-1-18.)

(765 ILCS 1026/15-1302)

Sec. 15-1302. When agreement to locate property void.

(a) Time period. 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) Prohibition on future assignments. If a provision in an agreement described in Section 15-1301 applies to an obligation that did not exist or was not owed to the assignor at the time of execution of the agreement ~~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) Limit on fees. An agreement under this Article 13 that ~~which~~ provides for a fee, compensation, commission, or other remuneration in an amount that is more than 10% of the amount collected is unenforceable except by the apparent owner. The purchase, assignment, or other conveyance of unclaimed property to a finder, resulting in a net fee, compensation, commission, remuneration, or other profit to the finder in excess of 10% of the amount collected is prohibited.

(d) Other grounds for being void. 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 in excess of the amount authorized by paragraph (c) of this Section.

(e) License required. On or after January 1, 2026, a ~~A~~ person attempting or seeking to act as a finder must be licensed as a finder by the administrator pursuant to Section 15-1503 ~~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) Attorneys. This Section does not apply to an agreement between an owner and 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) CPA firms. 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).

(h) Enforcement. The administrator may use all the powers under Section 15-1002 to determine compliance with this Article.

(Source: P.A. 103-977, eff. 1-1-25.)

(765 ILCS 1026/15-1303 new)

Sec. 15-1303. License to act as finder.

(a) License required. No person shall, without a valid license issued by the administrator, (i) represent or present to the public in any manner to be a finder in the State of Illinois or (ii) act as a finder.

(b) Qualification for licensure. An applicant is qualified for licensure as a finder if the applicant meets all the following qualifications:

(1) If the applicant is a natural person, the person is at least 21 years of age.

(2) The applicant is of good moral character. When determining the moral character of an applicant, the administrator shall take into consideration the following:

(A) Whether the applicant has engaged in any unethical or dishonest business practices.

(B) Whether the applicant has been adjudicated, civilly or criminally, to have committed fraud or to have violated any law of any state involving unfair trade or business practices, has been convicted of a misdemeanor of which fraud is an essential element or which involves any aspect of the finder business or claiming or reporting of unclaimed property, or has been convicted of any felony.

(C) Whether the applicant has intentionally violated any provision of this Act or a predecessor law or any regulations relating thereto.

(D) Whether the applicant has been permanently or temporarily suspended, enjoined, or barred by any government agency or court of competent jurisdiction in any state from engaging in or continuing any conduct or practice involving any aspect of the finder business, the claiming or reporting of unclaimed property, or any other regulated business or occupation.

(E) Whether any charges or complaints lodged against the applicant for which fraud, deceptive business practices, or similar offenses involving moral turpitude were an essential element that resulted in civil or criminal litigation or administrative proceedings.

(F) Whether the applicant has made any misrepresentations or false statements or concealed any material fact.

(3) If the applicant is a corporation, limited liability company, partnership, or other entity permitted by law, then the administrator shall take into consideration each principal, owner, member, officer, and shareholder holding 25% or more of corporate stock for compliance with subsection (b) of this Section.

(4) The applicant demonstrates knowledge and understanding of this Act, including, but not limited to, the provisions of Article 13 of this Act.

(c) Application for license. Every person seeking to be licensed as a finder shall apply to the administrator in writing on forms or electronically as prescribed by the administrator.

(1) Every application shall be accompanied by a fee that the administrator shall establish by rule. The fee may not be refundable.

(2) All applicants shall provide a valid mailing address and email address to the administrator, which shall serve as the address of record and email address of record, respectively, at the time of application for licensure or renewal of a license, and shall inform the administrator in writing of any change in address of record or email address of record within 14 days after the change.

(3) The applicant shall authorize the administrator to conduct a criminal background check to determine if the applicant has ever been charged with a crime and, if so, the disposition of those charges. If the applicant is a corporation, limited liability company, partnership, or other entity permitted by law, then the authorization shall include each principal, owner, member, officer, and shareholder holding 10% or more of corporate stock, as applicable. The administrator shall charge a fee for conducting the criminal background check that shall not exceed the actual cost of the criminal background check.

(4) The applicant shall provide all information that, in the judgment of the administrator, enables the administrator to pass on the qualifications of the applicant for licensure as a finder under this Act. The administrator shall establish the minimum information required to be provided by administrative rule, but is authorized to request additional information when, in the judgment of the administrator, such information is necessary.

(5) In addition to any other information required to be provided in the application, the applicant shall provide the applicant's Social Security Number, Individual Taxpayer Identification Number, or Federal Employer Identification Number. If the applicant is a corporation, limited liability company, partnership, or other entity permitted by law, then the applicant shall provide the Social Security Number or Individual Taxpayer Identification Number for each principal, owner, member, officer, and shareholder holding 10% or more of corporate stock, as applicable.

(d) Fidelity bond. Applications for licensure shall also be accompanied by a fidelity bond issued by a bonding company or insurance company authorized to do business in this State, as approved by the administrator, in an amount established by the administrator by rule not to exceed $100,000. This bond runs to the benefit of the administrator and the administrator's successor for the benefit of the Unclaimed Property Trust Fund.

(e) Renewal of license.

(1) The expiration date and renewal period for each license issued under this Section shall be set by rule.

(2) The holder of a license issued under this Section may renew the license within 90 days preceding the expiration date by (A) completing and submitting to the administrator a renewal application in the manner prescribed by the administrator and (B) paying the required fees, which shall be established by the administrator by administrative rule.

(f) Any application for licensure or for renewal not acted upon within 90 days may be deemed denied.

(g) The administrator may refuse to issue or may suspend or revoke a license on any of the following grounds:

(1) The applicant or licensee has made any misrepresentations or false statements or concealed any material fact.

(2) The applicant or licensee is insolvent.

(3) The applicant or licensee has conducted or is about to engage in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public.

(4) The applicant or licensee has failed to satisfy any enforceable judgment or decree rendered by any court of competent jurisdiction against the applicant or licensee.

(5) The applicant or licensee fails to make a substantive response to a request for information by the administrator within 30 days of the request.

(6) The applicant or licensee, including any member, officer, or director thereof if the applicant or licensee is a firm, partnership, association, or corporation or any shareholder holding more than 10% of the corporate stock, has violated any provision of this Act or any rule adopted under this Act or a valid order entered by the administrator under this Act.

(7) The applicant or licensee aided or assisted another person in violating any provision of this Act or rules adopted under this Act.

(8) The applicant or licensee engaged in solicitation of professional services by using false or misleading advertising.

(9) The administrator finds any fact or condition existing which, if it had existed at the time of the original application for the license, would have warranted the administrator in refusing the issuance of the license.

(h) Denial, suspension, or revocation of license.

(1) If the administrator determines that an application for licensure or for renewal of a license should be denied, then the applicant shall be sent a notice of intent to deny and the applicant shall be given the opportunity to request, within 20 days of the notice, a hearing on the denial.

(2) If the administrator determines that a license should be suspended or revoked, then the licensee shall be sent a notice of intent to suspend or revoke the license and the licensee shall be given the opportunity to request, within 20 days of the notice, a hearing on the suspension or revocation.

(3) Any hearing on the denial, suspension, or revocation shall be conducted in accordance with the State Treasurer's administrative rules concerning rules of practice in administrative hearings.

(i) Practice without license; injunction; cease and desist order; civil penalties.

(1) Acting as a finder by any person who has not been issued a license by the administrator, whose license has been suspended or revoked, or whose license has not been renewed, is hereby declared to be inimical to the public welfare and to constitute a public nuisance.

(2) The administrator may, in the name of the People of the State of Illinois through the Attorney General, apply for an injunction in the circuit court to enjoin any person who has not been issued a license or whose license has been suspended or revoked, or whose license has not been renewed, from acting as a finder. Upon the filing of a verified complaint in court, the court, if satisfied by affidavit or otherwise that the person is or has been acting as a finder without having been issued a license or after the person's license has been suspended, revoked, or not renewed, may issue a temporary restraining order or preliminary injunction, without notice or bond, enjoining the defendant from further acting as a finder. A copy of the verified complaint shall be served upon the defendant and the proceedings shall thereafter be conducted as in other civil cases. If it is established that the defendant has been or is acting as a finder without having been issued a license or has been or is acting as a finder after his or her license has been suspended, revoked, or not renewed, the court may enter a judgment perpetually enjoining the defendant from further acting as a finder. In case of violation of any injunction entered under this Section, the court may summarily try and punish the offender for contempt of court. Any injunction proceeding shall be in addition to, and not in lieu of, all penalties and other remedies in this Act.

(3) Whenever, in the opinion of the administrator, any person or other entity violates any provision of this Article, the administrator may issue a notice to show cause why an order to cease and desist should not be entered against that person or other entity. The rule shall clearly set forth the grounds relied upon by the administrator and shall provide a period of at least 7 days from the date of the rule to file an answer to the satisfaction of the administrator. Failure to answer to the satisfaction of the administrator shall cause an order to cease and desist to be issued immediately.

(4) In addition to any other penalty provided by law, any person that violates any provision of this Article shall forfeit and pay a civil penalty in an amount determined by the administrator not to exceed $10,000 for each violation. The penalty shall be assessed in proceedings as provided in the State Treasurer's administrative rules concerning rules of practice in administrative hearings.

(j) Confidentiality. All information collected by the administrator in the course of an examination or investigation of a licensee or applicant, including, but not limited to, any complaint against a licensee filed with the administrator and information collected to investigate any such complaint, shall be maintained for the confidential use of the administrator and shall not be disclosed, except that the administrator may disclose such information to law enforcement officials, other government agencies including the unclaimed property programs of other states that have an appropriate regulatory interest as determined by the administrator, or a party presenting a lawful subpoena to the administrator. Information and documents disclosed to a federal, State, county, or local law enforcement agency shall not be disclosed by the agency for any purpose to any other agency or person. A formal complaint filed against a licensee by the administrator, or any order issued by the administrator against a licensee or applicant, shall be a public record, except as otherwise prohibited by law.

(k) All moneys received by the administrator under this Article shall be deposited into the State Treasurer's Administrative Fund.

(l) This Section applies on and after January 1, 2026.".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 5 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. 1667** 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 55; NAYS None.

The following voted in the affirmative:

Anderson	Faraci	Koehler	Sims
Arellano, L.	Feigenholtz	Lewis	Stadelman
Balkema	Fine	Loughran Cappel	Syverson
Belt	Fowler	Martwick	Tracy
Bryant	Glowiak Hilton	McClure	Turner, D.
Castro	Guzmán	Morrison	Turner, S.
Cervantes	Halpin	Murphy	Ventura
Chesney	Harris, N.	Peters	Villa
Collins	Harriss, E.	Plummer	Villanueva
Cunningham	Hastings	Porfirio	Villivalam
Curran	Hills	Preston	Walker
DeWitte	Holmes	Rezin	Wilcox
Edly-Allen	Johnson	Rose	Mr. President
Ellman	Joyce	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 Walker, **Senate Bill No. 1797** was recalled from the order of third reading to the order of second reading.

Senator Walker offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 1797

AMENDMENT NO. 2 . Amend Senate Bill 1797, AS AMENDED, by replacing everything after the enacting clause with the following:

"Article 1. General Provisions

Section 1-1. Short title. This Act may be cited as the Digital Assets and Consumer Protection Act.

Section 1-5. Definitions.

(a) As used in this Act:

"Affiliate" means any person that controls, is controlled by, or is under common control with another person. For purposes of this definition, "control" means the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a person.

"Applicant" means a person that applies for registration under this Act.

"Bank" means a bank, savings banks, savings and loan association, savings association, or industrial loan company chartered under the laws of this State or any other state or under the laws of the United States.

"Confidential supervisory information" means information or documents obtained by employees, agents, or representatives of the Department in the course of any examination, investigation, audit, visit, registration, certification, review, licensing, or any other regulatory or supervisory activity pursuant to this

Act, and any record prepared or obtained by the Department to the extent that the record summarizes or contains information derived from any report, document, or record described in this Act.

"Conflict of interest" means an interest that might incline a covered person or an individual who is an associated person of a covered person to make a recommendation that is not disinterested.

"Corporate fiduciary" shall mean a corporate fiduciary as defined by Section 1-5.05 of the Corporate Fiduciary Act.

"Covered person" means a registrant or person required to register pursuant to this Act.

"Covered exchange" means a covered person that exchanges or holds itself out as being able to exchange a digital asset for a resident.

"Credit union" means a credit union chartered under the laws of this State or any other state or under the laws of the United States.

"Department" means the Department of Financial and Professional Regulation.

"Digital asset" means a digital representation of value that is used as a medium of exchange, unit of account, or store of value, and that is not fiat currency, whether or not denominated in fiat currency. "Digital asset" does not include any of the following:

(1) A digital representation of value which a merchant grants, as part of an affinity or rewards program, and that cannot be taken from or exchanged with the merchant for fiat currency or a digital asset.

(2) A digital representation of value that is issued by or on behalf of a game publisher, used solely within a gaming platform, has no market or application outside of such gaming platform, and cannot be converted into, or redeemed for, fiat currency or digital assets.

(3) A digital representation of value that is used as part of prepaid cards.

"Digital asset administration" means controlling, administering, or issuing a digital asset. "Digital asset administration" does not include the issuance of a non-fungible token in and of itself.

"Digital asset business activity" means any of the following:

(1) Exchanging, transferring, or storing a digital asset.

(2) Engaging in digital asset administration.

(3) Any other business activity involving digital assets designated by rule by the Department as may be necessary and appropriate for the protection of residents.

"Digital asset business activity" does not include (1) peer-to-peer exchanges or transfers of digital assets, (2) decentralized exchanges facilitating peer-to-peer exchanges or transfers solely through use of a computer program or a transaction protocol that is intended to automatically execute, control, or document events and actions, and (3) the development and dissemination of software in and of itself.

"Exchange", when used as a verb, means to exchange, buy, sell, trade, or convert, on behalf of a resident, either of the following:

(1) A digital asset for fiat currency or one or more forms of digital assets.

(2) Fiat currency for one or more forms of digital assets.

"Exchange" does not include buying, selling, or trading digital assets for a person's own account in a principal capacity.

"Executive officer" includes, without limitation, an individual who is a director, officer, manager, managing member, partner, or trustee, or other functionally equivalent responsible individual, of a person.

"Federally insured depository institution" shall mean an insured depository institution as defined by Section 3(c)(2) of the Federal Deposit Insurance Act, 12 U.S.C. 1813(c)(2), as amended, or an insured credit union as defined by Section 101(7) of the Federal Credit Union Act, 12 U.S.C. 1752(7), as amended.

"Fiat currency" means a medium of exchange or unit of value issued by the United States or a foreign government and that is designated as legal tender in its country of issuance.

"Insolvent" means any of the following:

(1) Having generally ceased to pay debts in the ordinary course of business other than as a result of a bona fide dispute.

(2) Being unable to pay debts as they become due.

(3) Being insolvent within the meaning of federal bankruptcy law.

"Non-fungible token" means any unique digital identifier on any blockchain or digital asset network used to certify authenticity and ownership rights that is not readily exchangeable or replaceable with a mutually interchangeable digital asset of the same value. The Department may modify this definition by rule.

"Person" includes, without limitation, any individual, corporation, business trust, estate, trust, partnership, proprietorship, syndicate, limited liability company, association, joint venture, government, governmental subsection, agency or instrumentality, public corporation or joint stock company, or any other organization or legal or commercial entity.

"Prepaid card" means an electronic payment device that, subject to any rules adopted by the Department:

(1) is usable at a single merchant or an affiliated group of merchants that share the same name, mark, or logo, or is usable at multiple, unaffiliated merchants or service providers;

(2) is issued in and for a specified amount of fiat currency;

(3) can be reloaded in and for only fiat currency, if at all;

(4) is issued or reloaded on a prepaid basis for the future purchase or delivery of goods or services;

(5) is honored upon presentation;

(6) can be redeemed in and for only fiat currency, if at all;

(7) is governed by the Uniform Money Transmission Modernization Act; and

(8) complies with any other condition designated by rule by the Department as may be necessary and appropriate for the protection of residents.

"Qualified custodian" means a bank, credit union, or trust company, subject to any rules adopted by the Department.

"Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

"Registrant" means a person registered under this Act.

"Resident" means any of the following:

(1) A person who is domiciled in this State.

(2) A person who is physically located in this State for more than 183 days of the previous 365 days.

(3) A person who has a place of business in this State.

(4) A legal representative of a person that is domiciled in this State.

"Request for assistance" means all inquiries, complaints, account disputes, and requests for documentation a covered person receives from residents.

"Responsible individual" means an individual who has direct control over, or significant management, policy, or decision-making authority with respect to, a person's digital asset business activity in this State.

"Secretary" means the Secretary of Financial and Professional Regulation and any authorized representative of the Secretary.

"Service provider" means any person that provides a material service to a covered person in connection with the offering or provision by that covered person of a digital asset business activity in this State, including a person that either:

(1) Participates in designing, operating, or maintaining the digital asset business activity.

(2) Processes transactions relating to the digital asset business activity, other than unknowingly or incidentally transmitting or processing financial data in a manner that the data is undifferentiated from other types of data of the same form as the person transmits or processes.

"State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

"Store," "storage", and "storing", except in the phrase "store of value," means to store, hold, or maintain custody or control of a digital asset on behalf of a resident by a person other than the resident.

"Transfer" means to transfer or transmit a digital asset on behalf of a resident, including by doing any of the following:

(1) Crediting the digital asset to the account or storage of another person.

(2) Moving the digital asset from one account or storage of a resident to another account or storage of the same resident.

(3) Relinquishing custody or control of a digital asset to another person.

"United States dollar equivalent of digital assets" means the equivalent value of a particular digital asset in United States dollars shown on a covered exchange regulated in the United States for a particular date or period specified in this Act, subject to any rules adopted by the Department.

(b) Whenever the terms "include", "including" or terms of similar import appear in this Act, unless the context requires otherwise, such terms shall not be construed to imply the exclusion of any person, class, or thing not specifically included.

(c) A reference in this Act to any other law or statute of this State, or of any other jurisdiction, means such law or statute as amended to the effective date of this Act, and unless the context otherwise requires, as amended thereafter.

(d) Any reference to this Act shall include any rules adopted in accordance with this Act.

Section 1-10. Applicability.

(a) This Act governs the digital asset business activity of a person doing business in this State or, wherever located, who engages in or holds itself out as engaging in the activity with or on behalf of a resident, to the extent not preempted by federal law and except as otherwise provided in subsections (b), (c), (d), or (e).

(b)(1) This Act does not apply to the exchange, transfer, or storage of a digital asset or to digital asset administration to the extent that:

(A) the Securities Exchange Act of 1934, 15 U.S.C. 78a et seq., or the Illinois Securities Law of 1953 govern the activity as a security transaction and the activity is regulated by the U.S. Securities and Exchange Commission or the Illinois Secretary of State; or

(B) the Commodity Exchange Act, 7 U.S.C. 1 et seq., governs the activity, the activity is in connection with trading of a contract of sale of a commodity for future delivery, an option on such a contract or a swap, and the activity is regulated by the U.S. Commodity Futures Trading Commission.

(2) This subsection shall be construed in a manner consistent with affording the greatest protection to residents and the Department's authority under subsection (a) of Section 1-15 to exercise nonexclusive oversight and enforcement under any federal law applicable to digital asset business activity. This subsection shall not be construed to exempt an activity solely because a financial regulatory agency has anti-fraud and anti-manipulation enforcement authority over the activity.

(c) This Act does not apply to the following persons:

(1) The United States, a State, political subdivision of a State, agency, or instrumentality of federal, State, or local government, or a foreign government or a subdivision, department, agency, or instrumentality of a foreign government.

(2) A federally insured depository institution.

(3) A corporate fiduciary acting as a fiduciary or otherwise engaging in fiduciary activities.

(4) A merchant using digital assets solely for the purchase or sale of goods or services, excluding the sale of purchase of digital assets, in the ordinary course of its business.

(5) A person using digital assets solely for the purchase or sale of goods or services for his or her own personal, family, or household purposes.

(6) A credit union with member share accounts insured by an insurer approved by the credit union's primary financial regulatory agency. An out-of-state credit union may not conduct any activity in this State that is not authorized for a credit union chartered under the laws of this State.

Nothing in this Act grants persons described in this subsection (c) authority to engage in any activity not otherwise granted under existing law.

(d) The Department may by rule or order clarify whether an activity is governed under this Act or another Act that governs money transmission. This subsection (d) shall not be applied in a manner inconsistent with the protection of residents.

(e) Notwithstanding any other provision of this Act, the Department, by rule or order, may conditionally or unconditionally exempt any person, digital asset, or transaction, or any class or classes of persons, digital assets, or transactions, from any provision of this Act or of any rule thereunder, to the extent that the exemption is necessary or appropriate, in the public interest, and consistent with the protection of residents.

Section 1-15. General powers and duties.

(a) The Department shall regulate digital asset business activity in this State, unless it is exempt pursuant to Section 1-10. To the extent permissible under federal law, the Department shall exercise nonexclusive oversight and enforcement under any federal law applicable to digital asset business activity.

(b) The functions, powers, and duties conferred upon the Department by this Act are cumulative to any other functions, powers, and duties conferred upon the Department by other laws applicable to digital asset business activity.

(c) The Department shall have the following functions, powers, and duties in carrying out its responsibilities under this Act and any other law applicable to digital asset business activity in this State:

(1) to issue or refuse to issue any registration or other authorization under this Act;

(2) to revoke or suspend for cause any registration or other authorization under this Act;

(3) to keep records of all registrations or other authorizations under this Act;

(4) to receive, consider, investigate, and act upon complaints made by any person relating to any digital asset business activity in this State;

(5) to prescribe the forms of and receive:

(A) applications for registrations or other authorizations under this Act; and

(B) all reports and all books and records required to be made under this Act;

(6) to subpoena documents and witnesses and compel their attendance and production, to administer oaths, and to require the production of any books, papers, or other materials relevant to any inquiry authorized by this Act or other law applicable to digital asset business activity in this State;

(7) to issue orders against any person:

(A) if the Secretary has reasonable cause to believe that an unsafe, unsound, or unlawful practice has occurred, is occurring, or is about to occur;

(B) if any person has violated, is violating, or is about to violate any law, rule, or written agreement with the Secretary; or

(C) for the purpose of administering the provisions of this Act or other law applicable to digital asset business activity and any rule adopted in accordance with this Act or other law applicable to digital asset business activity;

(8) to address any inquiries to any covered person, or the directors, officers, or employees of the covered person, or the affiliates or service providers of the covered person, in relation to the covered person's activities and conditions or any other matter connected with its affairs, and it shall be the duty of any person so addressed to promptly reply in writing to those inquiries; the Secretary may also require reports from any covered person at any time the Secretary chooses;

(9) to examine the books and records of every covered person, affiliate, or service provider;

(10) to enforce the provisions of this Act and any state or federal law applicable to digital asset business activity;

(11) to levy fees, fines, and civil penalties, charges for services, and assessments to defray operating expenses, including direct and indirect costs, of administering this Act and other laws applicable to digital asset business activity;

(12) to appoint examiners, supervisors, experts, and special assistants as needed to effectively and efficiently administer this Act and other laws applicable to digital asset business activity;

(13) to conduct hearings for the purpose of carrying out the purposes of this Act;

(14) to exercise visitorial power over a covered person, affiliate, or service provider;

(15) to enter into cooperative agreements with federal and state regulatory authorities and to accept reports of examinations from federal and state regulatory authorities;

(16) to assign on an emergency basis an examiner or examiners to monitor the affairs of a covered person, affiliate, or service provider with whatever frequency the Secretary determines appropriate and to charge the covered person for reasonable and necessary expenses of the Secretary if in the opinion of the Secretary an emergency exists or appears likely to occur;

(17) to impose civil penalties against a covered person, affiliate, or service provider for failing to respond to a regulatory request or reporting requirement; and

(18) to conduct investigations, market surveillance, and research, studies, and analyses of matters affecting the interests of users of digital assets;

(19) to take such actions as the Secretary deems necessary to educate and protect users of digital assets;

(20) to develop and implement initiatives and programs to promote responsible innovation in digital asset business activity; and

(21) to perform any other lawful acts necessary or desirable to carry out the purposes and provisions of this Act and other laws applicable to digital asset business activity.

(d) The Department may share any information obtained pursuant to this Act or any other law applicable to digital asset business activity with law enforcement officials or other regulatory agencies.

Section 1-20. Funds.

(a) All moneys collected or received by the Department under this Act shall be deposited into the Consumer Protection Fund, which is hereby created as a special fund in the State treasury. The amounts deposited into the Consumer Protection Fund shall be used for the ordinary and contingent expenses of the Department in administering this Act and other financial laws; nothing in this Act shall prevent the continuation of the practice of paying expenses involving salaries, retirement, social security, and State-paid insurance of State officers and employees by appropriation from the General Revenue Fund or any other fund. Moneys deposited into the Consumer Protection Fund may be transferred to the Professions Indirect Cost Fund or any other Department fund.

(b) The expenses of administering this Act, including investigations and examinations provided for in this Act, shall be borne by and assessed against persons regulated by this Act. The Department may establish fees by rule, including in the following categories:

(1) investigation of registrants and registration applicant fees;

(2) examination fees;

(3) contingent fees; and

(4) such other categories as may be required to administer this Act.

(c) The Department shall charge and collect fees from covered persons, which shall be nonrefundable unless otherwise indicated, for the expenses of administering this Act as follows:

(1) Each covered person shall pay $150 for each hour or part of an hour for each examiner or staff assigned to the supervision of the covered person plus actual travel costs for any examination of digital asset business activity pursuant to the Act.

(2) Each covered person shall pay to the Department its pro rata share of the cost for administration of this Act that exceeds other fees listed in this Act, as estimated by the Department, for the current year and any deficit actually incurred in the administration of the Act in prior years. The total annual assessment for all registrants shall initially be divided into a transaction-based assessment and a custody-based assessment, each equal to approximately half the cost for administration of this Act. Each registrant's pro rata share of the transaction-based assessment shall be the percentage that the total volume of digital asset transactions conducted on behalf of residents by the registrant bears to the total volume of digital asset transactions by all registrants in Illinois. Each registrant's pro rata share of the custody-based assessment shall be the percentage that the total United States dollar value of digital assets held in custody or controlled by the registrant for residents bears to the total United States dollar value held in custody or controlled by all registrants in Illinois for residents.

(3) Beginning one year after the effective date of this Act, the Department may, by rule, amend the fees set forth in this subsection in accordance with this Act. The Department is authorized to consider setting fees for digital asset business activity based on the value of digital assets transacted by covered persons, volume of digital assets transacted by covered persons, the value of digital assets held in custody by covered person, and the volume of digital assets held in custody by covered persons.

Article 5. Customer Protections

Section 5-5. Customer disclosures.

(a) When engaging in digital asset business activity with a resident, a covered person shall provide to a resident the customer disclosures required by subsection (b) and any additional disclosures the Department by rule determines to be necessary and appropriate for the protection of residents. The Department may determine by rule the time and form required for disclosures. A disclosure required by this Section shall be made separately from any other information provided by the covered person and in a clear and conspicuous manner in a record the resident may keep.

(b) Before engaging in digital asset business activity with a resident, a covered person shall disclose, to the extent applicable to the digital asset business activity the covered person will undertake with the resident, subject to any rule or order issued by the Department, all of the following:

(1) A schedule of fees and charges the covered person may assess, the manner by which fees and charges will be calculated if they are not set in advance and disclosed, and the timing of the fees and charges.

(2) Whether the product or service provided by the covered person is covered by either of the following:

(A) A form of insurance or other guarantee against loss by an agency of the United States as follows:

(i) Up to the full United States dollar equivalent of digital assets placed under the custody or control of, or purchased from, the covered person as of the date of the placement or purchase, including the maximum amount provided by insurance under the Federal Deposit Insurance Corporation or National Credit Union Administration or otherwise available from the Securities Investor Protection Corporation.

(ii) If not provided at the full United States dollar equivalent of the digital assets placed under the custody or control of or purchased from the covered person, the maximum amount of coverage for each resident expressed in the United States dollar equivalent of the digital asset.

(iii) If not applicable to the product or service provided by the covered person, a clear and conspicuous statement that the product is not insured, as applicable, by the Federal Deposit Insurance Corporation, National Credit Union Administration, or the Securities Investor Protection Corporation.

(B)(i) Private insurance against loss or theft, including cybertheft or theft by other means.

(ii) A covered person shall disclose the terms of the insurance policy to the resident in a manner that allows the resident to understand the specific insured risks that may result in partial coverage of the resident's assets.

(3) The irrevocability of a transfer or exchange and any exception to irrevocability.

(4) A description of all of the following:

(A) The covered person's liability for an unauthorized, mistaken, or accidental transfer or exchange.

(B) The resident's responsibility to provide notice to the covered person of an unauthorized, mistaken, or accidental transfer or exchange.

(C) The basis for any recovery by the resident from the covered person in case of an unauthorized, mistaken, or accidental transfer or exchange.

(D) General error resolution rights applicable to an unauthorized, mistaken, or accidental transfer or exchange.

(E) The method for the resident to update the resident's contact information with the covered person.

(5) That the date or time when the transfer or exchange is made and the resident's account is debited may differ from the date or time when the resident initiates the instruction to make the transfer or exchange.

(6) Whether the resident has a right to stop a preauthorized payment or revoke authorization for a transfer and the procedure to initiate a stop-payment order or revoke authorization for a subsequent transfer.

(7) The resident's right to receive a receipt, trade ticket, or other evidence of the transfer or exchange.

(8) The resident's right to at least 14 days' prior notice of a change in the covered person's fee schedule, other terms and conditions that have a material impact on digital asset business activity with the resident, or the policies applicable to the resident's account.

(9) That no digital asset is currently recognized as legal tender by the State of Illinois or the United States.

(10)(A) A list of instances in the past 12 months when the covered person's service was unavailable to customers seeking to engage in digital asset business activity due to a service outage on the part of the covered person and the causes of each identified service outage.

(B) As part of the disclosure required by this paragraph, the covered person may list any steps the covered person has taken to resolve underlying causes for those outages.

(11) A disclosure, provided separately from the disclosures provided pursuant to paragraphs (1) to (10) of this subsection and written prominently in bold type, that the State of Illinois has not

approved or endorsed any digital assets or determined if this customer disclosure is truthful or complete.

(c) Except as otherwise provided in subsection (d), at the conclusion of a digital asset transaction with, or on behalf of, a resident, a covered person shall provide the resident a confirmation in a record which contains all of the following:

(1) The name and contact information of the covered person, including the toll-free telephone number required under Section 5-20.

(2) The type, value, date, precise time, and amount of the transaction.

(3) The fee charged for the transaction, including any charge for conversion of a digital asset to fiat currency or other digital asset, as well as any indirect charges.

(d) If a covered person discloses that it will provide a daily confirmation in the initial disclosure under subsection (c), the covered person may elect to provide a single, daily confirmation for all transactions with or on behalf of a resident on that day instead of a per transaction confirmation.

Section 5-10. Custody and protection of customer assets.

(a) A covered person that stores, holds, or maintains custody or control of a digital asset for one or more persons shall:

(1) at all times maintain an amount of each type of digital asset sufficient to satisfy the aggregate entitlements of the persons to the type of digital asset;

(2) segregate such digital assets from the other assets of the covered person; and

(3) not sell, transfer, assign, lend, hypothecate, pledge, or otherwise use or encumber such digital assets, except for the sale, transfer, or assignment of such digital assets at the direction of such other persons.

(b) If a covered person violates subsection (a), then the property interests of the persons in the digital asset are pro rata property interests in the type of digital asset to which the persons are entitled without regard to the time the persons became entitled to the digital asset or the covered person obtained control of the digital asset.

(c) A digital asset subject to this Section is:

(1) held for the persons entitled to the digital asset under subsection (a);

(2) not the property of the covered person; and

(3) not subject to the claims of creditors of the covered person.

(d) Digital assets subject to this Section, even if commingled with other assets of the covered person, are held in trust for the benefit of the persons entitled to the digital assets under subsection (a), in the event of insolvency, the filing of a petition by or against the covered person under the United States Bankruptcy Code (11 U.S.C. 101 et seq.) for bankruptcy or reorganization, the filing of a petition by or against the covered person for receivership, the commencement of any other judicial or administrative proceeding for its dissolution or reorganization, or an action by a creditor against the covered person who is not a beneficiary of this statutory trust. No digital asset impressed with a trust pursuant to this subsection shall be subject to attachment, levy of execution, or sequestration by order of any court, except for a beneficiary of this statutory trust.

(e) The Department may adopt rules applicable to covered persons related to additional protections of customer assets, including, but not limited to:

(1) rules requiring that digital assets and funds controlled by the covered person on behalf of residents be held in accounts segregated from the covered person's own digital assets and funds;

(2) rules related to qualified custodians that may hold such segregated accounts;

(3) rules related to titling of such segregated accounts;

(4) rules related to audit requirements for customer assets;

(5) rules requiring compliance with specific provisions of the Uniform Commercial Code applicable to digital assets;

(6) rules restricting selling, transferring, assigning, lending, hypothecating, pledging, or otherwise using or encumbering customer assets; and

(7) any rules as may be as may be necessary and appropriate for the protection of residents or necessary to effectuate the purposes of this Section.

Section 5-15. Covered exchanges.

(a)(1) Except as provided for under paragraph (2) of this subsection, a covered exchange, before listing or offering a digital asset that the covered exchange can exchange on behalf of a resident, shall certify on a form provided by the Department that the covered exchange has done the following:

(A) Identified the risk that the digital asset would be deemed a security by federal or state regulators.

(B) Provided, in writing, full and fair disclosure of all material facts relating to conflicts of interest that are associated with the covered exchange and the digital asset.

(C) Conducted a comprehensive risk assessment designed to ensure consumers are adequately protected from cybersecurity risk, risk of malfeasance, including theft, risks related to code or protocol defects, market-related risks, including price manipulation and fraud, and any other material risks.

(D) Established policies and procedures to reevaluate the appropriateness of the continued listing or offering of the digital asset, including an evaluation of whether material changes have occurred.

(E) Established policies and procedures to cease listing or offering the digital asset, including notification to affected consumers and counterparties.

(F) Any other requirement designated by rule by the Department as may be necessary and appropriate for the protection of residents.

(2) Certification by a covered exchange shall not be required for any digital asset approved for listing on or before the effective date of this Act by the New York Department of Financial Services pursuant to Part 200 of Title 23 of the New York Code of Rules and Regulations, if the covered exchange provides notification to the Department on a form provided by the Department.

(3) After a finding that a covered exchange has listed or offered a digital asset without appropriate certification or after a finding that misrepresentations were made in the certification process, the Department may require the covered exchange to cease listing or offering the digital asset and may take an enforcement action under Section 20-50 of this Act.

(b)(1) A covered exchange shall make every effort to execute a resident's request to exchange a digital asset that the covered exchange receives fully and promptly.

(2)(A) A covered exchange shall use reasonable diligence to ensure that the outcome to the resident is as favorable as possible under prevailing market conditions. Compliance with this paragraph shall be determined by factors, including, but not limited to, all of the following:

(i) The character of the market for the digital asset, including price and volatility.

(ii) The size and type of transaction.

(iii) The number of markets checked.

(iv) Accessibility of appropriate pricing.

(v) Any other factor designated by rule by the Department as may be necessary and appropriate for the protection of residents.

(B) At least once every 6 months, a covered exchange shall review aggregated trading records of residents against benchmarks to determine execution quality, investigate the causes of any variance, and promptly take action to remedy issues identified in that review.

(3) In a transaction for or with a resident, the covered exchange shall not interject a third party between the covered exchange and the best market for the digital asset in a manner inconsistent with this subsection.

(4) If a covered exchange cannot execute directly with a market and employs other means in order to ensure an execution advantageous to the resident, the burden of showing the acceptable circumstances for doing so is on the covered exchange.

Section 5-20. Customer service; requests for assistance.

(a) A covered person shall prominently display on its internet website a toll-free telephone number through which a resident can contact the covered person for requests for assistance and receive live customer assistance, subject to any rules adopted by the Department.

(b) A covered person shall implement reasonable policies and procedures for accepting, processing, investigating, and responding to requests for assistance in a timely and effective manner. Such policies and procedures shall include all of the following:

(1) A procedure for resolving disputes between the covered person and a resident.

(2) A procedure for a resident to report an unauthorized, mistaken, or accidental digital asset business activity transaction.

(3) A procedure for a resident to file a complaint with the covered person and for the resolution of the complaint in a fair and timely manner with notice to the resident as soon as reasonably practical of the resolution and the reasons for the resolution.

(4) Any other procedure designated by rule by the Department as may be necessary and appropriate for the protection of residents.

Section 5-25. Collection of compensation. Unless exempt from registration under this Act, no person engaged in or offering to engage in any act or service for which a registration under this Act is required may bring or maintain any action in any court to collect compensation for the performance of the registrable services without alleging and proving that he or she was the holder of a valid registration under this Act at all times during the performance of those services.

Article 10. Compliance

Section 10-5. General requirements.

(a) Each registrant is required to comply with the provisions of this Act, any lawful order, rule, or regulation made or issued under the provisions of this Act, and all applicable federal and State laws, rules, and regulations.

(b) Each registrant shall designate a qualified individual or individuals responsible for coordinating and monitoring compliance with subsection (a).

(c) Each registrant shall maintain, implement, update, and enforce written compliance policies and procedures, in accordance with Section 10-10 and subject to any rules adopted by the Department, which policies and procedures must be reviewed and approved by the registrant's board of directors or an equivalent governing body of the registrant.

Section 10-10. Required policies and procedures.

(a) An applicant, before submitting an application, shall create and a registrant, during registration, shall maintain, implement, update, and enforce, written compliance policies and procedures for all of the following:

(1) A cybersecurity program.

(2) A business continuity program.

(3) A disaster recovery program.

(4) An anti-fraud program.

(5) An anti-money laundering and countering the financing of terrorism program.

(6) An operational security program.

(7)(A) A program designed to ensure compliance with this Act and other laws of this State or federal laws that are relevant to the digital asset business activity contemplated by the registrant with or on behalf of residents and to assist the registrant in achieving the purposes of other State laws and federal laws if violation of those laws has a remedy under this Act.

(B) At a minimum, the program described by this paragraph shall specify the policies and procedures that the registrant undertakes to minimize the risk that the registrant facilitates the exchange of unregistered securities.

(8) A conflict of interest program.

(9) A request for assistance program to comply with Section 5-20.

(10) Any other compliance program, policy, or procedure the Department establishes by rule as necessary for the protection of residents or for the safety and soundness of the registrant's business or to effectuate the purposes of this Act.

(b) A policy required by subsection (a) shall be maintained in a record and designed to be adequate for a registrant's contemplated digital asset business activity with or on behalf of residents, considering the circumstances of all participants and the safe operation of the activity. Any policy and implementing procedure shall be compatible with other policies and the procedures implementing them and not conflict with policies or procedures applicable to the registrant under other State law.

(c) A registrant's anti-fraud program shall include, at a minimum, all of the following:

(1) Identification and assessment of the material risks of its digital asset business activity related to fraud, which shall include any form of market manipulation and insider trading by the registrant, its employees, its associated persons, or its customers.

(2) Protection against any material risk related to fraud identified by the Department or the registrant.

(3) Periodic evaluation and revision of the anti-fraud program, policies, and procedures.

(d) A registrant's anti-money laundering and countering the financing of terrorism program shall include, at a minimum, all of the following:

(1) Identification and assessment of the material risks of its digital asset business activity related to money laundering and financing of terrorist activity.

(2) Procedures, in accordance with federal law or guidance published by federal agencies responsible for enforcing federal law, pertaining to money laundering and financing of terrorist activity.

(3) Filing reports under the Bank Secrecy Act, 31 U.S.C. 5311 et seq., or Chapter X of Title 31 of the Code of Federal Regulations and other federal or State law pertaining to the prevention or detection of money laundering or financing of terrorist activity.

(e) A registrant's operational security program shall include, at a minimum, reasonable and appropriate administrative, physical, and technical safeguards to protect the confidentiality, integrity, and availability of any nonpublic information or digital asset it receives, maintains, or transmits.

(f)(1) A registrant's cybersecurity program shall include, at a minimum, all of the following:

(A) Maintaining, updating, and enforcing policies and procedures designed to protect the confidentiality, integrity, and availability of the registrant's information systems and nonpublic information stored on those information systems.

(B) Implementing and maintaining a written policy or policies, approved at least annually by an executive officer or the registrant's board of directors, or an appropriate committee thereof, or equivalent governing body, setting forth the registrant's policies and procedures for the protection of its information systems and nonpublic information stored on those information systems.

(C) Designating a qualified individual responsible for overseeing and implementing the registrant's cybersecurity program and enforcing its cybersecurity policy. The individual must have adequate authority to ensure cybersecurity risks are appropriately managed, including the ability to direct sufficient resources to implement and maintain a cybersecurity program. The individual may be employed by the registrant, one of its affiliates, or a service provider.

(2) To assist in carrying out this subsection, the Department may adopt rules to define terms used in this subsection and to establish specific requirements for the required cybersecurity program, including, but not limited to, rules related to:

(A) penetration testing and vulnerability assessment;

(B) audit trails;

(C) access privileges;

(D) application security;

(E) risk assessment;

(F) cybersecurity personnel and intelligence;

(G) affiliates and service providers;

(H) authentication;

(I) data retention;

(J) training and monitoring;

(K) encryption;

(L) incident response;

(M) notice of cybersecurity events; and

(N) any other requirement necessary and appropriate for the protection of residents or for the safety and soundness of the registrant or to effectuate the purposes of this subsection.

(g) The Department may require a registrant to file with the Department a copy of any report it makes to a federal or state authority.

(h) After the policies and procedures required under this Article are created and approved by the registrant, the registrant shall engage a qualified individual or individuals with adequate authority and experience to monitor and implement each policy and procedure, publicize it as appropriate, recommend changes as necessary, and enforce it.

Article 15. Registration

Section 15-5. Registration required. A person shall not engage in digital asset business activity, or hold itself out as being able to engage in digital asset business activity, with or on behalf of a resident unless the person is registered in this State by the Department under this Article, or the person is exempt from registration pursuant to Section 1-10.

Section 15-10. Application.

(a) An application for a registration under this Act shall meet all of the following requirements:

(1) The application shall be in a form and medium prescribed by the Department. The Department may require the filing of the application through a multistate licensing system.

(2) The application shall provide all of the following information relevant to the applicant's proposed digital asset business activity:

(A) The legal name of the applicant, any current or proposed business United States Postal Service address of the applicant, and any fictitious or trade name the applicant uses or plans to use in conducting the applicant's digital asset business activity with or on behalf of a resident.

(B) The legal name, any former or fictitious name, and the residential and business United States Postal Service address of any executive officer and responsible individual of the applicant and any person that has control of the applicant.

(C) A description of the current and former business of the applicant and any affiliate of the applicant for the 5 years before the application is submitted, or, if the business has operated for less than 5 years, for the time the business has operated, including its products and services, associated internet website addresses and social media pages, principal place of business, projected user base, and specific marketing targets.

(D) A list of all of the following:

(i) Any digital asset, money service, or money transmitter registration the applicant and any affiliates hold in another state or from an agency of the United States.

(ii) The date the registrations described in subdivision (i) expire.

(iii) Any revocation, suspension, or other disciplinary action taken against the applicant and any affiliates in any state or by an agency of the United States and any applications rejected by any state or agency of the United States.

(E) A list of any criminal conviction, deferred prosecution agreement, and pending criminal proceeding in any jurisdiction against all of the following:

(i) The applicant.

(ii) Any executive officer of the applicant.

(iii) Any responsible individual of the applicant.

(iv) Any person that has control over the applicant.

(v) Any affiliate of the applicant.

(F) A list of any litigation, arbitration, or administrative proceeding in any jurisdiction in which the applicant or an executive officer, responsible individual, or affiliate of the applicant has been a party for the 10 years before the application is submitted determined to be material in accordance with generally accepted accounting principles and, to the extent the applicant or such other person would be required to disclose the litigation, arbitration, or administrative proceeding in the applicant's or such other person's audited financial statements, reports to equity owners, and similar statements or reports.

(G) A list of any bankruptcy or receivership proceeding in any jurisdiction for the 10 years before the application is submitted in which any of the following was a debtor:

(i) The applicant.

(ii) An executive officer of the applicant.

(iii) A responsible individual of the applicant.

(iv) A person that has control over the applicant.

(v) An affiliate of the applicant.

(H) The name and United States Postal Service address of any bank or credit union in which the applicant and any affiliates plan to deposit funds obtained by digital asset business activity.

(I) The source of funds and credit to be used by the applicant and any affiliate to conduct digital asset business activity with or on behalf of a resident.

(J) A current financial statement and other documentation satisfactory to the Department demonstrating that the applicant has the capital and liquidity required by Section 20-5.

(K) The United States Postal Service address and email address to which communications from the Department can be sent.

(L) The name, United States Postal Service address, and email address of the registered agent of the applicant in this State.

(M) A copy of the certificate, or a detailed summary acceptable to the Department, of coverage for any liability, casualty, business interruption, or cybersecurity insurance policy maintained by the applicant for itself, an executive officer, a responsible individual, an affiliate, or the applicant's users.

(N) If applicable, the date on which and the state in which the applicant is formed and a copy of a current certificate of good standing issued by that state.

(O) If a person has control of the applicant and the person's equity interests are publicly traded in the United States, a copy of the audited financial statement of the person for the most recent fiscal year or most recent report of the person filed under Section 13 of the Securities Exchange Act of 1934, 15 U.S.C. 78m.

(P) If a person has control of the applicant and the person's equity interests are publicly traded outside the United States, a copy of the audited financial statement of the person for the most recent fiscal year of the person or a copy of the most recent documentation similar to that required in subparagraph (O) filed with the foreign regulator in the domicile of the person.

(Q) If the applicant is a partnership or a member-managed limited liability company, the names and United States Postal Service addresses of any general partner or member.

(R) If the applicant is required to register with the Financial Crimes Enforcement Network of the United States Department of the Treasury as a money service business, evidence of the registration.

(S) A set of fingerprints for each executive officer and responsible individual of the applicant.

(T) If available, for any executive officer and responsible individual of the applicant, for the 10 years before the application is submitted, employment history and history of any investigation of the individual or legal proceeding to which the individual was a party.

(U) The plans through which the applicant will meet its obligations under Article 10.

(V) Any other information the Department requires by rule.

(3) The application shall be accompanied by a nonrefundable fee of $5,000 or the amount determined by the Department to cover the costs of application review, whichever is greater.

(b)(1) On receipt of a completed application, the Department shall investigate all of the following:

(A) The financial condition and responsibility of the applicant and any affiliate of the applicant.

(B) The relevant financial and business experience, character, and general fitness of the applicant and any affiliate of the applicant.

(C) The competence, experience, character, and general fitness of each executive officer and director, each responsible individual, and any person that has control of the applicant.

(2) On receipt of a completed application, the Department may investigate the business premises of an applicant or an affiliate of the applicant or require the submission of any other documents or information the Department deems relevant to the application.

(3) The investigation required by this subsection must allow the Secretary to issue positive findings stating that the financial condition, financial responsibility, competence, experience, character, and general fitness of the applicant, each executive officer and director, each responsible individual, any person that has control of the applicant, and any affiliate of the applicant are such as to command the confidence of the community and to warrant belief that the business will be operated honestly, fairly, and efficiently within the purpose of this Act; if the Secretary does not so find, he or she shall not issue the registration, and he or she shall notify the applicant of the denial.

(c)(1) After completing the investigation required by subsection (b), the Department shall send the applicant notice of its decision to approve, conditionally approve, or deny the application. If the Department does not receive notice from the applicant that the applicant accepts conditions specified by the Department within 31 days following the Department's notice of the conditions, the application shall be deemed withdrawn.

(2) The Secretary may impose conditions on a registration if the Secretary determines that those conditions are necessary or appropriate. These conditions shall be imposed in writing and shall continue in effect for the period prescribed by the Secretary.

(d) A registration issued pursuant to this Act shall take effect on the later of the following:

(1) The date the Department issues the registration.

(2) The date the registration provides the security required by Section 20-5.

(e) In addition to the fee required by paragraph (3) of subsection (a), an applicant shall pay the costs of the Department's investigation under subsection (b).

(f) A registration issued pursuant to this Act shall remain in full force and effect until it expires without renewal, is surrendered by the registration, or revoked or suspended as hereinafter provided.

(g)(1) The Department may issue a conditional registration to an applicant who holds or maintains a registration to conduct virtual currency business activity in the State of New York pursuant to Part 200 of Title 23 of the New York Code of Rules and Regulations, or a charter as a New York State limited purpose trust company with approval to conduct virtual currency business under the New York Banking Law, if the registration or approval was issued no later than the effective date of this Act and the applicant pays all appropriate fees and complies with the requirements of this Act.

(2) A conditional registration issued pursuant to this subsection shall expire at the earliest of the following:

(A) upon issuance of an unconditional registration;

(B) upon denial of a registration;

(C) upon revocation of a registration issued pursuant to Part 200 of Title 23 of the New York Code of Rules and Regulations or disapproval or revocation of a charter as a New York State limited purpose trust company with approval to conduct virtual currency business under the New York Banking Law.

Section 15-15. Renewal.

(a) Registrations shall be subject to renewal every year using a common renewal period as established by the Department by rule. A registrant may apply for renewal of the registration by submitting a renewal application under subsection (b) and paying all applicable fees due to the Department.

(b) The renewal application required by subsection (a) shall be submitted in a form and medium prescribed by the Department. The application shall contain all of the following:

(1) Either a copy of the registrant's most recent reviewed annual financial statement, if the gross revenue generated by the registrant's digital asset business activity in this State was not more than $2,000,000 for the fiscal year ending before the anniversary date of issuance of its registration under this Act, or a copy of the registrant's most recent audited annual financial statement, if the registrant's digital asset business activity in this State amounted to more than $2,000,000, for the fiscal year ending before the anniversary date.

(2) If a person other than an individual has control of the registrant, a copy of either of the following:

(A) The person's most recent reviewed annual financial statement, if the person's gross revenue was not more than $2,000,000 in the previous fiscal year measured as of the anniversary date of issuance of its registration under this Act.

(B) The person's most recent audited consolidated annual financial statement, if the person's gross revenue was more than $2,000,000 in the previous fiscal year measured as of the anniversary date of issuance of its registration under this Act.

(3) A description of any of the following:

(A) Any material change in the financial condition of the registrant and any affiliate of the registrant.

(B) Any material litigation related to the registrant's digital asset business activity and involving the registrant or an executive officer, responsible individual, or affiliate of the registrant.

(C) Any federal, state, or foreign investigation involving the registrant or an executive officer, responsible individual, or affiliate of the registrant.

(D)(i) Any data security breach or cybersecurity event involving the registrant.

(ii) A description of a data security breach pursuant to this subparagraph does not constitute disclosure or notification of a security breach for purposes of any other law.

(4) Information or records required by Section 20-25 that the registrant has not reported to the Department.

(5) The number of digital asset business activity transactions with or on behalf of residents for the period since the later of the date the registration was issued or the date the last renewal application was submitted.

(6)(A) The amount of United States dollar equivalent of digital assets in the custody or control of the registrant at the end of the last month that ends not later than 30 days before the date of the renewal application.

(B) The total number of residents for whom the registrant had custody or control of United States dollar equivalent of digital assets on that date.

(7) Evidence that the registrant is in compliance with Section 5-10.

(8) Evidence that the registrant is in compliance with Section 20-5.

(9) A list of all locations where the registrant engages in digital asset business activity.

(10) Any other information the Department requires by rule.

(c) If a registrant does not timely comply with this Section, the Department may take enforcement actions provided under Section 20-50. Notice or hearing is not required for a suspension or revocation of a registration under this Act for failure to pay a renewal fee, file a renewal application, or otherwise comply with this Section.

(d) Suspension or revocation of a registration under this Section does not invalidate a transfer or exchange of digital assets for or on behalf of a resident made during the suspension or revocation and does not insulate the registrant from liability under this Act.

(e) For good cause, the Department, in its sole discretion, may extend a period under this Section.

(f) A registrant that does not comply with this Section shall cease digital asset business activities with or on behalf of a resident. A registrant ceasing an activity or activities regulated by this Act and desiring to no longer be registered shall so inform the Department in writing and, at the same time, convey any registration issued and all other symbols or indicia of registration. The registrant shall include a plan for the withdrawal from regulated business, including a timetable for the disposition of the business, and comply with the surrender guidelines or requirements of the Department.

Section 15-20. Nontransferable registration. A registration under this Act is not transferable or assignable.

Article 20. Supervision

Section 20-5. Surety bond; capital and liquidity requirements.

(a)(1)(A) A registrant shall maintain a surety bond or trust account in United States dollars in a form and amount as determined by the Department for the protection of residents that engage in digital asset business activity with the registrant.

(B) If a registrant maintains a trust account pursuant to this Section, that trust account shall be maintained with a qualified custodian.

(2) Security deposited under this Section shall be for the benefit of a claim against the registrant on account of the registrant's digital asset business activity with or on behalf of a resident.

(3) Security deposited under this Section shall cover claims for the period the Department specifies by rule and for an additional period the Department specifies after the registrant ceases to engage in digital asset business activity with or on behalf of a resident.

(4) The Department may require the registrant to increase the amount of security deposited under this Section, and the registrant shall deposit the additional security not later than 15 days after the registrant receives notice in a record of the required increase.

(5) The Department may permit a registrant to substitute or deposit an alternate form of security satisfactory to the Department if the registrant at all times complies with this Section.

(b) In addition to the security required under subsection (a), a registrant shall maintain at all times capital and liquidity, each in an amount and form as the Department determines is sufficient to ensure the financial integrity of the registrant and its ongoing operations based on an assessment of the specific risks applicable to the registrant. In determining the minimum amount of capital and liquidity that shall be maintained by a registrant, the Department may consider factors, including, but not limited to, all of the following:

(1) The composition of the registrant's total assets, including the position, size, quality, liquidity, risk exposure, and price volatility of each type of asset.

(2) The composition of the registrant's total liabilities, including the size and repayment timing of each type of liability.

(3) The actual and expected volume of the registrant's digital asset business activity.

(4) The amount of leverage employed by the registrant.

(5) The liquidity position of the registrant.

(6) The financial protection that the registrant provides pursuant to subsection (a).

(7) The types of entities to be serviced by the registrant.

(8) The types of products or services to be offered by the registrant.

(9) Arrangements adopted by the registrant for the protection of its customers in the event of the registrant's insolvency.

(c) A registrant shall hold liquidity required to be maintained in accordance with this Section in the form of cash or high-quality liquid assets, as defined by the Department and in proportions determined by the Department.

(d) The Department may require a registrant to increase the capital or liquidity required under this Section. A registrant shall submit evidence satisfactory to the Department that it has additional capital or liquidity required pursuant to this subsection not later than 15 days after the registrant receives notice in a record of the required increase.

Section 20-10. Examination.

(a)(1)(A) The Department may, at any time and from time to time, examine the business and any office, within or outside this State, of any covered person, or any agent of a covered person, in order to ascertain (i) the financial condition of the covered person, (ii) the safety and soundness of the conduct of its business, (iii) the policies of its management, (iv) whether the business is being conducted in a lawful manner, (v) whether all digital asset business activity is properly accounted for, and (vi) such other matters as the Department may determine, including, but not limited to, any activities of the covered person outside the State if in the Department's judgment such activities may affect the covered person's digital asset business activity.

(B) The directors, officers, and employees of a covered person, or agent of a covered person, being examined by the Department shall exhibit to the Department, on request, any or all of the covered person's accounts, books, correspondence, memoranda, papers, and other records and shall otherwise facilitate the examination so far as it may be in their power to do so.

(C) The covered person shall permit and assist the Department to examine an affiliate or service provider of the covered person when, in the Department's judgment, it is necessary or advisable to do so.

(2) The Department may examine a covered person, its affiliate, or service provider pursuant to this paragraph without prior notice to the covered person, affiliate, or service provider.

(b) A covered person shall pay the necessary costs of an examination under this Section.

Section 20-15. Books and records.

(a) A registrant shall maintain, for all digital asset business activity with or on behalf of a resident for 5 years after the date of the activity, a record of all of the following:

(1) Any transaction of the registrant with or on behalf of the resident or for the registrant's account in this State, including all of the following:

(A) The identity of the resident.

(B) The form of the transaction.

(C) The amount, date, and payment instructions given by the resident.

(D) The account number, name, and physical address of:

(i) the parties to the transaction that are customers or account holders of the registrant; and

(ii) to the extent practicable, any other parties to the transaction.

(2) The aggregate number of transactions and aggregate value of transactions by the registrant with, or on behalf of, the resident and for the registrant's account in this State expressed in United States dollar equivalent of digital assets for the previous 12 calendar months.

(3) Any transaction in which the registrant exchanged one form of digital asset for fiat currency or another form of digital asset with or on behalf of the resident.

(4) A general ledger maintained at least monthly that lists all assets, liabilities, capital, income, and expenses of the registrant.

(5) Any report of condition or other reports to the Department, at such times and in such form, as the Department may request.

(6) Bank statements and bank reconciliation records for the registrant and the name, account number, and United States Postal Service address of any bank or credit union the registrant uses in the conduct of its digital asset business activity with or on behalf of the resident.

(7) A report of any dispute with a resident.

(b) A registrant shall maintain records required by subsection (a) in a form that enables the Department to determine whether the registrant is in compliance with this Act, any court order, and the laws of this State.

(c) If a registrant maintains records outside this State that pertain to transactions with or on behalf of a resident, the registrant shall make the records available to the Department not later than 3 days after request, or, on a determination of good cause by the Department, in its sole discretion, at a later time.

(d) All records maintained by a registrant, any affiliate, or any service provider are subject to inspection by the Department.

Section 20-20. Regulatory cooperation. The Department may cooperate, coordinate, jointly examine, consult, and share records and other information with the appropriate regulatory agency of another state, a self-regulatory organization, federal or state regulator of banking or non-depository institutions, or a regulator of a jurisdiction outside the United States, concerning the affairs and conduct of a covered person, affiliate, or service provider in this State.

Section 20-25. Material business changes.

(a) A registrant shall file with the Department a report of the following, as may be applicable:

(1) A material change in information in the application for a registration under this Act or the most recent renewal report of the registrant under this Act.

(2) A material change in the registrant's business for the conduct of its digital asset business activity with or on behalf of a resident.

(3) A change of an affiliate, executive officer, responsible individual, or person in control of the registrant.

(b) A report required by this Section shall be filed not later than 15 days after the change described in subsection (a).

Section 20-30. Change in control.

(a) As used in this Section, "proposed person to be in control" means the person that would control a registrant after a proposed transaction that would result in a change in control of the registrant.

(b) The following rules apply in determining whether a person has control over a registrant:

(1) There is a rebuttable presumption of control if a person directly or indirectly owns, controls, holds with the power to vote, or holds proxies representing 10% or more of the then outstanding voting securities issued by the registrant.

(2) A person has control over a registrant if the person's voting power in the registrant constitutes or will constitute at least 25% of the total voting power of the registrant.

(3) There is a rebuttable presumption of control if the person's voting power in another person constitutes or will constitute at least 10% of the total voting power of the other person and the other person's voting power in the registrant constitutes at least 10% of the total voting power of the registrant.

(4) There is no presumption of control solely because an individual is an executive officer of the registrant.

(c) Before a proposed change in control of a registrant, the proposed person to be in control shall submit to the Department in a record all of the following:

(1) An application in a form and medium prescribed by the Department.

(2) The information and records that Section 15-10 would require if the proposed person to be in control already had control of the registrant.

(d) The Department shall not approve an application unless the Secretary finds all of the following:

(1) The proposed person to be in control and all executive officers of the proposed person to be in control, if any, are of good character and sound financial standing.

(2) The proposed person to be in control is competent to engage in digital asset business activity.

(3) It is reasonable to believe that, if the person acquires control of the registrant, the proposed person to be in control and the registrant will comply with all applicable provisions of this Act and any rules or order issued under this Act.

(4) Any plans by the proposed person to be in control to change the business, corporate structure, or management of the registrant are not detrimental to the safety and soundness of the registrant.

(e) The Department, in accordance with Section 15-10, shall approve, approve with conditions, or deny an application for a change in control of a registrant. The Department, in a record, shall send notice of its decision to the registrant and the person that would be in control if the Department had approved the change in control. If the Department denies the application, the registrant shall abandon the proposed change in control or cease digital asset business activity with or on behalf of residents.

(f) If the Department applies a condition to approval of a change in control of a registrant, and the Department does not receive notice of the applicant's acceptance of the condition specified by the Department not later than 31 days after the Department sends notice of the condition, the application is deemed denied. If the application is deemed denied, the registrant shall abandon the proposed change in control or cease digital asset business activity with or on behalf of residents.

(g) The Department may revoke or modify a determination under subsection (d), after notice and opportunity to be heard, if, in its judgment, revocation or modification is consistent with this Act.

(h) If a change in control of a registrant requires approval of another regulatory agency, and the action of the other agency conflicts with that of the Department, the Department shall confer with the other agency. If the proposed change in control cannot be completed because the conflict cannot be resolved, the registrant shall abandon the change in control or cease digital asset business activity with or on behalf of residents.

Section 20-35. Mergers.

(a) Before a proposed merger or consolidation of a registrant with another person, the registrant shall submit all of the following, as applicable, to the Department:

(1) An application in a form and medium prescribed by the Department.

(2) The plan of merger or consolidation in accordance with subsection (e).

(3) In the case of a registrant, the information required by Section 15-10 concerning the person that would be the surviving entity in the proposed merger or consolidation.

(b) If a proposed merger or consolidation would change the control of a registrant, the registrant shall comply with Section 20-30 and this Section.

(c) The Department, in accordance with Section 15-10, shall approve, conditionally approve, or deny an application for approval of a merger or consolidation of a registrant. The Department, in a record, shall send notice of its decision to the registrant and the person that would be the surviving entity. If the Department denies the application, the registrant shall abandon the merger or consolidation or cease digital asset business activity with or on behalf of residents.

(d) The Department may revoke or modify a determination under paragraph (c), after notice and opportunity to be heard, if, in its judgment, revocation or modification is consistent with this Act.

(e) A plan of merger or consolidation of a registrant with another person shall do all of the following:

(1) Describe the effect of the proposed transaction on the registrant's conduct of digital asset business activity with or on behalf of residents.

(2) Identify each person to be merged or consolidated and the person that would be the surviving entity.

(3) Describe the terms and conditions of the merger or consolidation and the mode of carrying it into effect.

(f) If a merger or consolidation of a registrant and another person requires approval of another regulatory agency, and the action of the other agency conflicts with that of the Department, the Department shall confer with the other agency. If the proposed merger or consolidation cannot be completed because the conflict cannot be resolved, the registrant shall abandon the merger or consolidation or cease digital asset business activity with or on behalf of residents.

(g) The Department may condition approval of an application under subsection (a). If the Department does not receive notice from the parties that the parties accept the Department's condition not later than 31 days after the Department sends notice in a record of the condition, the application is deemed denied. If the application is deemed denied, the registrant shall abandon the merger or consolidation or cease digital asset business activity with, or on behalf of, residents.

(h) If a registrant acquires substantially all of the assets of a person, whether or not the person's registration was approved by the Department, the transaction is subject to this Section.

Section 20-40. Investigation of complaints. The Secretary shall be authorized at all times to maintain staff and facilities adequate to receive, record, and investigate complaints and inquiries made by any person concerning this Act and any covered persons, affiliates, and service providers under this Act. Each such person shall open their books, records, documents, and offices wherever situated to the Secretary or his or her appointees as needed to facilitate such investigations.

Section 20-45. Additional investigation and examination authority. In addition to any authority allowed under this Act or other applicable law, the Secretary shall have the authority to conduct investigations and examinations as follows:

(1) For purposes of initial registration, renewal, suspension, conditioning, revocation or termination, or general or specific inquiry or investigation to determine compliance with this Act, the Secretary shall have the authority to access, receive, and use any books, accounts, records, files, documents, information, or evidence, including, but not limited to, the following:

(A) criminal, civil, and administrative history information, including nonconviction data as specified in the Criminal Code of 2012;

(B) personal history and experience information, including independent credit reports obtained from a consumer reporting agency described in Section 603(p) of the federal Fair Credit Reporting Act; and

(C) any other documents, information, or evidence the Secretary deems relevant to the inquiry or investigation, regardless of the location, possession, control, or custody of the documents, information, or evidence.

(2) For the purposes of investigating violations or complaints arising under this Act or for the purposes of examination, the Secretary may review, investigate, or examine any covered person, affiliate, service provider, individual, or person subject to this Act as often as necessary in order to carry out the purposes of this Act. The Secretary may direct, subpoena, or order the attendance of and examine under oath all persons whose testimony may be required about the transactions or the business or subject matter of any such examination or investigation, and may direct, subpoena, or order the person to produce books, accounts, records, files, and any other documents the Secretary deems relevant to the inquiry.

(3) Each covered person, affiliate, service provider, individual, or person subject to this Act shall make available to the Secretary upon request the books and records relating to the operations of the registrant, affiliate, individual, or person subject to this Act. The Secretary shall have access to those books and records and interview the officers, principals, employees, independent contractors, agents, and customers of the covered person, affiliate, service provider, individual, or person subject to this Act concerning their business.

(4) Each covered person, affiliate, service provider, individual, or person subject to this Act shall make or compile reports or prepare other information as directed by the Secretary in order to carry out the purposes of this Section, including, but not limited to:

(A) accounting compilations;

(B) information lists and data concerning transactions in a format prescribed by the Secretary; or

(C) other information deemed necessary to carry out the purposes of this Section.

(5) In making any examination or investigation authorized by this Act, the Secretary may control access to any documents and records of the covered person or person under examination or investigation. The Secretary may take possession of the documents and records or place a person in exclusive charge of the documents and records in the place where they are usually kept. During the period of control, no person shall remove or attempt to remove any of the documents or records, except pursuant to a court order or with the consent of the Secretary. Unless the Secretary has reasonable grounds to believe the documents or records of the covered person or person under examination or investigation have been or are at risk of being altered or destroyed for purposes of concealing a violation of this Act, the covered person or owner of the documents and records shall have access to the documents or records as necessary to conduct its ordinary business affairs.

(6) In order to carry out the purposes of this Section, the Secretary may:

(A) retain attorneys, accountants, or other professionals and specialists as examiners, auditors, or investigators to conduct or assist in the conduct of examinations or investigations;

(B) enter into agreements or relationships with other government officials, regulatory associations, or self-regulatory organizations in order to improve efficiencies and reduce regulatory burden by sharing resources, standardized or uniform methods or procedures, and documents, records, information, or evidence obtained under this Section;

(C) use, hire, contract, or employ public or privately available analytical systems, methods, or software to examine or investigate the covered person, affiliate, service provider, individual, or person subject to this Act;

(D) accept and rely on examination or investigation reports made by other government officials, within or outside this State; or

(E) accept audit reports made by an independent certified public accountant for the covered person, affiliate, service provider, individual, or person subject to this Act in the course of that part of the examination covering the same general subject matter as the audit and may incorporate the audit report in the report of the examination, report of investigation, or other writing of the Secretary.

(7) The authority of this Section shall remain in effect, whether such a covered person, affiliate, service provider, individual, or person subject to this Act acts or claims to act under any licensing or registration law of this State or claims to act without the authority.

(8) No covered person, affiliate, service provider, individual, or person subject to investigation or examination under this Section may knowingly withhold, abstract, remove, mutilate, destroy, or secrete any books, records, computer records, or other information.

Section 20-50. Enforcement actions.

(a) As used in this Article, "enforcement action" means an action including, but not limited to, all of the following:

(1) Suspending or revoking a registration under this Act.

(2) Ordering a person to cease and desist from doing digital asset business activity with or on behalf of a resident.

(3) Requesting the court to appoint a receiver for the assets of a person doing digital asset business activity with or on behalf of a resident.

(4) Requesting the court to issue temporary, preliminary, or permanent injunctive relief against a person doing digital asset business activity with or on behalf of a resident.

(5) Assessing a civil penalty under Section 20-70.

(6) Recovering on the security under Section 20-5 and initiating a plan to distribute the proceeds for the benefit of a resident injured by a violation of this Act, or law of this State other than this Act that applies to digital asset business activity with or on behalf of a resident.

(7) Imposing necessary or appropriate conditions on the conduct of digital asset business activity with or on behalf of a resident.

(8) Seeking restitution on behalf of a resident if the Department shows economic injury due to a violation of this Act.

(b) The Department may enter into a consent order with a person regarding an enforcement action.

(c) This Section does not provide a private right of action to a resident, provided this Section does not preclude an action by a resident to enforce rights under Article 5 or subsection (a) of Section 20-5.

Section 20-55. Violations.

(a) The Department may take an enforcement action against a covered person or any person otherwise subject to this Act in any of the following instances:

(1) The covered person or person violates this Act, a rule adopted or order issued under this Act, or a State or federal law or regulation that applies to digital asset business activity of the violator with or on behalf of a resident.

(2) The covered person or person does not cooperate with an examination or investigation by the Department, fails to pay a fee, or fails to submit a report or documentation.

(3) The covered person or person, in the conduct of its digital asset business activity with or on behalf of a resident, has engaged, is engaging, or is about to engage in any of the following:

(A) An unsafe, unsound, or unlawful act or practice.

(B) An unfair, deceptive, or abusive act or practice.

(C) Fraud, misrepresentation, deceit, or negligence.

(D) Misappropriation of fiat currency, a digital asset, or other value.

(4) An agency of the United States or another state takes an action against the covered person or person that would constitute an enforcement action if the Department had taken the action.

(5) The covered person or person is convicted of a crime related to its digital asset business activity with or on behalf of a resident or involving fraud or felonious activity that, as determined by the Department, makes the covered person or person unsuitable to engage in digital asset business activity.

(6) Any of the following occurs:

(A) The covered person or person becomes insolvent.

(B) The covered person or person makes a general assignment for the benefit of its creditors.

(C) The covered person or person becomes the debtor, alleged debtor, respondent, or person in a similar capacity in a case or other proceeding under any bankruptcy, reorganization, arrangement, readjustment, insolvency, receivership, dissolution, liquidation, or similar law, and does not obtain from the court, within a reasonable time, confirmation of a plan or dismissal of the case or proceeding.

(D) The covered person or person applies for, or permits the appointment of, a receiver, trustee, or other agent of a court for itself or for a substantial part of its assets.

(7) The covered person or person makes a misrepresentation to the Department.

(b) If the Secretary finds, as the result of examination, investigation, or review of reports submitted by a registrant, that the business and affairs of a registrant are not being conducted in accordance with this Act, the Secretary may notify the registrant of the correction necessary. If a registrant fails to correct such violations, the Secretary may issue an order requiring immediate correction and compliance with this Act and may specify a reasonable date for performance.

Section 20-60. Hearings.

(a) Except as provided in subsection (b), the Department may take an enforcement action only after notice and opportunity for a hearing as appropriate in the circumstances. All hearings provided for in this Act shall be conducted in accordance with Title 38, Part 100 of the Illinois Administrative Code, and the Secretary shall have all the powers granted therein.

(b)(1)(A) The Department may take an enforcement action, other than the imposition of a civil penalty under Section 20-70, without notice if the circumstances require action before notice can be given.

(B) A person subject to an enforcement action pursuant to this subsection shall have the right to an expedited post-action hearing by the Department unless the person has waived the hearing.

(2)(A) The Department may take an enforcement action, other than the imposition of a civil penalty under Section 20-70, after notice and without a prior hearing if the circumstances require action before a hearing can be held.

(B) A person subject to an enforcement action pursuant to this subsection shall have the right to an expedited post-action hearing by the Department unless the person has waived the hearing.

(3) The Department may take an enforcement action after notice and without a hearing if the person subject to the enforcement action does not timely request a hearing.

Section 20-65. Hearing rules.

(a) The Department may, in accordance with the Illinois Administrative Procedure Act, adopt rules to provide for review within the Department of the Secretary's decisions affecting the rights of persons or entities under this Act. The review shall provide for, at a minimum:

(1) appointment of a hearing officer;

(2) appropriate procedural rules, specific deadlines for filings, and standards of evidence and of proof; and

(3) provision for apportioning costs among parties to the appeal.

(b) All final administrative decisions of the Department under this Act, all amendments and modifications of final administrative decisions, and any rules adopted by the Department pursuant to this Act shall be subject to judicial review pursuant to the provisions of the Administrative Review Law.

Section 20-70. Civil penalties.

(a) If a person other than a registrant has engaged, is engaging, or is about to engage in digital asset business activity with or on behalf of a resident in violation of this Act, the Department may assess a civil penalty against the person in an amount not to exceed $100,000 for each day the person is in violation of this Act.

(b) If a person violates a provision of this Act, the Department may assess a civil penalty in an amount not to exceed $25,000 for each day of violation or for each act or omission in violation, except that a fine may be imposed not to exceed $75,000 for each day of violation or for each act or omission in violation related to fraud, misrepresentation, deceit, or negligence.

(c) A civil penalty under this Section continues to accrue until the date the violation ceases.

(d) A civil penalty under this Section is cumulative to any civil penalties enforceable by the Department under any other law.

Section 20-75. Subpoena power.

(a) The Secretary shall have the power to issue and to serve subpoenas and subpoenas duces tecum to compel the attendance of witnesses and the production of all books, accounts, records, and other documents and materials relevant to an examination or investigation. The Secretary, or his or her duly authorized representative, shall have power to administer oaths and affirmations to any person.

(b) In the event of noncompliance with a subpoena or subpoena duces tecum issued or caused to be issued by the Secretary, the Secretary may, through the Attorney General or the State's Attorney of the county in which the person subpoenaed resides or has its principal place of business, petition the circuit court of the county for an order requiring the subpoenaed person to appear and testify and to produce such books, accounts, records, and other documents as are specified in the subpoena duces tecum. The court may grant injunctive relief restraining the person from advertising, promoting, soliciting, entering into, offering to enter into, continuing, or completing any digital asset business activity. The court may grant other relief, including, but not limited to, the restraint, by injunction or appointment of a receiver, of any transfer, pledge, assignment, or other disposition of the person's assets or any concealment, alteration, destruction, or other disposition of books, accounts, records, or other documents and materials as the court deems appropriate, until the person has fully complied with the subpoena or subpoena duces tecum and the Secretary has completed an investigation or examination.

(c) If it appears to the Secretary that the compliance with a subpoena or subpoena duces tecum issued or caused to be issued by the Secretary pursuant to this Section is essential to an investigation or examination, the Secretary, in addition to the other remedies provided for in this Act, may, through the Attorney General or the State's Attorney of the county in which the subpoenaed person resides or has its principal place of business, apply for relief to the circuit court of the county. The court shall thereupon direct the issuance of an order against the subpoenaed person requiring sufficient bond conditioned on compliance with the subpoena or subpoena duces tecum. The court shall cause to be endorsed on the order a suitable amount of bond or payment pursuant to which the person named in the order shall be freed, having a due regard to the nature of the case.

(d) In addition, the Secretary may, through the Attorney General or the State's Attorney of the applicable county, seek a writ of attachment or an equivalent order from the circuit court having jurisdiction

over the person who has refused to obey a subpoena, who has refused to give testimony, or who has refused to produce the matters described in the subpoena duces tecum.

Section 20-80. Civil actions.

(a) The Department may bring a civil action in accordance with the following:

(1) If a person violates any provision of this Act, a rule or final order, or condition imposed in writing by the Department, the Department through the Attorney General or the State's Attorney of the county in which any such violation occurs may bring an action in the circuit court to enjoin the acts or practices or to enforce compliance with this Act or any rule or order adopted pursuant to this Act. Upon a proper showing, a permanent or preliminary injunction, restraining order, or writ of mandate shall be granted and a receiver, monitor, conservator, or other designated fiduciary or officer of the court may be appointed for the defendant or the defendant's assets, or any other ancillary relief may be granted as appropriate. A receiver, monitor, conservator, or other designated fiduciary or officer of the court appointed by the circuit court pursuant to this Section may, with the approval of the court, exercise any or all of the powers of the defendant's officers, directors, partners, trustees, or persons who exercise similar powers and perform similar duties, including the filing of a petition for bankruptcy. No action at law or in equity may be maintained by any party against the Secretary, a receiver, monitor, conservator, or other designated fiduciary or officer of the court, by reason of their exercising these powers or performing these duties pursuant to the order of, or with the approval of, the circuit court.

(2) The Secretary may include in any action relief authorized by Section 20-50. The circuit court shall have jurisdiction to award additional relief.

(3) In any action brought by the Department, the Department may recover its costs and attorney's fees in connection with prosecuting the action if the Department is the prevailing party in the action.

(b) The Attorney General may enforce a violation of Article 5 as an unlawful practice under the Consumer Fraud and Deceptive Business Practices Act.

(c) A claim of violation of Article 5 may be asserted in a civil action. Additionally, a prevailing resident may be awarded reasonable attorney's fees and court costs.

Article 30. Additional Procedural Provisions

Section 30-5. Confidential supervisory information.

(a) Confidential supervisory information shall, unless made a matter of public record, not be subject to disclosure under the Freedom of Information Act, and shall only be subject to disclosure pursuant to subpoena or court order as provided in subsection (e).

(b) All records of communications or summaries of communications between employees, agents, or representatives of the Department and employees, agents, or representatives of other governmental agencies, a provider of any multistate licensing system, or associations or organizations representing federal, state, or local law enforcement or regulatory agencies or providers of any multistate licensing system, pursuant to any regulatory or supervision activity under this Act (1) shall not be subject to disclosure under the Freedom of Information Act, and (2) to the extent the records contain confidential supervisory information, shall only be subject to disclosure pursuant to subpoena or court order as provided in subsection (e).

(c) All confidential supervisory information received from other governmental agencies, a multistate licensing system provider, or associations or organizations consisting of employees, agents, or representatives of such agencies or providers, shall not be subject to disclosure under the Freedom of Information Act, and only subject to disclosure pursuant to subpoena or court order as provided in subsection (e).

(d) The sharing of any confidential supervisory information under this Act with governmental agencies, providers of any multistate licensing system, or associations or organizations consisting of employees, agents, or representatives of such federal, state, or local law enforcement or regulatory agencies, shall not result in the loss of privilege arising under federal or state law, or the loss of confidentiality protections provided by federal law or state law, and are only subject to disclosure pursuant to subpoena or court order as provided in subsection (e).

(e) Confidential supervisory information may not be disclosed to anyone other than the regulated person, law enforcement officials or other regulatory agencies that have an appropriate regulatory interest as

determined by the Secretary, or to a party presenting a lawful subpoena, order, or other judicial or administrative process to the Secretary. The Secretary may immediately appeal to the court of jurisdiction the disclosure of such confidential supervisory information and seek a stay of the subpoena pending the outcome of the appeal. Reports required of regulated persons by the Secretary under this Act and results of examinations performed by the Secretary under this Act shall be the property of only the Secretary but may be shared with the regulated person. Access under this Act to the books and records of each regulated person shall be limited to the Secretary and his agents as provided in this Act and to the regulated person and its authorized agents and designees. No other person shall have access to the books and records of a regulated person under this Act. Any person upon whom a demand for production of confidential supervisory information is made, whether by subpoena, order, or other judicial or administrative process, must withhold production of the confidential supervisory information and must notify the Secretary of the demand, at which time the Secretary is authorized to intervene for the purpose of enforcing the limitations of this Section or seeking the withdrawal or termination of the attempt to compel production of the confidential supervisory information. The Secretary may impose any conditions and limitations on the disclosure of confidential supervisory information that are necessary to protect the confidentiality of such information. Except as authorized by the Secretary, no person obtaining access to confidential supervisory information may make a copy of the confidential supervisory information. The Secretary may condition a decision to disclose confidential supervisory information on entry of a protective order by the court or administrative tribunal presiding in the particular case or on a written agreement of confidentiality. In a case in which a protective order or agreement has already been entered between parties other than the Secretary, the Secretary may nevertheless condition approval for release of confidential supervisory information upon the inclusion of additional or amended provisions in the protective order. The Secretary may authorize a party who obtained the records for use in one case to provide them to another party in another case, subject to any conditions that the Secretary may impose on either or both parties. The requester shall promptly notify other parties to a case of the release of confidential supervisory information obtained and, upon entry of a protective order, shall provide copies of confidential supervisory information to the other parties.

(f) The Secretary is authorized to enter agreements or sharing arrangements with other governmental agencies, providers of any multistate licensing system, or associations or organizations representing governmental agencies or providers of any multistate licensing system. Notwithstanding the foregoing, the provisions of this Section shall apply regardless of the existence of any such agreement or sharing arrangement.

(g) This Section in no way limits any right, privilege, or authority that the Department has pursuant to any other applicable law. This Section does not in any way limit any privilege arising under federal or state law or other exemption from disclosure pursuant to the Freedom of Information Act.

(h) Notwithstanding the foregoing, whenever the Secretary determines, in his or her sole discretion, that it is in the public's interest, he or she may publicly disclose information or documents obtained under this Act, unless otherwise prohibited by law.

Section 30-10. Additional rulemaking authority.

(a) In addition to such powers and rulemaking authority as may be prescribed elsewhere in this Act or other financial laws administered by the Department, the Department is hereby authorized and empowered to adopt rules consistent with the purposes of this Act, including, but not limited to:

(1) rules in connection with the activities of covered persons, affiliates, and service providers as may be necessary and appropriate for the protection of residents;

(2) rules to define the terms used in this Act and as may be necessary and appropriate to interpret and implement the provisions of this Act;

(3) rules as may be necessary for the administration and enforcement of this Act;

(4) rules to set and collect fees necessary to administer and enforce this Act;

(5) rules in connection with the activities of covered persons, affiliates, and service providers as may be necessary and appropriate for the safety and soundness of such covered persons and affiliates and the stability of the financial system in this State.

(b) The Secretary is hereby authorized and empowered to make specific rulings, demands, and findings that he or she deems necessary for the proper conduct of the registrants and affiliates thereof.

Article 35. Miscellaneous Provisions

Section 35-5. No evasion.

(a) It shall be unlawful to engage in any device, subterfuge, or pretense to willfully evade or attempt to evade the requirements of this Act or any rule or order issued by the Department hereunder.

(b) Any financial product, service, or transaction that is willfully structured to evade or attempt to evade the definitions of digital asset or digital asset business activity is a digital asset or digital asset business activity, respectively, for purposes of this Act.

Section 35-10. Construction; severability.

(a) The provisions of this Act shall be liberally construed to effectuate its purposes.

(b) The provisions of this Act are severable under Section 1.31 of the Statute on Statutes.

(c) To the extent that any provision of this Act is preempted by federal law, the provision shall not apply and shall not be enforced solely as to the extent of the preemption and not as to other circumstances, persons, or applications.

Section 35-15. Transition period.

(a) A covered person engaging in digital asset business activity without a registration under this Act shall not be considered in violation of Section 15-5 or 5-25 until July 1, 2027.

(b) A covered person engaging in digital asset business activity shall not be considered in violation of Sections 5-5, 5-10, and 5-20 until January 1, 2027.

(c) A covered exchange shall not be considered in violation of Section 5-15 until January 1, 2027.

(d) Notwithstanding the foregoing, the Department may adopt rules pursuant to this Act upon this Act becoming law with such rules not to take effect earlier than January 1, 2026.".

Article 90. Amendatory provisions

Section 90-5. The Freedom of Information Act is amended by changing Section 7.5 as follows:

(5 ILCS 140/7.5)

Sec. 7.5. Statutory exemptions. To the extent provided for by the statutes referenced below, the following shall be exempt from inspection and copying:

(a) All information determined to be confidential under Section 4002 of the Technology Advancement and Development Act.

(b) Library circulation and order records identifying library users with specific materials under the Library Records Confidentiality Act.

(c) Applications, related documents, and medical records received by the Experimental Organ Transplantation Procedures Board and any and all documents or other records prepared by the Experimental Organ Transplantation Procedures Board or its staff relating to applications it has received.

(d) Information and records held by the Department of Public Health and its authorized representatives relating to known or suspected cases of sexually transmitted infection or any information the disclosure of which is restricted under the Illinois Sexually Transmitted Infection Control Act.

(e) Information the disclosure of which is exempted under Section 30 of the Radon Industry Licensing Act.

(f) Firm performance evaluations under Section 55 of the Architectural, Engineering, and Land Surveying Qualifications Based Selection Act.

(g) Information the disclosure of which is restricted and exempted under Section 50 of the Illinois Prepaid Tuition Act.

(h) Information the disclosure of which is exempted under the State Officials and Employees Ethics Act, and records of any lawfully created State or local inspector general's office that would be exempt if created or obtained by an Executive Inspector General's office under that Act.

(i) Information contained in a local emergency energy plan submitted to a municipality in accordance with a local emergency energy plan ordinance that is adopted under Section 11-21.5-5 of the Illinois Municipal Code.

(j) Information and data concerning the distribution of surcharge moneys collected and remitted by carriers under the Emergency Telephone System Act.

(k) Law enforcement officer identification information or driver identification information compiled by a law enforcement agency or the Department of Transportation under Section 11-212 of the Illinois Vehicle Code.

(l) Records and information provided to a residential health care facility resident sexual assault and death review team or the Executive Council under the Abuse Prevention Review Team Act.

(m) Information provided to the predatory lending database created pursuant to Article 3 of the Residential Real Property Disclosure Act, except to the extent authorized under that Article.

(n) Defense budgets and petitions for certification of compensation and expenses for court appointed trial counsel as provided under Sections 10 and 15 of the Capital Crimes Litigation Act (repealed). This subsection (n) shall apply until the conclusion of the trial of the case, even if the prosecution chooses not to pursue the death penalty prior to trial or sentencing.

(o) Information that is prohibited from being disclosed under Section 4 of the Illinois Health and Hazardous Substances Registry Act.

(p) Security portions of system safety program plans, investigation reports, surveys, schedules, lists, data, or information compiled, collected, or prepared by or for the Department of Transportation under Sections 2705-300 and 2705-616 of the Department of Transportation Law of the Civil Administrative Code of Illinois, the Regional Transportation Authority under Section 2.11 of the Regional Transportation Authority Act, or the St. Clair County Transit District under the Bi-State Transit Safety Act (repealed).

(q) Information prohibited from being disclosed by the Personnel Record Review Act.

(r) Information prohibited from being disclosed by the Illinois School Student Records Act.

(s) Information the disclosure of which is restricted under Section 5-108 of the Public Utilities Act.

(t) (Blank).

(u) Records and information provided to an independent team of experts under the Developmental Disability and Mental Health Safety Act (also known as Brian's Law).

(v) Names and information of people who have applied for or received Firearm Owner's Identification Cards under the Firearm Owners Identification Card Act or applied for or received a concealed carry license under the Firearm Concealed Carry Act, unless otherwise authorized by the Firearm Concealed Carry Act; and databases under the Firearm Concealed Carry Act, records of the Concealed Carry Licensing Review Board under the Firearm Concealed Carry Act, and law enforcement agency objections under the Firearm Concealed Carry Act.

(v-5) Records of the Firearm Owner's Identification Card Review Board that are exempted from disclosure under Section 10 of the Firearm Owners Identification Card Act.

(w) Personally identifiable information which is exempted from disclosure under subsection (g) of Section 19.1 of the Toll Highway Act.

(x) Information which is exempted from disclosure under Section 5-1014.3 of the Counties Code or Section 8-11-21 of the Illinois Municipal Code.

(y) Confidential information under the Adult Protective Services Act and its predecessor enabling statute, the Elder Abuse and Neglect Act, including information about the identity and administrative finding against any caregiver of a verified and substantiated decision of abuse, neglect, or financial exploitation of an eligible adult maintained in the Registry established under Section 7.5 of the Adult Protective Services Act.

(z) Records and information provided to a fatality review team or the Illinois Fatality Review Team Advisory Council under Section 15 of the Adult Protective Services Act.

(aa) Information which is exempted from disclosure under Section 2.37 of the Wildlife Code.

(bb) Information which is or was prohibited from disclosure by the Juvenile Court Act of 1987.

(cc) Recordings made under the Law Enforcement Officer-Worn Body Camera Act, except to the extent authorized under that Act.

(dd) Information that is prohibited from being disclosed under Section 45 of the Condominium and Common Interest Community Ombudsperson Act.

(ee) Information that is exempted from disclosure under Section 30.1 of the Pharmacy Practice Act.

(ff) Information that is exempted from disclosure under the Revised Uniform Unclaimed Property Act.

(gg) Information that is prohibited from being disclosed under Section 7-603.5 of the Illinois Vehicle Code.

(hh) Records that are exempt from disclosure under Section 1A-16.7 of the Election Code.

(ii) Information which is exempted from disclosure under Section 2505-800 of the Department of Revenue Law of the Civil Administrative Code of Illinois.

(jj) Information and reports that are required to be submitted to the Department of Labor by registering day and temporary labor service agencies but are exempt from disclosure under subsection (a-1) of Section 45 of the Day and Temporary Labor Services Act.

(kk) Information prohibited from disclosure under the Seizure and Forfeiture Reporting Act.

(ll) Information the disclosure of which is restricted and exempted under Section 5-30.8 of the Illinois Public Aid Code.

(mm) Records that are exempt from disclosure under Section 4.2 of the Crime Victims Compensation Act.

(nn) Information that is exempt from disclosure under Section 70 of the Higher Education Student Assistance Act.

(oo) Communications, notes, records, and reports arising out of a peer support counseling session prohibited from disclosure under the First Responders Suicide Prevention Act.

(pp) Names and all identifying information relating to an employee of an emergency services provider or law enforcement agency under the First Responders Suicide Prevention Act.

(qq) Information and records held by the Department of Public Health and its authorized representatives collected under the Reproductive Health Act.

(rr) Information that is exempt from disclosure under the Cannabis Regulation and Tax Act.

(ss) Data reported by an employer to the Department of Human Rights pursuant to Section 2-108 of the Illinois Human Rights Act.

(tt) Recordings made under the Children's Advocacy Center Act, except to the extent authorized under that Act.

(uu) Information that is exempt from disclosure under Section 50 of the Sexual Assault Evidence Submission Act.

(vv) Information that is exempt from disclosure under subsections (f) and (j) of Section 5-36 of the Illinois Public Aid Code.

(ww) Information that is exempt from disclosure under Section 16.8 of the State Treasurer Act.

(xx) Information that is exempt from disclosure or information that shall not be made public under the Illinois Insurance Code.

(yy) Information prohibited from being disclosed under the Illinois Educational Labor Relations Act.

(zz) Information prohibited from being disclosed under the Illinois Public Labor Relations Act.

(aaa) Information prohibited from being disclosed under Section 1-167 of the Illinois Pension Code.

(bbb) Information that is prohibited from disclosure by the Illinois Police Training Act and the Illinois State Police Act.

(ccc) Records exempt from disclosure under Section 2605-304 of the Illinois State Police Law of the Civil Administrative Code of Illinois.

(ddd) Information prohibited from being disclosed under Section 35 of the Address Confidentiality for Victims of Domestic Violence, Sexual Assault, Human Trafficking, or Stalking Act.

(eee) Information prohibited from being disclosed under subsection (b) of Section 75 of the Domestic Violence Fatality Review Act.

(fff) Images from cameras under the Expressway Camera Act. This subsection (fff) is inoperative on and after July 1, 2025.

(ggg) Information prohibited from disclosure under paragraph (3) of subsection (a) of Section 14 of the Nurse Agency Licensing Act.

(hhh) Information submitted to the Illinois State Police in an affidavit or application for an assault weapon endorsement, assault weapon attachment endorsement, .50 caliber rifle endorsement, or .50 caliber cartridge endorsement under the Firearm Owners Identification Card Act.

(iii) Data exempt from disclosure under Section 50 of the School Safety Drill Act.

(jjj) Information exempt from disclosure under Section 30 of the Insurance Data Security Law.

(kkk) Confidential business information prohibited from disclosure under Section 45 of the Paint Stewardship Act.

(lll) Data exempt from disclosure under Section 2-3.196 of the School Code.

(mmm) Information prohibited from being disclosed under subsection (e) of Section 1-129 of the Illinois Power Agency Act.

(nnn) Materials received by the Department of Commerce and Economic Opportunity that are confidential under the Music and Musicians Tax Credit and Jobs Act.

(ooo) Data or information provided pursuant to Section 20 of the Statewide Recycling Needs and Assessment Act.

(ppp) Information that is exempt from disclosure under Section 28-11 of the Lawful Health Care Activity Act.

(qqq) Information that is exempt from disclosure under Section 7-101 of the Illinois Human Rights Act.

(rrr) Information prohibited from being disclosed under Section 4-2 of the Uniform Money Transmission Modernization Act.

(sss) Information exempt from disclosure under Section 40 of the Student-Athlete Endorsement Rights Act.

(ttt) Audio recordings made under Section 30 of the Illinois State Police Act, except to the extent authorized under that Section.

(uuu) Information prohibited from being disclosed under Section 30-5 of the Digital Assets Regulation Act.

(Source: P.A. 102-36, eff. 6-25-21; 102-237, eff. 1-1-22; 102-292, eff. 1-1-22; 102-520, eff. 8-20-21; 102-559, eff. 8-20-21; 102-813, eff. 5-13-22; 102-946, eff. 7-1-22; 102-1042, eff. 6-3-22; 102-1116, eff. 1-10-23; 103-8, eff. 6-7-23; 103-34, eff. 6-9-23; 103-142, eff. 1-1-24; 103-372, eff. 1-1-24; 103-472, eff. 8-1-24; 103-508, eff. 8-4-23; 103-580, eff. 12-8-23; 103-592, eff. 6-7-24; 103-605, eff. 7-1-24; 103-636, eff. 7-1-24; 103-724, eff. 1-1-25; 103-786, eff. 8-7-24; 103-859, eff. 8-9-24; 103-991, eff. 8-9-24; 103-1049, eff. 8-9-24; 103-1081, eff. 3-21-25.)

Section 90-10. The State Finance Act is amended by adding Section 5.1030 as follows:

(30 ILCS 105/5.1030 new)

Sec. 5.1030. The Consumer Protection Fund.

Section 90-15. The Illinois Banking Act is amended by changing Sections 2 and 30 as follows:

(205 ILCS 5/2) (from Ch. 17, par. 302)

Sec. 2. General definitions. In this Act, unless the context otherwise requires, the following words and phrases shall have the following meanings:

"Accommodation party" shall have the meaning ascribed to that term in Section 3-419 of the Uniform Commercial Code.

"Action" in the sense of a judicial proceeding includes recoupments, counterclaims, set-off, and any other proceeding in which rights are determined.

"Affiliate facility" of a bank means a main banking premises or branch of another commonly owned bank. The main banking premises or any branch of a bank may be an "affiliate facility" with respect to one or more other commonly owned banks.

"Appropriate federal banking agency" means the Federal Deposit Insurance Corporation, the Federal Reserve Bank of Chicago, or the Federal Reserve Bank of St. Louis, as determined by federal law.

"Bank" means any person doing a banking business whether subject to the laws of this or any other jurisdiction.

A "banking house", "branch", "branch bank", or "branch office" shall mean any place of business of a bank at which deposits are received, checks paid, or loans made, but shall not include any place at which only records thereof are made, posted, or kept. A place of business at which deposits are received, checks paid, or loans made shall not be deemed to be a branch, branch bank, or branch office if the place of business is adjacent to and connected with the main banking premises, or if it is separated from the main banking premises by not more than an alley; provided always that (i) if the place of business is separated by an alley from the main banking premises there is a connection between the two by public or private way or by subterranean or overhead passage, and (ii) if the place of business is in a building not wholly occupied by the bank, the place of business shall not be within any office or room in which any other business or service

of any kind or nature other than the business of the bank is conducted or carried on. A place of business at which deposits are received, checks paid, or loans made shall not be deemed to be a branch, branch bank, or branch office (i) of any bank if the place is a terminal established and maintained in accordance with paragraph (17) of Section 5 of this Act, or (ii) of a commonly owned bank by virtue of transactions conducted at that place on behalf of the other commonly owned bank under paragraph (23) of Section 5 of this Act if the place is an affiliate facility with respect to the other bank.

"Branch of an out-of-state bank" means a branch established or maintained in Illinois by an out-of-state bank as a result of a merger between an Illinois bank and the out-of-state bank that occurs on or after May 31, 1997, or any branch established by the out-of-state bank following the merger.

"Bylaws" means the bylaws of a bank that are adopted by the bank's board of directors or shareholders for the regulation and management of the bank's affairs. If the bank operates as a limited liability company, however, "bylaws" means the operating agreement of the bank.

"Call report fee" means the fee to be paid to the Commissioner by each State bank pursuant to paragraph (a) of subsection (3) of Section 48 of this Act.

"Capital" includes the aggregate of outstanding capital stock and preferred stock.

"Cash flow reserve account" means the account within the books and records of the Commissioner of Banks and Real Estate used to record funds designated to maintain a reasonable Bank and Trust Company Fund operating balance to meet agency obligations on a timely basis.

"Charter" includes the original charter and all amendments thereto and articles of merger or consolidation.

"Commissioner" means the Commissioner of Banks and Real Estate, except that beginning on April 6, 2009 (the effective date of Public Act 95-1047), all references in this Act to the Commissioner of Banks and Real Estate are deemed, in appropriate contexts, to be references to the Secretary of Financial and Professional Regulation.

"Commonly owned banks" means 2 or more banks that each qualify as a bank subsidiary of the same bank holding company pursuant to Section 18 of the Federal Deposit Insurance Act; "commonly owned bank" refers to one of a group of commonly owned banks but only with respect to one or more of the other banks in the same group.

"Community" means a city, village, or incorporated town and also includes the area served by the banking offices of a bank, but need not be limited or expanded to conform to the geographic boundaries of units of local government.

"Company" means a corporation, limited liability company, partnership, business trust, association, or similar organization and, unless specifically excluded, includes a "State bank" and a "bank".

"Consolidating bank" means a party to a consolidation.

"Consolidation" takes place when 2 or more banks, or a trust company and a bank, are extinguished and by the same process a new bank is created, taking over the assets and assuming the liabilities of the banks or trust company passing out of existence.

"Continuing bank" means a merging bank, the charter of which becomes the charter of the resulting bank.

"Converting bank" means a State bank converting to become a national bank, or a national bank converting to become a State bank.

"Converting trust company" means a trust company converting to become a State bank.

"Court" means a court of competent jurisdiction.

"Director" means a member of the board of directors of a bank. In the case of a manager-managed limited liability company, however, "director" means a manager of the bank and, in the case of a member-managed limited liability company, "director" means a member of the bank. The term "director" does not include an advisory director, honorary director, director emeritus, or similar person, unless the person is otherwise performing functions similar to those of a member of the board of directors.

"Director of Banking" means the Director of the Division of Banking of the Department of Financial and Professional Regulation.

"Eligible depository institution" means an insured savings association that is in default, an insured savings association that is in danger of default, a State or national bank that is in default or a State or national bank that is in danger of default, as those terms are defined in this Section, or a new bank as that term is defined in Section 11(m) of the Federal Deposit Insurance Act or a bridge bank as that term is defined in Section 11(n) of the Federal Deposit Insurance Act or a new federal savings association authorized under Section 11(d)(2)(f) of the Federal Deposit Insurance Act.

"Fiduciary" means trustee, agent, executor, administrator, committee, guardian for a minor or for a person under legal disability, receiver, trustee in bankruptcy, assignee for creditors, or any holder of similar position of trust.

"Financial institution" means a bank, savings bank, savings and loan association, credit union, or any licensee under the Consumer Installment Loan Act or the Sales Finance Agency Act and, for purposes of Section 48.3, any proprietary network, funds transfer corporation, or other entity providing electronic funds transfer services, or any corporate fiduciary, its subsidiaries, affiliates, parent company, or contractual service provider that is examined by the Commissioner. For purposes of Section 5c and subsection (b) of Section 13 of this Act, "financial institution" includes any proprietary network, funds transfer corporation, or other entity providing electronic funds transfer services, and any corporate fiduciary.

"Foundation" means the Illinois Bank Examiners' Education Foundation.

"General obligation" means a bond, note, debenture, security, or other instrument evidencing an obligation of the government entity that is the issuer that is supported by the full available resources of the issuer, the principal and interest of which is payable in whole or in part by taxation.

"Guarantee" means an undertaking or promise to answer for payment of another's debt or performance of another's duty, liability, or obligation whether "payment guaranteed" or "collection guaranteed".

"In danger of default" means a State or national bank, a federally chartered insured savings association, or an Illinois state chartered insured savings association with respect to which the Commissioner or the appropriate federal banking agency has advised the Federal Deposit Insurance Corporation that:

(1) in the opinion of the Commissioner or the appropriate federal banking agency,

(A) the State or national bank or insured savings association is not likely to be able to meet the demands of the State or national bank's or savings association's obligations in the normal course of business; and

(B) there is no reasonable prospect that the State or national bank or insured savings association will be able to meet those demands or pay those obligations without federal assistance; or

(2) in the opinion of the Commissioner or the appropriate federal banking agency,

(A) the State or national bank or insured savings association has incurred or is likely to incur losses that will deplete all or substantially all of its capital; and

(B) there is no reasonable prospect that the capital of the State or national bank or insured savings association will be replenished without federal assistance.

"In default" means, with respect to a State or national bank or an insured savings association, any adjudication or other official determination by any court of competent jurisdiction, the Commissioner, the appropriate federal banking agency, or other public authority pursuant to which a conservator, receiver, or other legal custodian is appointed for a State or national bank or an insured savings association.

"Insured savings association" means any federal savings association chartered under Section 5 of the federal Home Owners' Loan Act and any State savings association chartered under the Illinois Savings and Loan Act of 1985 or a predecessor Illinois statute, the deposits of which are insured by the Federal Deposit Insurance Corporation. The term also includes a savings bank organized or operating under the Savings Bank Act.

"Insured savings association in recovery" means an insured savings association that is not an eligible depository institution and that does not meet the minimum capital requirements applicable with respect to the insured savings association.

"Issuer" means for purposes of Section 33 every person who shall have issued or proposed to issue any security; except that (1) with respect to certificates of deposit, voting trust certificates, collateral-trust certificates, and certificates of interest or shares in an unincorporated investment trust not having a board of directors (or persons performing similar functions), "issuer" means the person or persons performing the acts and assuming the duties of depositor or manager pursuant to the provisions of the trust, agreement, or instrument under which the securities are issued; (2) with respect to trusts other than those specified in clause (1) above, where the trustee is a corporation authorized to accept and execute trusts, "issuer" means the entrusters, depositors, or creators of the trust and any manager or committee charged with the general direction of the affairs of the trust pursuant to the provisions of the agreement or instrument creating the trust; and (3) with respect to equipment trust certificates or like securities, "issuer" means the person to whom the equipment or property is or is to be leased or conditionally sold.

"Letter of credit" and "customer" shall have the meanings ascribed to those terms in Section 5-102 of the Uniform Commercial Code.

"Main banking premises" means the location that is designated in a bank's charter as its main office.

"Maker or obligor" means for purposes of Section 33 the issuer of a security, the promisor in a debenture or other debt security, or the mortgagor or grantor of a trust deed or similar conveyance of a security interest in real or personal property.

"Merged bank" means a merging bank that is not the continuing, resulting, or surviving bank in a consolidation or merger.

"Merger" includes consolidation.

"Merging bank" means a party to a bank merger.

"Merging trust company" means a trust company party to a merger with a State bank.

"Mid-tier bank holding company" means a corporation that (a) owns 100% of the issued and outstanding shares of each class of stock of a State bank, (b) has no other subsidiaries, and (c) 100% of the issued and outstanding shares of the corporation are owned by a parent bank holding company.

"Municipality" means any municipality, political subdivision, school district, taxing district, or agency.

"National bank" means a national banking association located in this State and after May 31, 1997, means a national banking association without regard to its location.

"Out-of-state bank" means a bank chartered under the laws of a state other than Illinois, a territory of the United States, or the District of Columbia.

"Parent bank holding company" means a corporation that is a bank holding company as that term is defined in the Illinois Bank Holding Company Act of 1957 and owns 100% of the issued and outstanding shares of a mid-tier bank holding company.

"Person" means an individual, corporation, limited liability company, partnership, joint venture, trust, estate, or unincorporated association.

"Public agency" means the State of Illinois, the various counties, townships, cities, towns, villages, school districts, educational service regions, special road districts, public water supply districts, fire protection districts, drainage districts, levee districts, sewer districts, housing authorities, the Illinois Bank Examiners' Education Foundation, the Chicago Park District, and all other political corporations or subdivisions of the State of Illinois, whether now or hereafter created, whether herein specifically mentioned or not, and shall also include any other state or any political corporation or subdivision of another state.

"Public funds" or "public money" means current operating funds, special funds, interest and sinking funds, and funds of any kind or character belonging to, in the custody of, or subject to the control or regulation of the United States or a public agency. "Public funds" or "public money" shall include funds held by any of the officers, agents, or employees of the United States or of a public agency in the course of their official duties and, with respect to public money of the United States, shall include Postal Savings funds.

"Published" means, unless the context requires otherwise, the publishing of the notice or instrument referred to in some newspaper of general circulation in the community in which the bank is located at least once each week for 3 successive weeks. Publishing shall be accomplished by, and at the expense of, the bank required to publish. Where publishing is required, the bank shall submit to the Commissioner that evidence of the publication as the Commissioner shall deem appropriate.

"Qualified financial contract" means any security contract, commodity contract, forward contract, including spot and forward foreign exchange contracts, repurchase agreement, swap agreement, and any similar agreement, any option to enter into any such agreement, including any combination of the foregoing, and any master agreement for such agreements. A master agreement, together with all supplements thereto, shall be treated as one qualified financial contract. The contract, option, agreement, or combination of contracts, options, or agreements shall be reflected upon the books, accounts, or records of the bank, or a party to the contract shall provide documentary evidence of such agreement.

"Recorded" means the filing or recording of the notice or instrument referred to in the office of the Recorder of the county wherein the bank is located.

"Resulting bank" means the bank resulting from a merger or conversion.

"Secretary" means the Secretary of Financial and Professional Regulation, or a person authorized by the Secretary or by this Act to act in the Secretary's stead.

"Securities" means stocks, bonds, debentures, notes, or other similar obligations.

"Special purpose trust company" means a special purpose trust company under Article IIA of the Corporate Fiduciary Act.

"Stand-by letter of credit" means a letter of credit under which drafts are payable upon the condition the customer has defaulted in performance of a duty, liability, or obligation.

"State bank" means any banking corporation that has a banking charter issued by the Commissioner under this Act.

"State Banking Board" means the State Banking Board of Illinois.

"Subsidiary" with respect to a specified company means a company that is controlled by the specified company. For purposes of paragraphs (8) and (12) of Section 5 of this Act, "control" means the exercise of operational or managerial control of a corporation by the bank, either alone or together with other affiliates of the bank.

"Surplus" means the aggregate of (i) amounts paid in excess of the par value of capital stock and preferred stock; (ii) amounts contributed other than for capital stock and preferred stock and allocated to the surplus account; and (iii) amounts transferred from undivided profits.

"Tier 1 Capital" and "Tier 2 Capital" have the meanings assigned to those terms in regulations promulgated for the appropriate federal banking agency of a state bank, as those regulations are now or hereafter amended.

"Trust company" means a limited liability company or corporation incorporated in this State for the purpose of accepting and executing trusts.

"Undivided profits" means undistributed earnings less discretionary transfers to surplus.

"Unimpaired capital and unimpaired surplus", for the purposes of paragraph (21) of Section 5 and Sections 32, 33, 34, 35.1, 35.2, and 47 of this Act means the sum of the state bank's Tier 1 Capital and Tier 2 Capital plus such other shareholder equity as may be included by regulation of the Commissioner. Unimpaired capital and unimpaired surplus shall be calculated on the basis of the date of the last quarterly call report filed with the Commissioner preceding the date of the transaction for which the calculation is made, provided that: (i) when a material event occurs after the date of the last quarterly call report filed with the Commissioner that reduces or increases the bank's unimpaired capital and unimpaired surplus by 10% or more, then the unimpaired capital and unimpaired surplus shall be calculated from the date of the material event for a transaction conducted after the date of the material event; and (ii) if the Commissioner determines for safety and soundness reasons that a state bank should calculate unimpaired capital and unimpaired surplus more frequently than provided by this paragraph, the Commissioner may by written notice direct the bank to calculate unimpaired capital and unimpaired surplus at a more frequent interval. In the case of a state bank newly chartered under Section 13 or a state bank resulting from a merger, consolidation, or conversion under Sections 21 through 26 for which no preceding quarterly call report has been filed with the Commissioner, unimpaired capital and unimpaired surplus shall be calculated for the first calendar quarter on the basis of the effective date of the charter, merger, consolidation, or conversion.

(Source: P.A. 95-924, eff. 8-26-08; 95-1047, eff. 4-6-09; 96-1000, eff. 7-2-10; 96-1163, eff. 1-1-11; revised 8-6-24.)

(205 ILCS 5/30) (from Ch. 17, par. 337)

Sec. 30. Conversion; merger with trust company <u>or special purpose trust company</u>. Upon approval by the Commissioner a trust company having power so to do under the law under which it is organized may convert into a state bank or may merge into a state bank as prescribed by this Act; except that the action by a trust company shall be taken in the manner prescribed by and shall be subject to limitations and requirements imposed by the law under which it is organized which law shall also govern the rights of its dissenting stockholders. The rights of dissenting stockholders of a state bank shall be governed by Section 29 of this Act. The conversion or merger procedure shall be:

(1) In the case of a merger, the board of directors of both the merging trust company and the merging bank by a majority of the entire board in each case shall approve a merger agreement which shall contain:

(a) The name and location of the merging bank and of the merging trust company and a list of the stockholders of each as of the date of the merger agreement;

(b) With respect to the resulting bank (i) its name and place of business; (ii) the amount of capital, surplus and reserve for operating expenses; (iii) the classes and the number of shares of stock and the par value of each share; (iv) the charter which is to be the charter of the resulting bank, together with the amendments to the continuing charter and to the continuing by-laws; and (v) a detailed financial statement showing the assets and liabilities after the proposed merger;

(c) Provisions governing the manner of converting the shares of the merging bank and of the merging trust company into shares of the resulting bank;

(d) A statement that the merger agreement is subject to approval by the Commissioner and by the stockholders of the merging bank and the merging trust company, and that whether approved or disapproved, the parties thereto will pay the Commissioner's expenses of examination;

(e) Provisions governing the manner of disposing of the shares of the resulting bank not taken by the dissenting stockholders of the merging trust company; and

(f) Such other provisions as the Commissioner may reasonably require to enable him to discharge his duties with respect to the merger.

(2) After approval by the board of directors of the merging bank and of the merging trust company, the merger agreement shall be submitted to the Commissioner for approval together with the certified copies of the authorizing resolution of each board of directors showing approval by a majority of each board.

(3) After receipt by the Commissioner of the papers specified in subsection (2), he shall approve or disapprove the merger agreement. The Commissioner shall not approve the agreement unless he shall be of the opinion and finds:

(a) That the resulting bank meets the requirements of this Act for the formation of a new bank at the proposed place of business of the resulting bank;

(b) That the same matters exist in respect of the resulting bank which would have been required under Section 10 of this Act for the organization of a new bank; and

(c) That the merger agreement is fair to all persons affected. If the Commissioner disapproves the merger agreement, he shall state his objections in writing and give an opportunity to the merging bank and the merging trust company to obviate such objections.

(4) To be effective, if approved by the Commissioner, a merger of a bank and a trust company where there is to be a resulting bank must be approved by the affirmative vote of the holders of at least two-thirds of the outstanding shares of stock of the merging bank entitled to vote at a meeting called to consider such action, unless holders of preferred stock are entitled to vote as a class in respect thereof, in which event the proposed merger shall be adopted upon receiving the affirmative vote of the holders of at least two-thirds of the outstanding shares of each class of shares entitled to vote as a class in respect thereof and of the total outstanding shares entitled to vote at such meeting and must be approved by the stockholders of the merging trust company as provided by the Act under which it is organized. The prescribed vote by the merging bank and the merging trust company shall constitute the adoption of the charter and by-laws of the continuing bank, including the amendments in the merger agreement, as the charter and by-laws of the resulting bank. Written or printed notice of the meeting of the stockholders of the merging bank shall be given to each stockholder of record entitled to vote at such meeting at least thirty days before such meeting and in the manner provided in this Act for the giving of notice of meetings of stockholders. The notice shall state that dissenting stockholders of the merging trust company will be entitled to payment of the value of those shares which are voted against approval of the merger, if a proper demand is made on the resulting bank and the requirements of the Act under which the merging trust company is organized are satisfied.

(5) Unless a later date is specified in the merger agreement, the merger shall become effective upon the filing with the Commissioner of the executed merger agreement, together with copies of the resolutions of the stockholders of the merging bank and the merging trust company approving it, certified by the president or a vice-president or, the cashier and also by the secretary or other officer charged with keeping the records. The charter of the merging trust company shall thereupon automatically terminate. The Commissioner shall thereupon issue to the continuing bank a certificate of merger which shall specify the name of the merging trust company, the name of the continuing bank and the amendments to the charter of the continuing bank provided for by the merger agreement. Such certificate shall be conclusive evidence of the merger and of the correctness of all proceedings therefor in all courts and places including the office of the Secretary of State, and said certificate shall be recorded.

(6) In the case of a conversion, a trust company shall apply for a charter by filing with the Commissioner:

(a) A certificate signed by its president, or a vice-president, and by a majority of the entire board of directors setting forth the corporate action taken in compliance with the provisions of the Act under which it is organized governing the conversion of a trust company to a bank or governing the merger of a trust company into another corporation;

(b) The plan of conversion and the proposed charter approved by the stockholders for the operation of the trust company as a bank. The plan of conversion shall contain (i) the name and location proposed for the converting trust company; (ii) a list of its stockholders as of the date of the stockholders' approval of the plan of conversion; (iii) the amount of its capital, surplus and reserve for

operating expenses; (iv) the classes and the number of shares of stock and the par value of each share; (v) the charter which is to be the charter of the resulting bank; and (vi) a detailed financial statement showing the assets and liabilities of the converting trust company;

(c) A statement that the plan of conversion is subject to approval by the Commissioner and that, whether approved or disapproved, the converting trust company will pay the Commissioner's expenses of examination; and

(d) Such other instruments as the Commissioner may reasonably require to enable him to discharge his duties with respect to the conversion.

(7) After receipt by the Commissioner of the papers specified in subsection (6), he shall approve or disapprove the plan of conversion. The Commissioner shall not approve the plan of conversion unless he shall be of the opinion and finds:

(a) That the resulting bank meets the requirements of this Act for the formation of a new bank at the proposed place of business of the resulting bank;

(b) That the same matters exist in respect of the resulting bank which would have been required under Section 10 of this Act for the organization of a new bank; and

(c) That the plan of conversion is fair to all persons affected.

If the commissioner disapproves the plan of conversion, he shall state his objections in writing and give an opportunity to the converting trust company to obviate such objections.

(8) Unless a later date is specified in the plan of conversion, the conversion shall become effective upon the Commissioner's approval, and the charter proposed in the plan of conversion shall constitute the charter of the resulting bank. The Commissioner shall issue a certificate of conversion which shall specify the name of the converting trust company, the name of the resulting bank and the charter provided for by said plan of conversion. Such certificate shall be conclusive evidence of the conversion and of the correctness of all proceedings therefor in all courts and places including the office of the Secretary of State, and such certificate shall be recorded.

(8.5) A special purpose trust company under Article IIA of the Corporate Fiduciary Act may merge with a State bank or convert to a State bank as if the special purpose trust company were a trust company under Article II of the Corporate Fiduciary Act, subject to rules adopted by the Department.

(9) In the case of either a merger or a conversion under this Section 30, the resulting bank shall be considered the same business and corporate entity as each merging bank and merging trust company or as the converting trust company with all the property, rights, powers, duties and obligations of each as specified in Section 28 of this Act.

(Source: P.A. 91-357, eff. 7-29-99.)

Section 90-20. The Corporate Fiduciary Act is amended by changing Sections 1-5.08, 2-1, 4-1, 4-2, 4-5, 4A-15, and 5-1 and by adding Article IIA as follows:

(205 ILCS 620/1-5.08) (from Ch. 17, par. 1551-5.08)

Sec. 1-5.08. "Foreign corporation" means:

(a) any bank, savings and loan association, savings bank, or other corporation, limited liability company, or other entity now or hereafter organized under the laws of any state or territory of the United States of America, including the District of Columbia, other than the State of Illinois;

(b) any national banking association having its principal place of business in any state or territory of the United States of America, including the District of Columbia, other than the State of Illinois; and

(c) any federal savings and loan association or federal savings bank having its principal place of business in any state or territory of the United States of America, including the District of Columbia, other than the State of Illinois.

(Source: P.A. 91-97, eff. 7-9-99.)

(205 ILCS 620/2-1) (from Ch. 17, par. 1552-1)

Sec. 2-1. (a) Any corporation which has been or shall be incorporated under the general corporation laws of this State and any limited liability company established under the Limited Liability Company Act for the purpose of accepting and executing trusts, and any state bank, state savings and loan association, state savings bank, or other special corporation now or hereafter authorized by law to accept or execute trusts, may be appointed to act as a fiduciary in any capacity a natural person or corporation may act, and shall include, but not be limited to, acting as assignee or trustee by deed, and executor, guardian or trustee by will, custodian under the Illinois Uniform Transfers to Minors Act and such appointment shall be of like force as in case of appointment of a natural person and shall be designated a corporate fiduciary.

(b) No corporate fiduciary shall dissolve or cease its corporate existence without prior notice to and approval by the Commissioner and compliance with the requirements of Section 7-1 of this Act.
(Source: P.A. 100-863, eff. 8-14-18.)

(205 ILCS 620/Art. IIA heading new)

ARTICLE IIA. SPECIAL PURPOSE TRUST COMPANY AUTHORITY AND ORGANIZATION

(205 ILCS 620/2A-1 new)

Sec. 2A-1. Purpose. The General Assembly finds that corporate fiduciaries perform a vital service in the custody, safekeeping, and management of physical assets, traditional electronic assets, and emerging digital assets for customers; that it is in the public interest that trust companies may be organized for the special purpose of providing fiduciary custodial services and related services to customers; that the operation of special purpose trust companies is impressed with a public interest such that it should be supervised as an activity under this Act; and that such special purpose trust companies should obtain their authority, conduct their operations, and be supervised as corporate fiduciaries as provided in this Act.

(205 ILCS 620/2A-2 new)

Sec. 2A-2. Special purpose trust company. Any corporation that has been or shall be incorporated under the general corporation laws of this State and any limited liability company established under the Limited Liability Company Act for the special purpose of providing fiduciary custodial services or providing other like or related services as specified by rule, consistent with this Article, may be appointed to act as a fiduciary with respect to such services and shall be designated a special purpose trust company.

(205 ILCS 620/2A-3 new)

Sec. 2A-3. Certificate of authority.

(a) It shall be lawful for any person to engage in the activity of a special purpose trust company after the effective date of this amendatory Act of the 104th General Assembly upon filing an application for and procuring from the Secretary a certificate of authority stating that the person has complied with the requirements of this Act and is qualified to engage in the activity of a special purpose trust company.

(b) No natural person or natural persons, firm, partnership, or corporation not having been authorized under this Act shall transact in the activity of a special purpose trust company. A person who violates this Section is guilty of a Class A misdemeanor and the Attorney General or State's Attorney of the county in which the violation occurs may restrain the violation by a complaint for injunctive relief.

(c) Any entity that holds a certificate of authority under Article II of this Act may engage in the activity of a special purpose trust company without applying for or receiving a certificate of authority under this Article IIA.

(d) Nothing in this Section shall limit the authority of a depository institution to provide nonfiduciary custodial services consistent with its charter in accordance with applicable law and subject to any limitations and restrictions imposed by its chartering authority.

(205 ILCS 620/2A-4 new)

Sec. 2A-4. Rulemaking and organization.

(a) The Department shall adopt rules for the administration of this Article, including, but not limited to: rules for defining statutory terms; applying for a certificate of authority; review, investigation, and approval of application for certificate of authority; capital requirements; office location and name; collateralizing fiduciary assets; and general corporate powers. The authority of this subsection (a) is in addition to, and in no way limits, the authority of the Secretary under subsection (a) of Section 5-1.

(b) Articles III, V, VI, VII, VIII, and IX of this Act shall apply to a special purpose trust company under this Article as if the special purpose trust company were a trust company authorized under Article II of this Act, subject to any rules adopted by the Department.

(205 ILCS 620/4-1) (from Ch. 17, par. 1554-1)

Sec. 4-1. Foreign corporate fiduciary; certificate of authority. After July 13, 1953, no foreign corporation, including banks, savings banks, and savings and loan associations, now or hereafter organized under the laws of any other state or territory, and no national banking association having its principal place of business in any other state or territory or federal savings and loan association or federal savings bank having its principal place of business in any other state or territory, may procure a certificate of authority under Article II of this Act and any certificate of authority heretofore issued hereunder to any such foreign corporation or to any such national banking association shall become null and void on July 13, 1953, except that any such foreign corporation or any such national banking association actually acting as trustee, executor, administrator, administrator to collect, guardian, or in any other ~~like~~ fiduciary capacity in this State

on July 13, 1953, may continue to act as such fiduciary in that particular trust or estate until such time as it has completed its duties thereunder. Such foreign corporation and such national banking association shall be subject to the provisions in this Article IV, regardless of whether its certificate of authority was obtained before July 13, 1953. The right and eligibility of any foreign corporation, any national banking association having its principal place of business in any other state or territory or any federal savings and loan association or federal savings bank having its principal place of business in any other state or territory hereafter to act as trustee, executor, administrator, administrator to collect, guardian, or in any other ~~like~~ fiduciary capacity in this State shall be governed solely by the provisions of this Act. Provided, however, that the Commissioner shall not be required to conduct an annual examination of such foreign corporation pursuant to Section 5-2 of this Act, but may examine such foreign corporation as the Commissioner deems appropriate. "Principal place of business" of any bank, federal savings and loan association or savings bank, for purposes of this Article IV, means the principal office as designated on the charter by its principal regulator.

(Source: P.A. 91-97, eff. 7-9-99.)

(205 ILCS 620/4-2) (from Ch. 17, par. 1554-2)

Sec. 4-2. Foreign corporation; eligibility. Any foreign corporation may act in this State as trustee, executor, administrator, administrator to collect, guardian, or in any other like fiduciary capacity, whether the appointment is by will, deed, court order or otherwise, without complying with any laws of this State relating to the qualification of corporations organized under the laws of this State to conduct a trust business or laws relating to the qualification of foreign corporations, provided only (1) such foreign corporation is authorized by the laws of the state of its organization or domicile to act as a fiduciary in that state, and (2) a corporation organized under the laws of this State, a national banking association having its principal place of business in this State, and a federal savings and loan association or federal savings bank having its principal place of business in this State and authorized to act as a fiduciary in this State, may, in such other state, act in a similar fiduciary capacity or capacities, as the case may be, upon conditions and qualifications which the Commissioner finds are not unduly restrictive when compared to those imposed by the laws of Illinois. Any foreign corporation eligible to act in a fiduciary capacity in this State pursuant to the provisions of this Act, shall be deemed qualified to accept and execute trusts in this State within the meaning of this Act and the Probate Act of 1975, approved August 7, 1975, as amended. No foreign corporation shall be permitted to act as trustee, executor, administrator, administrator to collect, guardian or in any other ~~like~~ fiduciary capacity in this State except as provided in Article IV of this Act; however, any foreign corporation actually acting in any such fiduciary capacity in this State on July 13, 1953, although not eligible to so act pursuant to the provisions of this Article IV, may continue to act as fiduciary in that particular trust or estate until such time as it has completed its duties thereunder.

(Source: P.A. 92-685, eff. 7-16-02.)

(205 ILCS 620/4-5) (from Ch. 17, par. 1554-5)

Sec. 4-5. Certificate of authority; fees; certificate of reciprocity.

(a) Prior to the time any foreign corporation acts in this State as testamentary trustee, trustee appointed by any court, trustee under any written agreement, declaration or instrument of trust, executor, administrator, administrator to collect, guardian or in any other ~~like~~ fiduciary capacity, such foreign corporation shall apply to the Commissioner of Banks and Real Estate for a certificate of authority with reference to the fiduciary capacity or capacities in which such foreign corporation proposes to act in this State, and the Commissioner of Banks and Real Estate shall issue a certificate of authority to such corporation concerning only the fiduciary capacity or such of the fiduciary capacities to which the application pertains and with respect to which he has been furnished satisfactory evidence that such foreign corporation meets the requirements of Section 4-2 of this Act. The certificate of authority shall set forth the fiduciary capacity or capacities, as the case may be, for which the certificate is issued, and shall recite and certify that such foreign corporation is eligible to act in this State in such fiduciary capacity or capacities, as the case may be, pursuant to the provisions of this Act. The certificate of authority shall remain in full force and effect until such time as such foreign corporation ceases to be eligible so to act under the provisions of this Act.

(b) Each foreign corporation making application for a certificate of authority shall pay reasonable fees to the Commissioner of Banks and Real Estate as determined by the Commissioner for the services of his office.

(c) Any foreign corporation holding a certificate of reciprocity which recites and certifies that such foreign corporation is eligible to act in this State in any such fiduciary capacity pursuant to the provisions of

Article IV of this Act or any predecessor Act upon the same subject, issued prior to the effective date of this amendatory Act of 1987 may act in this State under such certificate of reciprocity in any such fiduciary capacity without applying for a new certificate of authority. Such certificate of reciprocity shall remain in full force and effect until such time as such foreign corporation ceases to be eligible so to act under the provisions of Article IV of this Act.

(d) Any foreign corporation acting in Illinois under a certificate of authority or a certificate of reciprocity shall report changes in its name or address to the Commissioner and shall notify the Commissioner when it is no longer serving as a corporate fiduciary in Illinois.

(e) The provisions of this Section shall not apply to a foreign corporation establishing or acquiring and maintaining a place of business in this State to conduct business as a fiduciary in accordance with Article IVA of this Act.

(Source: P.A. 92-483, eff. 8-23-01.)

(205 ILCS 620/4A-15)

Sec. 4A-15. Representative offices.

(a) A foreign corporation conducting fiduciary activities outside this State, but not conducting fiduciary activities in this State may establish a representative office under the Foreign Bank Representative Office Act. At these offices, the foreign corporation may market and solicit fiduciary services and provide back office and administrative support to the foreign corporation's fiduciary activities, but it may not engage in fiduciary activities.

(b) A foreign corporation invested with trust powers or authority to act as a fiduciary pursuant to the laws of its home state but not conducting fiduciary activities must apply for and procure a license under the Foreign Bank Representative Office Act before establishing an office in this State for the purpose of marketing, soliciting, or transacting any service or product, unless such office is otherwise established as permitted by and in accordance with this Act, the Illinois Banking Act, the Savings Bank Act, the Foreign Banking Office Act, or any Act specified by rules adopted under this Act.

(Source: P.A. 92-483, eff. 8-23-01; 92-811, eff. 8-21-02.)

(205 ILCS 620/5-1) (from Ch. 17, par. 1555-1)

Sec. 5-1. Commissioner's powers. The Commissioner of Banks and Real Estate shall have the following powers and authority and is charged with the duties and responsibilities designated in this Act:

(a) To promulgate, in accordance with the Illinois Administrative Procedure Act, reasonable rules for the purpose of administering the provisions of this Act, for the purpose of protecting consumers of this State as may be necessary and appropriate, and for the purpose of incorporating by reference rules promulgated by the Federal Deposit Insurance Corporation, the Board of Governors of the Federal Reserve System, the Office of the Comptroller of the Currency, the Office of Thrift Supervision, or their successors that pertain to corporate fiduciaries, including, but not limited to, standards for the operation and conduct of the affairs of corporate fiduciaries;

(b) To issue orders for the purpose of administering the provisions of this Act and any rule promulgated in accordance with this Act;

(c) To appoint hearing officers to conduct hearings held pursuant to any of the powers granted to the Commissioner under this Section for the purpose of administering this Act and any rule promulgated in accordance with this Act;

(d) To subpoena witnesses, to compel their attendance, to administer an oath, to examine any person under oath and to require the production of any relevant books, papers, accounts and documents in the course of and pursuant to any investigation being conducted, or any action being taken, by the Commissioner in respect of any matter relating to the duties imposed upon, or the powers vested in, the Commissioner under the provisions of this Act, or any rule or regulation promulgated in accordance with this Act;

(e) To conduct hearings;

(f) To promulgate the form and content of any applications required under this Act;

(g) To impose civil penalties of up to $100,000 against any person or corporate fiduciary for each violation of any provision of this Act, any rule promulgated in accordance with this Act, any order of the Commissioner or any other action which, in the Commissioner's discretion, is a detriment or impediment to accepting or executing trusts; and

(h) To address any inquiries to any corporate fiduciary, or the officers thereof, in relation to its doings and conditions, or any other matter connected with its affairs, and it shall be the duty of any corporate

fiduciary or person so addressed, to promptly reply in writing to such inquiries. The Commissioner may also require reports from any corporate fiduciary at any time he may deem desirable.
(Source: P.A. 96-1365, eff. 7-28-10.)

Section 90-25. The Consumer Fraud and Deceptive Business Practices Act is amended by adding Section 2HHHH as follows:

(815 ILCS 505/2HHHH new)

Sec. 2HHHH. Violations of the Digital Assets and Consumer Protection Act. Any person who violates Article 5 of the Digital Assets and Consumer Protection Act commits an unlawful practice within the meaning of this Act.

Article 99. Non-acceleration and Effective Date

Section 99-95. 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 99-99. 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. 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 Walker, **Senate Bill No. 1797** 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 17.

The following voted in the affirmative:

Belt	Glowiak Hilton	Lewis	Sims
Castro	Guzmán	Lightford	Stadelman
Cervantes	Halpin	Loughran Cappel	Turner, D.
Collins	Harris, N.	Martwick	Ventura
Cunningham	Hastings	Morrison	Villa
Edly-Allen	Hills	Murphy	Villanueva
Ellman	Holmes	Peters	Villivalam
Faraci	Johnson	Porfirio	Walker
Feigenholtz	Joyce	Preston	Mr. President
Fine	Koehler	Simmons	

The following voted in the negative:

Anderson	Curran	Plummer	Turner, S.
Arellano, L.	DeWitte	Rezin	Wilcox
Balkema	Fowler	Rose	
Bryant	Harriss, E.	Syverson	
Chesney	McClure	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 Guzmán, **Senate Bill No. 1859** was recalled from the order of third reading to the order of second reading.

Senator Guzmán offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 1859

AMENDMENT NO. 2 . Amend Senate Bill 1859, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Climate Displacement Task Force Act.

Section 5. Purpose. The purpose of this Act is to ensure Illinois proactively plans for climate-driven displacement by identifying the projected climate risks and climate-driven displacement and the future resource needs, supporting community resilience, and developing policies in collaboration with residents, advocates, and industry stakeholders. With rising global water levels and more extreme weather events, states like Illinois will see an increase in the number of people relocating to escape these situations, which may include: (i) an influx of people from areas outside of Illinois facing greater threats, which can put strain on existing resources, (ii) increasing impacts on current Illinois residents, which may lead to a need to relocate within Illinois and even within smaller geographies, or (iii) both. The State of Illinois has a responsibility to analyze the State's future needs and to ensure the resilience of resources. As a result, the State of Illinois must adequately prepare to make robust policy suggestions in consultation with residents, advocates, and industry.

Section 10. Appointments. Members of the Task Force must be appointed no later than 90 days after the effective date of this Act. If a vacancy occurs on the Task Force, it shall be filled according to the guidelines of the initial appointment. These guidelines may include, but are not limited to, consultation with relevant stakeholders, adherence to diversity and equity principles, and consideration of expertise in climate displacement, expertise in systems and risk assessment, or a combination of expertise in climate displacement and systems and risk assessment. At the discretion of the Chairperson and Vice-Chairperson, additional individuals may be appointed by the Chairperson and Vice-Chairperson as voting members in the meetings of the Task Force, provided they have relevant expertise or experience in addressing climate displacement, building community resilience, or related fields. The qualifications for the appointments under this Section shall be documented and made publicly available by the Chairperson and Vice-Chairperson.

Section 15. Duties. The Climate Displacement Task Force is created to make findings and recommendations regarding climate displacement within this State and to submit 2 reports. The first report shall analyze scientific research and global modeling to accurately assess the level of climate displacement that is projected to happen within the United States and its neighboring countries. The first report shall also delineate the Task Force's findings, conclusions, and recommendations and shall be submitted to the General Assembly no later than June 30, 2026.

The second report shall be developed with the information gathered in the first report and shall provide a needs assessment of infrastructure, systems development, and collaboration plans between State agencies to ensure that the State is prepared through 2050 for these upcoming challenges. The second report shall also delineate the Task Force's findings, conclusions, and recommendations and shall be submitted to the General Assembly no later than June 30, 2027. In this Section, "systems development" includes building resilient and adaptable systems across various sectors, including governance, infrastructure, and social services, to proactively address the challenges and impacts of climate change-induced displacement.

Once the initial voting members have been appointed, the Task Force shall meet not less than once each month following the effective date of this Act to carry out the duties prescribed in this Act.

Section 20. Membership. The Task Force shall consist of the following voting members:

(1) the Governor or his or her designee;

(2) 4 members of the General Assembly:

(A) one member, who shall serve as Chairperson, appointed by the Speaker of the House of Representatives;

(B) one member, who shall serve as Vice-Chairperson, appointed by the President of the Senate;

(C) one member appointed by the Minority Leader of the Senate;

(D) one member appointed by the Minority Leader of the House of Representatives;

(3) the Director of the Illinois Environmental Protection Agency or the Director's designee;

(4) the Director of Public Health or the Director's designee;

(5) the Secretary of Human Services or the Secretary's designee;

(6) the Secretary of Transportation or the Secretary's designee;

(7) the Director of the Illinois Emergency Management Agency and Office of Homeland Security or the Director's designee;

(8) the Director of Insurance or the Director's designee;

(9) the Chairman of the Illinois Commerce Commission or the Chairman's designee;

(10) one representative from labor organizations, appointed by the Governor;

(11) one representative from community-based organizations working on affordable housing or transportation or other essential services, appointed by the Governor;

(12) one representative from immigrant rights organizations, appointed by the Governor;

(13) one representative from environmental justice organizations, appointed by the Governor;

(14) 2 representatives of academic institutions with experience in climate change, environmental science, urban planning, or any combination of those 3 fields of study, appointed by the Governor; and

(15) any other additional members appointed under Section 10.

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. 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 Guzmán, **Senate Bill No. 1859** 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 15.

The following voted in the affirmative:

Belt	Glowiak Hilton	Loughran Cappel	Turner, D.
Castro	Halpin	Martwick	Ventura
Cervantes	Harris, N.	Morrison	Villa
Collins	Hastings	Murphy	Villanueva
Cunningham	Hills	Peters	Villivalam
Curran	Holmes	Porfirio	Walker
Edly-Allen	Johnson	Preston	Mr. President
Ellman	Joyce	Rezin	

Faraci	Koehler	Simmons
Feigenholtz	Lewis	Sims
Fine	Lightford	Stadelman

The following voted in the negative:

Anderson	Chesney	McClure	Tracy
Arellano, L.	DeWitte	Plummer	Turner, S.
Balkema	Fowler	Rose	Wilcox
Bryant	Harriss, E.	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.

SENATE BILL RECALLED

On motion of Senator Villivalam, **Senate Bill No. 1939** was recalled from the order of third reading to the order of second reading.

Senator Villivalam offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 1939

AMENDMENT NO. 1 . Amend Senate Bill 1939 by replacing everything after the enacting clause with the following:

"Section 5. The Motor Vehicle Franchise Act is amended by changing Sections 2, 4, and 6 as follows:

(815 ILCS 710/2) (from Ch. 121 1/2, par. 752)

Sec. 2. Definitions. As used in this Act, the following words shall, unless the context otherwise requires, have the following meanings:

(a) "Motor vehicle", any motor driven vehicle required to be registered under "The Illinois Vehicle Code". Beginning January 1, 2010, the term "motor vehicle" also includes any engine, transmission, or rear axle, regardless of whether it is attached to a vehicle chassis, that is manufactured for installation in any motor-driven vehicle with a gross vehicle weight rating of more than 16,000 pounds that is required to be registered under the Illinois Vehicle Code.

(b) "Manufacturer", any person engaged in the business of manufacturing or assembling new and unused motor vehicles. "Manufacturer" includes a factory branch, distributor, and distributor branch.

(c) "Factory branch", a branch office maintained by a manufacturer which manufactures or assembles motor vehicles for sale to distributors or motor vehicle dealers or which is maintained for directing and supervising the representatives of the manufacturer.

(d) "Distributor branch", a branch office maintained by a distributor or wholesaler who or which sells or distributes new or used motor vehicles to motor vehicle dealers.

(e) "Factory representative", a representative employed by a manufacturer or employed by a factory branch for the purpose of making or promoting the sale of motor vehicles or for contracting with, supervising, servicing or instructing motor vehicle dealers or prospective motor vehicle dealers.

(f) "Distributor representative", a representative employed by a distributor branch, distributor or wholesaler.

(g) "Distributor" or "wholesaler", any person who sells or distributes new or used motor vehicles to motor vehicle dealers or who maintains distributor representatives within the State.

(h) "Motor vehicle dealer", any person who, in the ordinary course of business, is engaged in the business of selling new or used motor vehicles to consumers or other end users.

(i) "Franchise", an oral or written arrangement for a definite or indefinite period in which a manufacturer, distributor or wholesaler grants to a motor vehicle dealer a license to use a trade name, service mark, or related characteristic, and in which there is a community of interest in the marketing of motor vehicles or services related thereto at wholesale, retail, leasing or otherwise.

(j) "Franchiser", a manufacturer, distributor or wholesaler who grants a franchise to a motor vehicle dealer.

(k) "Franchisee", a motor vehicle dealer to whom a franchise is offered or granted.

(l) "Sale", shall include the issuance, transfer, agreement for transfer, exchange, pledge, hypothecation, mortgage in any form, whether by transfer in trust or otherwise, of any motor vehicle or interest therein or of any franchise related thereto; and any option, subscription or other contract or solicitation, looking to a sale, or offer or attempt to sell in any form, whether oral or written. A gift or delivery of any motor vehicle or franchise with respect thereto with or as a bonus on account of the sale of anything shall be deemed a sale of such motor vehicle or franchise.

(m) "Fraud", shall include, in addition to its normal legal connotation, the following: a misrepresentation in any manner, whether intentionally false or due to reckless disregard for truth or falsity, of a material fact; a promise or representation not made honestly and in good faith; and an intentional failure to disclose a material fact.

(n) "Person", a natural person, corporation, partnership, trust or other entity, and in case of an entity, it shall include any other entity in which it has a majority interest or which it effectively controls as well as the individual officers, directors and other persons in active control of the activities of each such entity.

(o) "New motor vehicle", a motor vehicle which has not been previously sold to any person except a distributor or wholesaler or motor vehicle dealer for resale.

(p) "Market Area", the franchisee's area of primary responsibility as defined in its franchise.

(q) "Relevant Market Area", the area within a radius of 10 miles from the principal location of a franchise or dealership if said principal location is in a county having a population of more than 300,000 persons; if the principal location of a franchise or dealership is in a county having a population of less than 300,000 persons, then "relevant market area" shall mean the area within a radius of 15 miles from the principal location of said franchise or dealership.

(r) "Late model vehicle" means a vehicle of the current model year and one, 2, or 3 preceding model years for which the motor vehicle dealer holds an existing franchise from the manufacturer for that same line make.

(s) "Factory repurchase vehicle" means a motor vehicle of the current model year or a late model vehicle reacquired by the manufacturer under an existing agreement or otherwise from a fleet, lease or daily rental company or under any State or federal law or program relating to allegedly defective new motor vehicles, and offered for sale and resold by the manufacturer directly or at a factory authorized or sponsored auction.

(t) "Board" means the Motor Vehicle Review Board created under this Act.

(u) "Secretary of State" means the Secretary of State of Illinois.

(v) "Good cause" means facts establishing commercial reasonableness in lawful or privileged competition and business practices as defined at common law.

(w) "Common entity" means any person who:

(1) is directly or indirectly controlled by, or has controlling equity interests owned, beneficially or of record, through any form of ownership structure, by a manufacturer, importer, distributor, or an affiliate thereof; or

(2) shares common management with a manufacturer, importer, distributor, or an affiliate thereof, where the relationships create operational control over the management or policies of that person.

"Common entity" does not include:

(1) any person engaged in the manufacturing, assembly, sale, or distribution of motor vehicle parts, components, accessories, or vehicle services, provided the person is not engaged in the sale or distribution of new motor vehicles; or

(2) any financial institution chartered or authorized to do business in this State, provided the financial institution is not engaged in the sale or distribution of new motor vehicles.

(Source: P.A. 100-308, eff. 8-24-17.)

(815 ILCS 710/4) (from Ch. 121 1/2, par. 754)

Sec. 4. Unfair competition and practices.

(a) The unfair methods of competition and unfair and deceptive acts or practices listed in this Section are hereby declared to be unlawful. In construing the provisions of this Section, the courts may be guided by the interpretations of the Federal Trade Commission Act (15 U.S.C. 45 et seq.), as from time to time amended.

(b) It shall be deemed a violation for any manufacturer, factory branch, factory representative, distributor or wholesaler, distributor branch, distributor representative or motor vehicle dealer to engage in any action with respect to a franchise which is arbitrary, in bad faith or unconscionable and which causes damage to any of the parties or to the public, including directly or indirectly competing with their franchisees in the sale, lease, or warranty service of new motor vehicles.

(c) It shall be deemed a violation for a manufacturer, a distributor, a wholesaler, a distributor branch or division, a factory branch or division, or a wholesale branch or division, or officer, agent or other representative thereof, to coerce, or attempt to coerce, any motor vehicle dealer:

(1) to accept, buy or order any motor vehicle or vehicles, appliances, equipment, parts or accessories therefor, or any other commodity or commodities or service or services which such motor vehicle dealer has not voluntarily ordered or requested except items required by applicable local, state or federal law; or to require a motor vehicle dealer to accept, buy, order or purchase such items in order to obtain any motor vehicle or vehicles or any other commodity or commodities which have been ordered or requested by such motor vehicle dealer;

(2) to order or accept delivery of any motor vehicle with special features, appliances, accessories or equipment not included in the list price of the motor vehicles as publicly advertised by the manufacturer thereof, except items required by applicable law; or

(3) to order for anyone any parts, accessories, equipment, machinery, tools, appliances or any commodity whatsoever, except items required by applicable law.

(c-5) A manufacturer, a distributor, a wholesaler, a distributor branch or division, a factory branch or division, or a wholesale branch or division, or officer, agent, or other representative thereof may not:

(1) require a motor vehicle dealer to offer a secondary product; or

(2) prohibit a motor vehicle dealer from offering a secondary product, including, but not limited to:

(A) service contracts;
(B) maintenance agreements;
(C) extended warranties;
(D) protection product guarantees;
(E) guaranteed asset protection waivers;
(F) insurance;
(G) replacement parts;
(H) vehicle accessories;
(I) oil; or
(J) supplies.

It is not a violation of this subsection to offer an incentive program to motor vehicle dealers to encourage them to sell or offer to sell a secondary product approved, endorsed, sponsored, or offered by the manufacturer, distributor, wholesaler, distributor branch or division, factory branch or division, wholesale branch or division, or officer, agent, or other representative thereof, provided the program does not provide vehicle sales or service incentives.

It is not a violation of this subsection to prohibit a motor vehicle dealer from using secondary products for any repair work paid for under the terms of a warranty, recall, service contract, extended warranty, maintenance plan, or certified pre-owned vehicle program established or offered by the manufacturer, distributor, wholesaler, distributor branch or division, factory branch or division, or wholesale branch or division, or officer, agent, or other representative thereof.

As used in this subsection, "secondary product" means all products that are not new motor vehicles or original equipment manufacturer parts.

(d) It shall be deemed a violation for a manufacturer, a distributor, a wholesaler, a distributor branch or division, or officer, agent or other representative thereof:

(1) to adopt, change, establish or implement a plan or system for the allocation and distribution of new motor vehicles to motor vehicle dealers which is arbitrary or capricious or to modify an existing plan so as to cause the same to be arbitrary or capricious;

(2) to fail or refuse to advise or disclose to any motor vehicle dealer having a franchise or selling agreement, upon written request therefor, the basis upon which new motor vehicles of the same line make are allocated or distributed to motor vehicle dealers in the State and the basis upon which the current allocation or distribution is being made or will be made to such motor vehicle dealer;

(3) to refuse to deliver in reasonable quantities and within a reasonable time after receipt of dealer's order, to any motor vehicle dealer having a franchise or selling agreement for the retail sale of new motor vehicles sold or distributed by such manufacturer, distributor, wholesaler, distributor branch or division, factory branch or division or wholesale branch or division, any such motor vehicles as are covered by such franchise or selling agreement specifically publicly advertised in the State by such manufacturer, distributor, wholesaler, distributor branch or division, factory branch or division, or wholesale branch or division to be available for immediate delivery. However, the failure to deliver any motor vehicle shall not be considered a violation of this Act if such failure is due to an act of God, a work stoppage or delay due to a strike or labor difficulty, a shortage of materials, a lack of manufacturing capacity, a freight embargo or other cause over which the manufacturer, distributor, or wholesaler, or any agent thereof has no control;

(4) to coerce, or attempt to coerce, any motor vehicle dealer to enter into any agreement with such manufacturer, distributor, wholesaler, distributor branch or division, factory branch or division, or wholesale branch or division, or officer, agent or other representative thereof, or to do any other act prejudicial to the dealer by threatening to reduce his allocation of motor vehicles or cancel any franchise or any selling agreement existing between such manufacturer, distributor, wholesaler, distributor branch or division, or factory branch or division, or wholesale branch or division, and the dealer. However, notice in good faith to any motor vehicle dealer of the dealer's violation of any terms or provisions of such franchise or selling agreement or of any law or regulation applicable to the conduct of a motor vehicle dealer shall not constitute a violation of this Act;

(5) to require a franchisee to participate in an advertising campaign or contest or any promotional campaign, or to purchase or lease any promotional materials, training materials, show room or other display decorations or materials at the expense of the franchisee;

(6) to cancel or terminate the franchise or selling agreement of a motor vehicle dealer without good cause and without giving notice as hereinafter provided; to fail or refuse to extend the franchise or selling agreement of a motor vehicle dealer upon its expiration without good cause and without giving notice as hereinafter provided; or, to offer a renewal, replacement or succeeding franchise or selling agreement containing terms and provisions the effect of which is to substantially change or modify the sales and service obligations or capital requirements of the motor vehicle dealer arbitrarily and without good cause and without giving notice as hereinafter provided notwithstanding any term or provision of a franchise or selling agreement.

(A) If a manufacturer, distributor, wholesaler, distributor branch or division, factory branch or division or wholesale branch or division intends to cancel or terminate a franchise or selling agreement or intends not to extend or renew a franchise or selling agreement on its expiration, it shall send a letter by certified mail, return receipt requested, to the affected franchisee at least 60 days before the effective date of the proposed action, or not later than 10 days before the proposed action when the reason for the action is based upon either of the following:

(i) the business operations of the franchisee have been abandoned or the franchisee has failed to conduct customary sales and service operations during customary business hours for at least 7 consecutive business days unless such closing is due to an act of God, strike or labor difficulty or other cause over which the franchisee has no control; or

(ii) the conviction of or plea of nolo contendere by the motor vehicle dealer or any operator thereof in a court of competent jurisdiction to an offense punishable by imprisonment for more than two years.

Each notice of proposed action shall include a detailed statement setting forth the specific grounds for the proposed cancellation, termination, or refusal to extend or renew and shall state that the dealer has only 30 days from receipt of the notice to file with the Motor Vehicle Review Board a written protest against the proposed action.

(B) If a manufacturer, distributor, wholesaler, distributor branch or division, factory branch or division or wholesale branch or division intends to change substantially or modify the sales and service obligations or capital requirements of a motor vehicle dealer as a condition to extending or renewing the existing franchise or selling agreement of such motor vehicle dealer, it shall send a letter by certified mail, return receipt requested, to the affected franchisee at least 60 days before the date of expiration of the franchise or selling agreement. Each notice of proposed action shall include a detailed statement setting forth the specific grounds for the

proposed action and shall state that the dealer has only 30 days from receipt of the notice to file with the Motor Vehicle Review Board a written protest against the proposed action.

(C) Within 30 days from receipt of the notice under subparagraphs (A) and (B), the franchisee may file with the Board a written protest against the proposed action.

When the protest has been timely filed, the Board shall enter an order, fixing a date (within 60 days of the date of the order), time, and place of a hearing on the protest required under Sections 12 and 29 of this Act, and send by certified mail, return receipt requested, a copy of the order to the manufacturer that filed the notice of intention of the proposed action and to the protesting dealer or franchisee.

The manufacturer shall have the burden of proof to establish that good cause exists to cancel or terminate, or fail to extend or renew the franchise or selling agreement of a motor vehicle dealer or franchisee, and to change substantially or modify the sales and service obligations or capital requirements of a motor vehicle dealer as a condition to extending or renewing the existing franchise or selling agreement. The determination whether good cause exists to cancel, terminate, or refuse to renew or extend the franchise or selling agreement, or to change or modify the obligations of the dealer as a condition to offer renewal, replacement, or succession shall be made by the Board under subsection (d) of Section 12 of this Act.

(D) Notwithstanding the terms, conditions, or provisions of a franchise or selling agreement, the following shall not constitute good cause for cancelling or terminating or failing to extend or renew the franchise or selling agreement: (i) the change of ownership or executive management of the franchisee's dealership; or (ii) the fact that the franchisee or owner of an interest in the franchise owns, has an investment in, participates in the management of, or holds a license for the sale of the same or any other line make of new motor vehicles.

(E) The manufacturer may not cancel or terminate, or fail to extend or renew a franchise or selling agreement or change or modify the obligations of the franchisee as a condition to offering a renewal, replacement, or succeeding franchise or selling agreement before the hearing process is concluded as prescribed by this Act, and thereafter, if the Board determines that the manufacturer has failed to meet its burden of proof and that good cause does not exist to allow the proposed action;

(7) notwithstanding the terms of any franchise agreement, to fail to indemnify and hold harmless its franchised dealers against any judgment or settlement for damages, including, but not limited to, court costs, expert witness fees, reasonable attorneys' fees of the new motor vehicle dealer, and other expenses incurred in the litigation, so long as such fees and costs are reasonable, arising out of complaints, claims, or lawsuits, including, but not limited to, strict liability, negligence, misrepresentation, warranty (express or implied), or rescission of the sale as defined in Section 2-608 of the Uniform Commercial Code, to the extent that the judgment or settlement relates to the alleged defective or negligent manufacture, assembly or design of new motor vehicles, parts or accessories or other functions by the manufacturer, beyond the control of the dealer; provided that, in order to provide an adequate defense, the manufacturer receives notice of the filing of a complaint, claim, or lawsuit within 60 days after the filing;

(8) to require or otherwise coerce a motor vehicle dealer to underutilize the motor vehicle dealer's facilities by requiring or otherwise coercing the motor vehicle dealer to exclude or remove from the motor vehicle dealer's facilities operations for selling or servicing of any vehicles for which the motor vehicle dealer has a franchise agreement with another manufacturer, distributor, wholesaler, distribution branch or division, or officer, agent, or other representative thereof; provided, however, that, in light of all existing circumstances, (i) the motor vehicle dealer maintains a reasonable line of credit for each make or line of new motor vehicle, (ii) the new motor vehicle dealer remains in compliance with any reasonable facilities requirements of the manufacturer, (iii) no change is made in the principal management of the new motor vehicle dealer, and (iv) the addition of the make or line of new motor vehicles would be reasonable. The reasonable facilities requirement set forth in item (ii) of subsection (d)(8) shall not include any requirement that a franchisee establish or maintain exclusive facilities, personnel, or display space. Any decision by a motor vehicle dealer to sell additional makes or lines at the motor vehicle dealer's facility shall be presumed to be reasonable, and the manufacturer shall have the burden to overcome that presumption. A motor vehicle dealer must provide a written notification of its intent to add a make or line of new motor vehicles to the manufacturer. If the manufacturer does not respond to the motor vehicle dealer, in writing, objecting to the addition of the

make or line within 60 days after the date that the motor vehicle dealer sends the written notification, then the manufacturer shall be deemed to have approved the addition of the make or line;

(9) to use or consider the performance of a motor vehicle dealer relating to the sale of the manufacturer's, distributor's, or wholesaler's vehicles or the motor vehicle dealer's ability to satisfy any minimum sales or market share quota or responsibility relating to the sale of the manufacturer's, distributor's, or wholesaler's new vehicles in determining:

(A) the motor vehicle dealer's eligibility to purchase program, certified, or other used motor vehicles from the manufacturer, distributor, or wholesaler;

(B) the volume, type, or model of program, certified, or other used motor vehicles that a motor vehicle dealer is eligible to purchase from the manufacturer, distributor, or wholesaler;

(C) the price of any program, certified, or other used motor vehicle that the dealer is eligible to purchase from the manufacturer, distributor, or wholesaler; or

(D) the availability or amount of any discount, credit, rebate, or sales incentive that the dealer is eligible to receive from the manufacturer, distributor, or wholesaler for the purchase of any program, certified, or other used motor vehicle offered for sale by the manufacturer, distributor, or wholesaler;

(10) to take any adverse action against a dealer pursuant to an export or sale-for-resale prohibition because the dealer sold or leased a vehicle to a customer who either exported the vehicle to a foreign country or resold the vehicle in violation of the prohibition, unless the export or sale-for-resale prohibition policy was provided to the dealer in writing either electronically or on paper, prior to the sale or lease, and the dealer knew or reasonably should have known of the customer's intent to export or resell the vehicle in violation of the prohibition at the time of the sale or lease. If the dealer causes the vehicle to be registered and titled in this or any other state, and collects or causes to be collected any applicable sales or use tax to this State, a rebuttable presumption is established that the dealer did not have reason to know of the customer's intent to resell the vehicle;

(11) to coerce or require any dealer to construct improvements to his or her facilities or to install new signs or other franchiser image elements that replace or substantially alter those improvements, signs, or franchiser image elements completed within the past 10 years that were required and approved by the manufacturer or one of its affiliates. The 10-year period under this paragraph (11) begins to run for a dealer, including that dealer's successors and assigns, on the date that the manufacturer gives final written approval of the facility improvements or installation of signs or other franchiser image elements or the date that the dealer receives a certificate of occupancy, whichever is later. For the purpose of this paragraph (11), the term "substantially alter" does not include routine maintenance, including, but not limited to, interior painting, that is reasonably necessary to keep a dealer facility in attractive condition; or

(12) to require a dealer to purchase goods or services to make improvements to the dealer's facilities from a vendor selected, identified, or designated by a manufacturer or one of its affiliates by agreement, program, incentive provision, or otherwise without making available to the dealer the option to obtain the goods or services of substantially similar quality and overall design from a vendor chosen by the dealer and approved by the manufacturer; however, approval by the manufacturer shall not be unreasonably withheld, and the dealer's option to select a vendor shall not be available if the manufacturer provides substantial reimbursement for the goods or services offered. "Substantial reimbursement" means an amount equal to or greater than the cost savings that would result if the dealer were to utilize a vendor of the dealer's own selection instead of using the vendor identified by the manufacturer. For the purpose of this paragraph (12), the term "goods" does not include movable displays, brochures, and promotional materials containing material subject to the intellectual property rights of a manufacturer. If signs, other than signs containing the manufacturer's brand or logo or free-standing signs that are not directly attached to a building, or other franchiser image or design elements or trade dress are to be leased to the dealer by a vendor selected, identified, or designated by the manufacturer, the dealer has the right to purchase the signs or other franchiser image or design elements or trade dress of substantially similar quality and design from a vendor selected by the dealer if the signs, franchiser image or design elements, or trade dress are approved by the manufacturer. Approval by the manufacturer shall not be unreasonably withheld. This paragraph (12) shall not be construed to allow a dealer or vendor to impair, infringe upon, or eliminate, directly or indirectly, the intellectual property rights of the manufacturer, including, but not limited to, the manufacturer's intellectual property rights in any trademarks or trade dress, or other intellectual property interests

owned or controlled by the manufacturer. This paragraph (12) shall not be construed to permit a dealer to erect or maintain signs that do not conform to the manufacturer's intellectual property rights or trademark or trade dress usage guidelines.

(13) to establish or utilize any common entity, affiliate, or spin-off company to sell, lease, or otherwise distribute new motor vehicles directly to consumers or to circumvent the manufacturer's new motor vehicle distribution obligations under this Act, if the manufacturer, including any common entities, subsidiaries, or affiliates, currently or previously maintained a franchise or selling agreement with a motor vehicle dealer for the retail sale of motor vehicles in this State.

(e) It shall be deemed a violation for a manufacturer, a distributor, a wholesaler, a distributor branch or division or officer, agent or other representative thereof:

(1) to resort to or use any false or misleading advertisement in connection with his business as such manufacturer, distributor, wholesaler, distributor branch or division or officer, agent or other representative thereof;

(2) to offer to sell or lease, or to sell or lease, any new motor vehicle to any motor vehicle dealer at a lower actual price therefor than the actual price offered to any other motor vehicle dealer for the same model vehicle similarly equipped or to utilize any device including, but not limited to, sales promotion plans or programs which result in such lesser actual price or fail to make available to any motor vehicle dealer any preferential pricing, incentive, rebate, finance rate, or low interest loan program offered to competing motor vehicle dealers in other contiguous states. However, the provisions of this paragraph shall not apply to sales to a motor vehicle dealer for resale to any unit of the United States Government, the State or any of its political subdivisions;

(3) to offer to sell or lease, or to sell or lease, any new motor vehicle to any person, except a wholesaler, distributor or manufacturer's employees at a lower actual price therefor than the actual price offered and charged to a motor vehicle dealer for the same model vehicle similarly equipped or to utilize any device which results in such lesser actual price. However, the provisions of this paragraph shall not apply to sales to a motor vehicle dealer for resale to any unit of the United States Government, the State or any of its political subdivisions;

(4) to prevent or attempt to prevent by contract or otherwise any motor vehicle dealer or franchisee from changing the executive management control of the motor vehicle dealer or franchisee unless the franchiser, having the burden of proof, proves that such change of executive management will result in executive management control by a person or persons who are not of good moral character or who do not meet the franchiser's existing and, with consideration given to the volume of sales and service of the dealership, uniformly applied minimum business experience standards in the market area. However, where the manufacturer rejects a proposed change in executive management control, the manufacturer shall give written notice of his reasons to the dealer within 60 days of notice to the manufacturer by the dealer of the proposed change. If the manufacturer does not send a letter to the franchisee by certified mail, return receipt requested, within 60 days from receipt by the manufacturer of the proposed change, then the change of the executive management control of the franchisee shall be deemed accepted as proposed by the franchisee, and the manufacturer shall give immediate effect to such change;

(5) to prevent or attempt to prevent by contract or otherwise any motor vehicle dealer from establishing or changing the capital structure of his dealership or the means by or through which he finances the operation thereof; provided the dealer meets any reasonable capital standards agreed to between the dealer and the manufacturer, distributor or wholesaler, who may require that the sources, method and manner by which the dealer finances or intends to finance its operation, equipment or facilities be fully disclosed;

(6) to refuse to give effect to or prevent or attempt to prevent by contract or otherwise any motor vehicle dealer or any officer, partner or stockholder of any motor vehicle dealer from selling or transferring any part of the interest of any of them to any other person or persons or party or parties unless such sale or transfer is to a transferee who would not otherwise qualify for a new motor vehicle dealers license under the Illinois Vehicle Code or unless the franchiser, having the burden of proof, proves that such sale or transfer is to a person or party who is not of good moral character or does not meet the franchiser's existing and reasonable capital standards and, with consideration given to the volume of sales and service of the dealership, uniformly applied minimum business experience standards in the market area. However, nothing herein shall be construed to prevent a franchiser from

implementing affirmative action programs providing business opportunities for minorities or from complying with applicable federal, State or local law:

(A) If the manufacturer intends to refuse to approve the sale or transfer of all or a part of the interest, then it shall, within 60 days from receipt of the completed application forms generally utilized by a manufacturer to conduct its review and a copy of all agreements regarding the proposed transfer, send a letter by certified mail, return receipt requested, advising the franchisee of any refusal to approve the sale or transfer of all or part of the interest and shall state that the dealer only has 30 days from the receipt of the notice to file with the Motor Vehicle Review Board a written protest against the proposed action. The notice shall set forth specific criteria used to evaluate the prospective transferee and the grounds for refusing to approve the sale or transfer to that transferee. Within 30 days from the franchisee's receipt of the manufacturer's notice, the franchisee may file with the Board a written protest against the proposed action.

When a protest has been timely filed, the Board shall enter an order, fixing the date (within 60 days of the date of such order), time, and place of a hearing on the protest, required under Sections 12 and 29 of this Act, and send by certified mail, return receipt requested, a copy of the order to the manufacturer that filed notice of intention of the proposed action and to the protesting franchisee.

The manufacturer shall have the burden of proof to establish that good cause exists to refuse to approve the sale or transfer to the transferee. The determination whether good cause exists to refuse to approve the sale or transfer shall be made by the Board under subdivisions (6)(B). The manufacturer shall not refuse to approve the sale or transfer by a dealer or an officer, partner, or stockholder of a franchise or any part of the interest to any person or persons before the hearing process is concluded as prescribed by this Act, and thereafter if the Board determines that the manufacturer has failed to meet its burden of proof and that good cause does not exist to refuse to approve the sale or transfer to the transferee.

(B) Good cause to refuse to approve such sale or transfer under this Section is established when such sale or transfer is to a transferee who would not otherwise qualify for a new motor vehicle dealers license under the Illinois Vehicle Code or such sale or transfer is to a person or party who is not of good moral character or does not meet the franchiser's existing and reasonable capital standards and, with consideration given to the volume of sales and service of the dealership, uniformly applied minimum business experience standards in the market area.

(7) to obtain money, goods, services, anything of value, or any other benefit from any other person with whom the motor vehicle dealer does business, on account of or in relation to the transactions between the dealer and the other person as compensation, except for services actually rendered, unless such benefit is promptly accounted for and transmitted to the motor vehicle dealer;

(8) to grant an additional franchise in the relevant market area of an existing franchise of the same line make or to relocate an existing motor vehicle dealership within or into a relevant market area of an existing franchise of the same line make. However, if the manufacturer wishes to grant such an additional franchise to an independent person in a bona fide relationship in which such person is prepared to make a significant investment subject to loss in such a dealership, or if the manufacturer wishes to relocate an existing motor vehicle dealership, then the manufacturer shall send a letter by certified mail, return receipt requested, to each existing dealer or dealers of the same line make whose relevant market area includes the proposed location of the additional or relocated franchise at least 60 days before the manufacturer grants an additional franchise or relocates an existing franchise of the same line make within or into the relevant market area of an existing franchisee of the same line make. Each notice shall set forth the specific grounds for the proposed grant of an additional or relocation of an existing franchise and shall state that the dealer has only 30 days from the date of receipt of the notice to file with the Motor Vehicle Review Board a written protest against the proposed action. Unless the parties agree upon the grant or establishment of the additional or relocated franchise within 30 days from the date the notice was received by the existing franchisee of the same line make or any person entitled to receive such notice, the franchisee or other person may file with the Board a written protest against the grant or establishment of the proposed additional or relocated franchise.

When a protest has been timely filed, the Board shall enter an order fixing a date (within 60 days of the date of the order), time, and place of a hearing on the protest, required under Sections 12

and 29 of this Act, and send by certified or registered mail, return receipt requested, a copy of the order to the manufacturer that filed the notice of intention to grant or establish the proposed additional or relocated franchise and to the protesting dealer or dealers of the same line make whose relevant market area includes the proposed location of the additional or relocated franchise.

When more than one protest is filed against the grant or establishment of the additional or relocated franchise of the same line make, the Board may consolidate the hearings to expedite disposition of the matter. The manufacturer shall have the burden of proof to establish that good cause exists to allow the grant or establishment of the additional or relocated franchise. The manufacturer may not grant or establish the additional franchise or relocate the existing franchise before the hearing process is concluded as prescribed by this Act, and thereafter if the Board determines that the manufacturer has failed to meet its burden of proof and that good cause does not exist to allow the grant or establishment of the additional franchise or relocation of the existing franchise.

The determination whether good cause exists for allowing the grant or establishment of an additional franchise or relocated existing franchise, shall be made by the Board under subsection (c) of Section 12 of this Act. If the manufacturer seeks to enter into a contract, agreement or other arrangement with any person, establishing any additional motor vehicle dealership or other facility, limited to the sale of factory repurchase vehicles or late model vehicles, then the manufacturer shall follow the notice procedures set forth in this Section and the determination whether good cause exists for allowing the proposed agreement shall be made by the Board under subsection (c) of Section 12, with the manufacturer having the burden of proof.

A. (Blank).

B. For the purposes of this Section, appointment of a successor motor vehicle dealer at the same location as its predecessor, or within 2 miles of such location, or the relocation of an existing dealer or franchise within 2 miles of the relocating dealer's or franchisee's existing location, shall not be construed as a grant, establishment or the entering into of an additional franchise or selling agreement, or a relocation of an existing franchise. The reopening of a motor vehicle dealership that has not been in operation for 18 months or more shall be deemed the grant of an additional franchise or selling agreement.

C. This Section does not apply to the relocation of an existing dealership or franchise in a county having a population of more than 300,000 persons when the new location is within the dealer's current relevant market area, provided the new location is more than 7 miles from the nearest dealer of the same line make. This Section does not apply to the relocation of an existing dealership or franchise in a county having a population of less than 300,000 persons when the new location is within the dealer's current relevant market area, provided the new location is more than 12 miles from the nearest dealer of the same line make. A dealer that would be farther away from the new location of an existing dealership or franchise of the same line make after a relocation may not file a written protest against the relocation with the Motor Vehicle Review Board.

D. Nothing in this Section shall be construed to prevent a franchiser from implementing affirmative action programs providing business opportunities for minorities or from complying with applicable federal, State or local law;

(9) to require a motor vehicle dealer to assent to a release, assignment, novation, waiver or estoppel which would relieve any person from liability imposed by this Act;

(10) to prevent or refuse to give effect to the succession to the ownership or management control of a dealership by any legatee under the will of a dealer or to an heir under the laws of descent and distribution of this State unless the franchisee has designated a successor to the ownership or management control under the succession provisions of the franchise. Unless the franchiser, having the burden of proof, proves that the successor is a person who is not of good moral character or does not meet the franchiser's existing and reasonable capital standards and, with consideration given to the volume of sales and service of the dealership, uniformly applied minimum business experience standards in the market area, any designated successor of a dealer or franchisee may succeed to the ownership or management control of a dealership under the existing franchise if:

(i) The designated successor gives the franchiser written notice by certified mail, return receipt requested, of his or her intention to succeed to the ownership of the dealer within 60 days of the dealer's death or incapacity; and

(ii) The designated successor agrees to be bound by all the terms and conditions of the existing franchise.

Notwithstanding the foregoing, in the event the motor vehicle dealer or franchisee and manufacturer have duly executed an agreement concerning succession rights prior to the dealer's death or incapacitation, the agreement shall be observed.

(A) If the franchiser intends to refuse to honor the successor to the ownership of a deceased or incapacitated dealer or franchisee under an existing franchise agreement, the franchiser shall send a letter by certified mail, return receipt requested, to the designated successor within 60 days from receipt of a proposal advising of its intent to refuse to honor the succession and to discontinue the existing franchise agreement and shall state that the designated successor only has 30 days from the receipt of the notice to file with the Motor Vehicle Review Board a written protest against the proposed action. The notice shall set forth the specific grounds for the refusal to honor the succession and discontinue the existing franchise agreement.

If notice of refusal is not timely served upon the designated successor, the franchise agreement shall continue in effect subject to termination only as otherwise permitted by paragraph (6) of subsection (d) of Section 4 of this Act.

Within 30 days from the date the notice was received by the designated successor or any other person entitled to notice, the designee or other person may file with the Board a written protest against the proposed action.

When a protest has been timely filed, the Board shall enter an order, fixing a date (within 60 days of the date of the order), time, and place of a hearing on the protest, required under Sections 12 and 29 of this Act, and send by certified mail, return receipt requested, a copy of the order to the franchiser that filed the notice of intention of the proposed action and to the protesting designee or such other person.

The manufacturer shall have the burden of proof to establish that good cause exists to refuse to honor the succession and discontinue the existing franchise agreement. The determination whether good cause exists to refuse to honor the succession shall be made by the Board under subdivision (B) of this paragraph (10). The manufacturer shall not refuse to honor the succession or discontinue the existing franchise agreement before the hearing process is concluded as prescribed by this Act, and thereafter if the Board determines that it has failed to meet its burden of proof and that good cause does not exist to refuse to honor the succession and discontinue the existing franchise agreement.

(B) No manufacturer shall impose any conditions upon honoring the succession and continuing the existing franchise agreement with the designated successor other than that the franchisee has designated a successor to the ownership or management control under the succession provisions of the franchise, or that the designated successor is of good moral character or meets the reasonable capital standards and, with consideration given to the volume of sales and service of the dealership, uniformly applied minimum business experience standards in the market area;

(11) to prevent or refuse to approve a proposal to establish a successor franchise at a location previously approved by the franchiser when submitted with the voluntary termination by the existing franchisee unless the successor franchisee would not otherwise qualify for a new motor vehicle dealer's license under the Illinois Vehicle Code or unless the franchiser, having the burden of proof, proves that such proposed successor is not of good moral character or does not meet the franchiser's existing and reasonable capital standards and, with consideration given to the volume of sales and service of the dealership, uniformly applied minimum business experience standards in the market area. However, when such a rejection of a proposal is made, the manufacturer shall give written notice of its reasons to the franchisee within 60 days of receipt by the manufacturer of the proposal. However, nothing herein shall be construed to prevent a franchiser from implementing affirmative action programs providing business opportunities for minorities, or from complying with applicable federal, State or local law;

(12) to prevent or refuse to grant a franchise to a person because such person owns, has investment in or participates in the management of or holds a franchise for the sale of another make or line of motor vehicles within 7 miles of the proposed franchise location in a county having a

population of more than 300,000 persons, or within 12 miles of the proposed franchise location in a county having a population of less than 300,000 persons;

(13) to prevent or attempt to prevent any new motor vehicle dealer from establishing any additional motor vehicle dealership or other facility limited to the sale of factory repurchase vehicles or late model vehicles or otherwise offering for sale factory repurchase vehicles of the same line make at an existing franchise by failing to make available any contract, agreement or other arrangement which is made available or otherwise offered to any person; or

(14) to exercise a right of first refusal or other right to acquire a franchise from a dealer, unless the manufacturer:

(A) notifies the dealer in writing that it intends to exercise its right to acquire the franchise not later than 60 days after the manufacturer's or distributor's receipt of a notice of the proposed transfer from the dealer and all information and documents reasonably and customarily required by the manufacturer or distributor supporting the proposed transfer;

(B) pays to the dealer the same or greater consideration as the dealer has contracted to receive in connection with the proposed transfer or sale of all or substantially all of the dealership assets, stock, or other ownership interest, including the purchase or lease of all real property, leasehold, or improvements related to the transfer or sale of the dealership. Upon exercise of the right of first refusal or such other right, the manufacturer or distributor shall have the right to assign the lease or to convey the real property;

(C) assumes all of the duties, obligations, and liabilities contained in the agreements that were to be assumed by the proposed transferee and with respect to which the manufacturer or distributor exercised the right of first refusal or other right to acquire the franchise;

(D) reimburses the proposed transferee for all reasonable expenses incurred in evaluating, investigating, and negotiating the transfer of the dealership prior to the manufacturer's or distributor's exercise of its right of first refusal or other right to acquire the dealership. For purposes of this paragraph, "reasonable expenses" includes the usual and customary legal and accounting fees charged for similar work, as well as expenses associated with the evaluation and investigation of any real property on which the dealership is operated. The proposed transferee shall submit an itemized list of its expenses to the manufacturer or distributor not later than 30 days after the manufacturer's or distributor's exercise of the right of first refusal or other right to acquire the motor vehicle franchise. The manufacturer or distributor shall reimburse the proposed transferee for its expenses not later than 90 days after receipt of the itemized list. A manufacturer or distributor may request to be provided with the itemized list of expenses before exercising the manufacturer's or distributor's right of first refusal.

Except as provided in this paragraph (14), neither the selling dealer nor the manufacturer or distributor shall have any liability to any person as a result of a manufacturer or distributor exercising its right of first refusal.

For the purpose of this paragraph, "proposed transferee" means the person to whom the franchise would have been transferred to, or was proposed to be transferred to, had the right of first refusal or other right to acquire the franchise not been exercised by the manufacturer or distributor.

(f) It is deemed a violation for a manufacturer, any parent company, subsidiary, affiliate, common entity, or agent of the manufacturer, a distributor, a wholesaler, a distributor branch or division, a factory branch or division, or a wholesale branch or division, or officer, agent, broker, shareholder, except a shareholder of 1% or less of the outstanding shares of any class of securities of a manufacturer, distributor, or wholesaler which is a publicly traded corporation, or other representative, directly or indirectly, to own or operate a place of business as a motor vehicle franchisee or motor vehicle financing affiliate or to perform warranty service for retail consumers. ~~, except that, this subsection shall not prohibit~~

A manufacturer, common entity, or distributor, other than a manufacturer or distributor that was lawfully licensed to sell new motor vehicles directly to customers in this State before January 1, 2022, shall not own, operate, or directly sell new vehicles in this State, nor shall such entities be eligible for a new motor vehicle dealer license under the Illinois Vehicle Code, regardless of the entity's branding as separate or independent of the controlling manufacturer.

This subsection does not prohibit:

(1) the ownership or operation of a place of business by a manufacturer, distributor, or wholesaler for a period, not to exceed 18 months, during the transition from one motor vehicle franchisee to another;

(2) the investment in a motor vehicle franchisee by a manufacturer, distributor, or wholesaler if the investment is for the sole purpose of enabling a partner or shareholder in that motor vehicle franchisee to acquire an interest in that motor vehicle franchisee and that partner or shareholder is not otherwise employed by or associated with the manufacturer, distributor, or wholesaler and would not otherwise have the requisite capital investment funds to invest in the motor vehicle franchisee, and has the right to purchase the entire equity interest of the manufacturer, distributor, or wholesaler in the motor vehicle franchisee within a reasonable period of time not to exceed 5 years; or

(3) the ownership or operation of a place of business by a manufacturer that manufactures only diesel engines for installation in trucks having a gross vehicle weight rating of more than 16,000 pounds that are required to be registered under the Illinois Vehicle Code, provided that:

(A) the manufacturer does not otherwise manufacture, distribute, or sell motor vehicles as defined under Section 1-217 of the Illinois Vehicle Code;

(B) the manufacturer owned a place of business and it was in operation as of January 1, 2016;

(C) the manufacturer complies with all obligations owed to dealers that are not owned, operated, or controlled by the manufacturer, including, but not limited to those obligations arising pursuant to Section 6;

(D) to further avoid any acts or practices, the effect of which may be to lessen or eliminate competition, the manufacturer provides to dealers on substantially equal terms access to all support for completing repairs, including, but not limited to, parts and assemblies, training, and technical service bulletins, and other information concerning repairs that the manufacturer provides to facilities that are owned, operated, or controlled by the manufacturer; and

(E) the manufacturer does not require that warranty repair work be performed by a manufacturer-owned repair facility and the manufacturer provides any dealer that has an agreement with the manufacturer to sell and perform warranty repairs on the manufacturer's engines the opportunity to perform warranty repairs on those engines, regardless of whether the dealer sold the truck into which the engine was installed.

(g) Notwithstanding the terms, provisions, or conditions of any agreement or waiver, it shall be deemed a violation for a manufacturer, a distributor, a wholesaler, a distributor branch or division, a factory branch or division, or a wholesale branch or division, or officer, agent, common entity, or other representative thereof, to directly or indirectly condition the awarding of a franchise to a prospective new motor vehicle dealer, the addition of a line make or franchise to an existing dealer, the renewal of a franchise of an existing dealer, the approval of the relocation of an existing dealer's facility, or the approval of the sale or transfer of the ownership of a franchise on the willingness of a dealer, proposed new dealer, or owner of an interest in the dealership facility to enter into a site control agreement or exclusive use agreement unless separate and reasonable consideration was offered and accepted for that agreement.

For purposes of this subsection (g), the terms "site control agreement" and "exclusive use agreement" include any agreement that has the effect of either (i) requiring that the dealer establish or maintain exclusive dealership facilities; or (ii) restricting the ability of the dealer, or the ability of the dealer's lessor in the event the dealership facility is being leased, to transfer, sell, lease, or change the use of the dealership premises, whether by sublease, lease, collateral pledge of lease, or other similar agreement. "Site control agreement" and "exclusive use agreement" also include a manufacturer restricting the ability of a dealer to transfer, sell, or lease the dealership premises by right of first refusal to purchase or lease, option to purchase, or option to lease if the transfer, sale, or lease of the dealership premises is to a person who is an immediate family member of the dealer. For the purposes of this subsection (g), "immediate family member" means a spouse, parent, son, daughter, son-in-law, daughter-in-law, brother, and sister.

If a manufacturer exercises any right of first refusal to purchase or lease or option to purchase or lease with regard to a transfer, sale, or lease of the dealership premises to a person who is not an immediate family member of the dealer, then (1) within 60 days from the receipt of the completed application forms generally utilized by a manufacturer to conduct its review and a copy of all agreements regarding the proposed transfer, the manufacturer must notify the dealer of its intent to exercise the right of first refusal to purchase or lease or option to purchase or lease and (2) the exercise of the right of first refusal to purchase or lease or option to purchase or lease must result in the dealer receiving consideration, terms, and conditions that either are the same as or greater than that which they have contracted to receive in connection with the proposed transfer, sale, or lease of the dealership premises.

Any provision contained in any agreement entered into on or after November 25, 2009 (the effective date of Public Act 96-824) that is inconsistent with the provisions of this subsection (g) shall be voidable at the election of the affected dealer, prospective dealer, or owner of an interest in the dealership facility.

(h) For purposes of this subsection:

"Successor manufacturer" means any motor vehicle manufacturer that, on or after January 1, 2009, acquires, succeeds to, or assumes any part of the business of another manufacturer, referred to as the "predecessor manufacturer", as the result of any of the following:

(i) A change in ownership, operation, or control of the predecessor manufacturer by sale or transfer of assets, corporate stock or other equity interest, assignment, merger, consolidation, combination, joint venture, redemption, court-approved sale, operation of law or otherwise.

(ii) The termination, suspension, or cessation of a part or all of the business operations of the predecessor manufacturer.

(iii) The discontinuance of the sale of the product line.

(iv) A change in distribution system by the predecessor manufacturer, whether through a change in distributor or the predecessor manufacturer's decision to cease conducting business through a distributor altogether.

"Former Franchisee" means a new motor vehicle dealer that has entered into a franchise with a predecessor manufacturer and that has either:

(i) entered into a termination agreement or deferred termination agreement with a predecessor or successor manufacturer related to such franchise; or

(ii) has had such franchise canceled, terminated, nonrenewed, noncontinued, rejected, nonassumed, or otherwise ended.

For a period of 3 years from: (i) the date that a successor manufacturer acquires, succeeds to, or assumes any part of the business of a predecessor manufacturer; (ii) the last day that a former franchisee is authorized to remain in business as a franchised dealer with respect to a particular franchise under a termination agreement or deferred termination agreement with a predecessor or successor manufacturer; (iii) the last day that a former franchisee that was cancelled, terminated, nonrenewed, noncontinued, rejected, nonassumed, or otherwise ended by a predecessor or successor manufacturer is authorized to remain in business as a franchised dealer with respect to a particular franchise; or (iv) November 25, 2009 (the effective date of Public Act 96-824), whichever is latest, it shall be unlawful for such successor manufacturer to enter into a same line make franchise with any person or to permit the relocation of any existing same line make franchise, for a line make of the predecessor manufacturer that would be located or relocated within the relevant market area of a former franchisee who owned or leased a dealership facility in that relevant market area without first offering the additional or relocated franchise to the former franchisee, or the designated successor of such former franchisee in the event the former franchisee is deceased or a person with a disability, at no cost and without any requirements or restrictions other than those imposed generally on the manufacturer's other franchisees at that time, unless one of the following applies:

(1) As a result of the former franchisee's cancellation, termination, noncontinuance, or nonrenewal of the franchise, the predecessor manufacturer had consolidated the line make with another of its line makes for which the predecessor manufacturer had a franchisee with a then-existing dealership facility located within that relevant market area.

(2) The successor manufacturer has paid the former franchisee, or the designated successor of such former franchisee in the event the former franchisee is deceased or a person with a disability, the fair market value of the former franchisee's franchise on (i) the date the franchiser announces the action which results in the termination, cancellation, or nonrenewal; or (ii) the date the action which results in termination, cancellation, or nonrenewal first became general knowledge; or (iii) the day 12 months prior to the date on which the notice of termination, cancellation, or nonrenewal is issued, whichever amount is higher. Payment is due within 90 days of the effective date of the termination, cancellation, or nonrenewal. If the termination, cancellation, or nonrenewal is due to a manufacturer's change in distributors, the manufacturer may avoid paying fair market value to the dealer if the new distributor or the manufacturer offers the dealer a franchise agreement with terms acceptable to the dealer.

(3) The successor manufacturer proves that it would have had good cause to terminate the franchise agreement of the former franchisee, or the successor of the former franchisee under item (e)(10) in the event that the former franchisee is deceased or a person with a disability. The determination of whether the successor manufacturer would have had good cause to terminate the

franchise agreement of the former franchisee, or the successor of the former franchisee, shall be made by the Board under subsection (d) of Section 12. A successor manufacturer that seeks to assert that it would have had good cause to terminate a former franchisee, or the successor of the former franchisee, must file a petition seeking a hearing on this issue before the Board and shall have the burden of proving that it would have had good cause to terminate the former franchisee or the successor of the former franchisee. No successor dealer, other than the former franchisee, may be appointed or franchised by the successor manufacturer within the relevant market area of the former franchisee until the Board has held a hearing and rendered a determination on the issue of whether the successor manufacturer would have had good cause to terminate the former franchisee.

In the event that a successor manufacturer attempts to enter into a same line make franchise with any person or to permit the relocation of any existing line make franchise under this subsection (h) at a location that is within the relevant market area of 2 or more former franchisees, then the successor manufacturer may not offer it to any person other than one of those former franchisees unless the successor manufacturer can prove that at least one of the 3 exceptions in items (1), (2), and (3) of this subsection (h) applies to each of those former franchisees.

(i) It shall be deemed a violation of this Section for any manufacturer with an established franchise dealer network in this State, either directly or indirectly, through any parent, subsidiary, affiliate, or agent of the manufacturer, any person under common ownership or control, or common entity, to engage in the sale, lease, or warranty servicing of new motor vehicles in a manner that bypasses or competes with the manufacturer's existing franchisee network, including, but not limited to:

(1) engaging in practices intended to circumvent, evade, or undermine the rights, obligations, or protections afforded to franchisees under this Act; or

(2) establishing or using newly branded entities, spin-offs, or affiliated or subsidiary entities to conduct retail operations outside the franchise system.

(j) A manufacturer or distributor shall not engage in the sale of new motor vehicles directly to the general public in this State unless the manufacturer or distributor was lawfully licensed to sell new motor vehicles directly to consumers in this State before January 1, 2022.

(Source: P.A. 102-433, eff. 1-1-22.)

(815 ILCS 710/6) (from Ch. 121 1/2, par. 756)

Sec. 6. Warranty agreements; claims; approval; payment; written disapproval.

(a) Every manufacturer, distributor, wholesaler, distributor branch or division, factory branch or division, or wholesale branch or division shall properly fulfill any warranty agreement and adequately and fairly compensate each of its motor vehicle dealers for labor and parts.

(b) Adequate and fair compensation requires the manufacturer to pay each dealer no less than the amount the retail customer pays for the same services with regard to rate and time.

Any time guide previously agreed to by the manufacturer and the dealer for extended warranty repairs may be used in lieu of actual time expended. In the event that a time guide has not been agreed to for warranty repairs, or said time guide does not define time for an applicable warranty repair, the manufacturer's time guide shall be used, multiplied by 1.5.

In no event shall such compensation fail to include full compensation for diagnostic work, as well as repair service, labor, and parts. Time allowances for the diagnosis and performance of warranty work and service shall be no less than charged to retail customers for the same work to be performed.

No warranty or factory compensated repairs shall be excluded from this requirement, including recalls or other voluntary stop-sell repairs required by the manufacturer. If a manufacturer is required to issue a recall, the dealer will be compensated for labor time as above stated.

Furthermore, manufacturers shall pay the dealer the same effective labor rate (using the 100 sequential repair orders chosen and submitted by the dealer less simple maintenance repair orders) that the dealer receives for customer-pay repairs. This requirement includes vehicle diagnostic times for all warranty repairs. Additionally, if a technician is required to communicate with a Technical Assistance Center/Engineering/or some external manufacturer source in order to provide a warranty repair, the manufacturer shall pay for the time from start of communications (including hold time) until the communication is complete.

The dealer may submit a request to the manufacturer for warranty labor rate increases a maximum of once per calendar year.

A claim made by a franchised motor vehicle dealer for compensation under this Section shall be either approved or disapproved within 30 days after the claim is submitted to the manufacturer in the manner and

on the forms the manufacturer reasonably prescribes. An approved claim shall be paid within 30 days after its approval. If a claim is not specifically disapproved in writing or by electronic transmission within 30 days after the date on which the manufacturer receives it, the claim shall be considered to be approved and payment shall follow within 30 days.

In no event shall compensation to a motor vehicle dealer for labor times and labor rates be less than the rates charged by such dealer for like service to retail customers for nonwarranty service and repairs. Additionally, the manufacturer shall reimburse the dealer for any parts provided in satisfaction of a warranty at the prevailing retail price charged by that dealer for the same parts when not provided in satisfaction of a warranty; provided that such dealer's prevailing retail price is not unreasonable when compared with that of the holders of motor vehicle franchises of ~~from~~ the same line make ~~manufacturer~~ for identical parts in the geographic area in which the dealer is engaged in business.

There shall be no reduction in payments due to preestablished market norms or market averages. Manufacturers are prohibited from establishing restrictions or limitations of customer repair frequency due to failure rate indexes or national failure averages.

No debit reduction or charge back of any item on a warranty repair order may be made absent a finding of fraud or illegal actions by the dealer.

A warranty claim timely made shall not be deemed invalid solely because unavailable parts cause additional use and mileage on the vehicle.

If a manufacturer imposes a recall or stop sale on any new vehicle in a dealer's inventory that prevents the sale of the vehicle, the manufacturer shall compensate the dealer for any interest and storage until the vehicle is repaired and made ready for sale.

Manufacturers are not permitted to impose any form of cost recovery fees or surcharges against a franchised auto dealership for payments made in accordance with this Section.

All claims, either original or resubmitted, made by motor vehicle dealers hereunder and under Section 5 for such labor and parts shall be either approved or disapproved within 30 days following their submission. All approved claims shall be paid within 30 days following their approval. The motor vehicle dealer who submits a claim which is disapproved shall be notified in writing of the disapproval within the same period, and each such notice shall state the specific grounds upon which the disapproval is based. The motor vehicle dealer shall be permitted to correct and resubmit such disapproved claims within 30 days of receipt of disapproval. Any claims not specifically disapproved in writing within 30 days from their submission shall be deemed approved and payment shall follow within 30 days. The manufacturer or franchiser shall have the right to require reasonable documentation for claims and to audit such claims within a one year period from the date the claim was paid or credit issued by the manufacturer or franchiser, and to charge back any false or unsubstantiated claims. The audit and charge back provisions of this Section also apply to all other incentive and reimbursement programs for a period of one year after the date the claim was paid or credit issued by the manufacturer or franchiser. However, the manufacturer retains the right to charge back any fraudulent claim if the manufacturer establishes in a court of competent jurisdiction in this State that the claim is fraudulent.

(c) The motor vehicle franchiser shall not, by agreement, by restrictions upon reimbursement, or otherwise, restrict the nature and extent of services to be rendered or parts to be provided so that such restriction prevents the motor vehicle franchisee from satisfying the warranty by rendering services in a good and workmanlike manner and providing parts which are required in accordance with generally accepted standards. Any such restriction shall constitute a prohibited practice.

(d) For the purposes of this Section, the "prevailing retail price charged by that dealer for the same parts" means the price paid by the motor vehicle franchisee for parts, including all shipping and other charges, multiplied by the sum of 1.0 and the franchisee's average percentage markup over the price paid by the motor vehicle franchisee for parts purchased by the motor vehicle franchisee from the motor vehicle franchiser and sold at retail. The motor vehicle franchisee may establish average percentage markup under this Section by submitting to the motor vehicle franchiser 100 sequential customer paid service repair orders or 90 days of customer paid service repair orders, whichever is less, covering repairs made no more than 180 days before the submission, and declaring what the average percentage markup is. The average percentage markup so declared shall go into effect 30 days following the declaration, subject to audit of the submitted repair orders by the motor vehicle franchiser and adjustment of the average percentage markup based on that audit. Any audit must be conducted within 30 days following the declaration. Only retail sales not involving warranty repairs, parts covered by subsection (e) of this Section, or parts supplied for routine vehicle maintenance, shall be considered in calculating average percentage markup. For the purpose of this

subsection, "routine maintenance" includes, but is not limited to: (i) the replacement of oil or other fluids, filters, batteries for internal combustion engine vehicles, bulbs, brake pads, rotors, nuts, bolts, or fasteners; (ii) the replacement of or work on tires or wheels, including wheel alignments and tire and wheel rotations; and (iii) the installation of an accessory. No motor vehicle franchiser shall require a motor vehicle franchisee to establish average percentage markup by a methodology, or by requiring information, that is unduly burdensome or time consuming to provide, including, but not limited to, part by part or transaction by transaction calculations. A motor vehicle franchisee shall not request a change in the average percentage markup more than twice in one calendar year.

(e) If a motor vehicle franchiser supplies a part or parts for use in a repair rendered under a warranty other than by sale of that part or parts to the motor vehicle franchisee, the motor vehicle franchisee shall be entitled to compensation equivalent to the motor vehicle franchisee's average percentage markup on the part or parts, as if the part or parts had been sold to the motor vehicle franchisee by the motor vehicle franchiser. The requirements of this subsection (e) shall not apply to entire engine assemblies, propulsion engine assemblies, including electric vehicle batteries, and entire transmission assemblies. In the case of those assemblies, the motor vehicle franchiser shall reimburse the motor vehicle franchisee up to and including 30% of what the motor vehicle franchisee would have paid the motor vehicle franchiser for the assembly if the assembly had not been supplied by the franchiser other than by the sale of that assembly to the motor vehicle franchisee.

(f) The obligations imposed on motor vehicle franchisers by this Section shall apply to any parent, subsidiary, affiliate, or agent of the motor vehicle franchiser, any person under common ownership or control, any employee of the motor vehicle franchiser, and any person holding 1% or more of the shares of any class of securities or other ownership interest in the motor vehicle franchiser, if a warranty or service or repair plan is issued by that person instead of or in addition to one issued by the motor vehicle franchiser.

(g) (Blank).

(Source: P.A. 102-232, eff. 1-1-22; 102-669, eff. 11-16-21.)".

The motion prevailed.

And the amendment was adopted and ordered printed.

Senator Villivalam offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 1939

AMENDMENT NO. 2 . Amend Senate Bill 1939, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 39, by replacing line 22 with "before January 1, 2022, shall not own or operate a dealership or directly".

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.

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Villivalam, **Senate Bill No. 1939** 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 55; NAYS None.

The following voted in the affirmative:

Anderson	Feigenholtz	Lewis	Sims
Balkema	Fine	Lightford	Stadelman
Belt	Fowler	Loughran Cappel	Syverson
Bryant	Glowiak Hilton	Martwick	Tracy
Castro	Guzmán	McClure	Turner, D.

Cervantes	Halpin	Morrison	Turner, S.
Chesney	Harris, N.	Murphy	Ventura
Collins	Harriss, E.	Peters	Villa
Cunningham	Hastings	Plummer	Villanueva
Curran	Hills	Porfirio	Villivalam
DeWitte	Holmes	Preston	Walker
Edly-Allen	Johnson	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. 1954** 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. 2 TO SENATE BILL 1954

AMENDMENT NO. 2 . Amend Senate Bill 1954, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Counties Code is amended by adding Division 3-16 as follows:

(55 ILCS 5/Div. 3-16 heading new)

Division 3-16. Recall of Countywide Elected Officials

(55 ILCS 5/3-16001 new)

Sec. 3-16001. Recall of a countywide elected official.

(a) Sangamon County may establish a process by which countywide elected officials may be recalled by the electors of the county, by submitting the proposition to the electors of the county and obtaining their approval of the proposition at a referendum held at the general election of 2026 as provided in Section 3-16002. A referendum to adopt a process by which countywide elected officials may be recalled by the electors may be called for by a resolution adopted before the general election of 2026 by the county board of Sangamon County.

(b) As used in this Division, "countywide elected official" means a county officer who holds an elective office under Article 3 of this Code, but it does not include an officer who is elected by electors outside of Sangamon County.

(55 ILCS 5/3-16002 new)

Sec. 3-16002. Referendum on resolution of county board.

(a) If the county board of Sangamon County adopts a resolution calling for a referendum at the general election of 2026 on the proposal to adopt a process by which countywide elected officials of Sangamon County may be recalled by the electors of Sangamon County, within the time provided in the general election law, the county clerk and county board of Sangamon County shall provide for the submission of the proposition to the electors of Sangamon County in accordance with this Section at the general election of 2026.

(b) The referendum shall be conducted in such a manner as is prescribed in the general election law. The proposition shall be in substantially the following form:

Shall Sangamon County adopt a process by which countywide elected officials may be recalled by the electors of the county
YES
NO

as provided for by Section 3-16003 of the Counties Code?

(55 ILCS 5/3-16003 new)

Sec. 3-16003. Recall of countywide elected officials.

(a) If the referendum described in Section 3-16002 is approved by a majority of the voters voting on the proposition, then the recall of countywide elected officials of Sangamon County may thereafter be proposed by a petition signed by a number of electors equal in number to at least 15% of the total votes cast for Governor in that county in the preceding gubernatorial election. A petition under this Section shall have been signed by the petitioning electors not more than 50 days after an affidavit has been filed with the State Board of Elections providing notice of intent to circulate a petition to recall the countywide elected official. The affidavit may be filed no sooner than 6 months after the beginning of the countywide elected official's term of office and may not be filed in the last 6 months of the countywide elected official's term of office.

(b) The form of the petition, circulation, and procedure for determining the validity and sufficiency of a petition shall be as provided by law. If the petition is valid and sufficient, the State Board of Elections shall certify the petition not more than 50 days after the date the petition was filed, and the question "Shall (name) be recalled from the office of (name of office)?" must be submitted to the electors of Sangamon County at a special election called by the State Board of Elections, to occur not more than 100 days after certification of the petition. A recall petition certified by the State Board of Elections under this Section may not be withdrawn and another recall petition under this Section may not be initiated against the countywide elected official during the remainder of the official's current term of office. Any recall petition or recall election pending on the date of the next general election at which a candidate for the same countywide office is elected is moot.

(c) The countywide elected official is immediately removed upon certification of the recall election results if a majority of the electors voting on the question vote to recall the countywide elected official. If the countywide elected official is removed, the vacancy shall be filled as provided in the Election Code or this Code.

(55 ILCS 5/3-16004 new)

Sec. 3-16004. Repealer. This Division is repealed on January 1, 2027.

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

AMENDMENT NO. 3 TO SENATE BILL 1954

AMENDMENT NO. 3 . Amend Senate Bill 1954, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 2, on page 3, line 19, by replacing "50" with "150".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendments numbered 2 and 3 were 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 D. Turner, **Senate Bill No. 1954** 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 35; NAYS 19.

The following voted in the affirmative:

Belt	Glowiak Hilton	Loughran Cappel	Stadelman
Castro	Guzmán	Martwick	Turner, D.
Cervantes	Harris, N.	Morrison	Ventura
Collins	Hastings	Murphy	Villa
Cunningham	Holmes	Peters	Villanueva
Edly-Allen	Johnson	Porfirio	Villivalam
Ellman	Joyce	Preston	Walker
Feigenholtz	Koehler	Simmons	Mr. President
Fine	Lightford	Sims	

The following voted in the negative:

Anderson	Curran	Lewis	Syverson
Arellano, L.	DeWitte	McClure	Tracy
Balkema	Fowler	Plummer	Turner, S.
Bryant	Harriss, E.	Rezin	Wilcox
Chesney	Hills	Rose	

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. 1958** 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. 1 TO SENATE BILL 1958

AMENDMENT NO. 1 . Amend Senate Bill 1958 by replacing everything after the enacting clause with the following:

"Section 5. The Student Transfer Achievement Reform Act is amended by changing Sections 5, 8, 10, 20, and 25 and by adding Sections 21, 22, and 24 as follows:

(110 ILCS 150/5)

Sec. 5. Definitions. In this Act:

"Community college" means a public community college in this State.

"State university" means a public university in this State.

"Transfer articulation agreement" means a formal written agreement between a community college and State university that outlines a process for the seamless transfer of credits from a community college to a State university.

(Source: P.A. 99-316, eff. 1-1-16.)

(110 ILCS 150/8 new)

Sec. 8. Purpose. The purpose of this Act is to enhance the transfer of academic credits between community colleges and State universities in Illinois, ensuring equitable and consistent practices, reducing barriers for students, and promoting accountability and transparency in transfer credit acceptance.

(110 ILCS 150/10)

Sec. 10. Associate degree for transfer.

(a) Commencing with the fall term of the 2016-2017 academic year, a community college student who earns an associate degree for transfer, an Associate of Arts, or an Associate of Science that is consistent with degree requirements of the Illinois Community College Board and the Board of Higher Education and aligned with the policies and procedures of the Illinois Articulation Initiative, granted pursuant to subsection (b) of this Section is deemed eligible for transfer into the baccalaureate program of a State university if the

student meets the requirements of the transfer degree and major-specific prerequisites and obtains a minimum grade point average of 2.0 on a 4.0 scale.

(b) As a condition of receipt of State funds, a community college district shall develop and grant associate degrees for transfer that meet the requirements of subsection (a) of this Section. A community college district may not impose any requirements in addition to the requirements of this Section for a student to be eligible for an associate degree for transfer and subsequent admission to a State university pursuant to Section 15 of this Act without the approval of the Illinois Community College Board and the Board of Higher Education.

(c) The General Assembly encourages a community college district to enter into transfer ~~consider the~~ articulation agreements ~~and other work~~ between the respective faculties from the affected community college and State universities in implementing the requirements of this Section.

(d) The General Assembly encourages community colleges to facilitate the acceptance of credits earned at other community colleges toward an associate degree for transfer pursuant to this Section.

(e) This Section does not preclude students who are assessed below collegiate level from acquiring remedial noncollegiate level coursework in preparation for obtaining an associate degree for transfer. Remedial noncollegiate level coursework and all other non-transfer coursework must not be counted as part of the transferable units required pursuant to subdivision (1) of subsection (a) of this Section.

(Source: P.A. 99-316, eff. 1-1-16.)

(110 ILCS 150/20)

Sec. 20. Coursework.

(a) A State university may not require a student transferring pursuant to this Act to take more than 60 additional semester units beyond the lower-division major requirements for majors requiring 120 semester units, provided that the student remains enrolled in the same program of study and has completed university major transfer requirements. Specified high unit majors are exempt from this subsection (a) upon agreement by the board of trustees of the State university and the Board of Higher Education.

(b) A State university may not require students transferring pursuant to this Act to repeat courses that are articulated with those taken at the community college and counted toward an associate degree for transfer granted pursuant to Section 10 of this Act.

(c) A ~~The General Assembly encourages~~ State university shall ~~universities to~~ facilitate the seamless transfer of credits toward a baccalaureate degree pursuant to the intent of this Act.

(Source: P.A. 99-316, eff. 1-1-16.)

(110 ILCS 150/21 new)

Sec. 21. Community college and State university transfer articulation agreements. A State university shall, upon the request of a community college district, enter into a transfer articulation agreement with the community college district to provide a seamless pathway for transfer. The community college may request to enter into multiple articulation agreements with a single State university as appropriate and requested. The agreement between the State university and the community college district may include 2+2 programs, which are designed for students to take half of a degree at the community college and the second half of the degree at the State university, or 3+1 programs, which are designed for students to transfer to the State university for completion of their final, senior-level coursework.

The transfer articulation agreement shall be signed by the president or chancellor of the community college and by the president or chancellor of the State university and shall include all of the following:

(1) A statement identifying the participating institutions or divisions of institutions that are part of the agreement. The agreements may be program-to-program agreements that align community college associate degree programs with comparable bachelor's degree options, major-to-major agreements that align specific program coursework to external accreditation standards, or institution-to-institution agreements that establish partnerships and alignment between a specific college, discipline, or program area.

(2) A list of the eligibility criteria for transfer admissions, including any minimum GPA requirements and prerequisites needed. Any limitations to the agreement for admission to specific academic programs shall also be included.

(3) A timeline for timely response on applications for transferring credits.

(4) A list of all fees and costs assessed during the transfer and admission process and any scholarships or financial assistance available to students participating in the articulation agreement.

(5) A standardized transfer credit framework for general education and lower-division, major-specific courses, which clearly identify specific courses that will transfer between institutions,

the number of credits that will transfer, the program at the State university to which credits will apply, if applicable, and an outline of how transferred credits will be applied toward degree requirements.

(6) A clearly defined transfer pathway outlining how students at the community college can progress from their program at the community college to the corresponding program at the State university and be granted junior or senior status as appropriate.

(7) Guidelines for alignment of course objectives, learning outcomes, and credit hours.

(8) Other degree requirements, including, but not limited to, standardized test scores, required clinical hours, or residency requirements.

(9) A policy on the reverse transfer of credit and transfer of credit earned for experiential learning, including, but not limited to, prior learning assessment and competency-based education.

(10) The academic and non-academic opportunities and supports and, if applicable, guidance that will be provided to students participating in the articulation agreement.

(11) Data-sharing requirements and limitations, including, if applicable, assessment policies to measure effectiveness of the agreement.

(12) An agreement on the marketing process and responsibilities for programs covered by the articulation agreement, including any limitations imposed by either party.

(13) A clear and transparent process for resolving disputes over transfer credit acceptance. The agreement shall outline policies to provide students transparency in how and why credit is accepted or rejected by the State university and how and why credit is or is not applied toward degree requirements. The agreement shall also provide for a process for the student to appeal the State university's failure to accept the student's request for transfer credit.

(14) Dates of applicability of the agreement and conditions for renewal or termination of the agreement.

An agreement executed under this Section shall not negate any previous transfer articulation agreement a community college has developed with a State university.

If, within 180 calendar days of the community college's initial request to enter into a transfer articulation agreement with the State university, the community college and State university do not reach agreement on the transfer articulation agreement, then the community college and State university shall jointly implement the provisions of the Model Transfer Articulation Agreement established under Section 22 of this Act.

(110 ILCS 150/22 new)

Sec. 22. Model Transfer Articulation Agreement and Committee. A Model Transfer Articulation Agreement shall be developed through a Transfer Articulation Committee by March 31, 2026. The Committee shall consist of 5 members appointed by the Executive Director of the Board of Higher Education and 5 members appointed by the Executive Director of the Illinois Community College Board. The Committee shall be co-chaired by the Executive Director of the Board of Higher Education or his or her designee and the Executive Director of the Illinois Community College Board or his or her designee. The Model Transfer Articulation Agreement shall address all of the requirements set forth in Section 21. The Model Transfer Articulation Agreement shall be reviewed and updated every 5 years by the Board of Higher Education and the Illinois Community College Board.

(110 ILCS 150/24 new)

Sec. 24. Transfer credit review process. Each community college and State university shall publish the institution's process and a timeline for reviewing and making decisions regarding transfer credit requests on the institution's website. The institution shall update its website within 30 days after making a change to its process and timeline for reviewing and issuing decisions regarding transfer credit request.

(110 ILCS 150/25)

Sec. 25. Reporting requirements on course transfer ~~Board of Higher Education reviews and reports~~.

(a) (Blank). ~~The Board of Higher Education shall review the implementation of this Act and file a report on that review with the General Assembly on or before May 31, 2017, as provided in Section 3.1 of the General Assembly Organization Act.~~

(b) (Blank). ~~The Board of Higher Education shall review both of the following and file a report on that review with the General Assembly within 4 years after the effective date of this Act, as provided in Section 3.1 of the General Assembly Organization Act:~~

~~(1) The outcomes of implementation of this Act, including, but not limited to, all of the following:~~

~~(A) The number and percentage of community college students who transferred to a State university and earned an associate degree for transfer pursuant to this Act.~~

~~(B) The average amount of time and units it takes a community college student earning an associate degree for transfer pursuant to this Act to transfer to and graduate from a State university, as compared to the average amount of time and units it took community college transfer students prior to the implementation of this Act and compared to students using other transfer processes available.~~

~~(C) Student progression and completion rates.~~

~~(D) Other relevant indicators of student success.~~

~~(E) The degree to which the requirements for an associate degree for transfer take into account existing articulation agreements and the degree to which community colleges facilitate the acceptance of credits between community college districts, as outlined in subsections (c) and (d) of Section 10 of this Act.~~

~~(F) It is the intent of the General Assembly that student outcome data provided under this subsection (b) include the degree to which State universities were able to accommodate students admitted under this Act in being admitted to the State university of their choice and in a major that is similar to their community college major.~~

~~(2) Recommendations for statutory changes necessary to facilitate the goal of a clear and transparent transfer process.~~

(c) By May 1, 2027, and May 1 of each subsequent year, each State university shall report to the Board of Higher Education, in a form prescribed by the Board, all of the following information:

(1) The total number of community college transfer students admitted, offered provisional admission, and denied admission, disaggregated by the student's community college district of origin.

(2) Of the students admitted, the total number of credits presented for transfer and the percentage and number of credits accepted for transfer from each community college district.

(3) For credits that are denied, the reason for denial and whether those courses are part of the Illinois Articulation Initiative General Education Core Curriculum.

(4) Of the credits accepted in paragraph (2), the total number applied toward the University's meeting general education requirements that are identified as part of the Illinois Articulation Initiative General Education Core Curriculum disaggregated by the student's community college district of origin. For those courses identified as part of the General Education Core Curriculum that are denied transfer credit, including the rationale for denial.

(5) If the student has declared a major, the total number of degree program credits that were applied as elective credit, applied as major equivalent credit, or not applied disaggregated by degree program and community college district of origin.

For any courses where credit is not applied, identification if they are or are not part of the Illinois Articulation Initiative Major Panels and the rationale for denying the application of credit.

The Board of Higher Education shall publish an analysis and report of the information provided by the State universities annually by October 1, 2027, and October 1 of each subsequent year. The report shall be filed with the Governor and General Assembly. An electronic copy of the report shall be accessible on the Board's official website.

(Source: P.A. 99-316, eff. 1-1-16.)

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 Castro, **Senate Bill No. 1958** 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 56; NAYS None.

The following voted in the affirmative:

Anderson	Feigenholtz	Lightford	Syverson
Arellano, L.	Fine	Loughran Cappel	Tracy
Balkema	Fowler	Martwick	Turner, D.
Belt	Glowiak Hilton	McClure	Turner, S.
Bryant	Guzmán	Morrison	Ventura
Castro	Halpin	Murphy	Villa
Cervantes	Harris, N.	Peters	Villanueva
Chesney	Harriss, E.	Plummer	Villivalam
Collins	Hastings	Porfirio	Walker
Cunningham	Hills	Preston	Wilcox
Curran	Holmes	Rezin	Mr. President
DeWitte	Johnson	Rose	
Edly-Allen	Joyce	Simmons	
Ellman	Koehler	Sims	
Faraci	Lewis	Stadelman	

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 Koehler, **Senate Bill No. 1988** 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:

Belt	Glowiak Hilton	Loughran Cappel	Turner, D.
Castro	Guzmán	Martwick	Villa
Cervantes	Halpin	Morrison	Villanueva
Collins	Harris, N.	Murphy	Villivalam
Cunningham	Hastings	Peters	Walker
Edly-Allen	Holmes	Porfirio	Mr. President
Ellman	Johnson	Preston	
Faraci	Joyce	Simmons	
Feigenholtz	Koehler	Sims	
Fine	Lightford	Stadelman	

The following voted in the negative:

Anderson	Curran	Lewis	Syverson
Arellano, L.	DeWitte	McClure	Tracy
Balkema	Fowler	Plummer	Turner, S.
Bryant	Harriss, E.	Rezin	Wilcox
Chesney	Hills	Rose	

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. 1988**.

SENATE BILL RECALLED

On motion of Senator Porfirio, **Senate Bill No. 2108** was recalled from the order of third reading to the order of second reading.

Senator Porfirio offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 2108

AMENDMENT NO. 2 . Amend Senate Bill 2108, AS AMENDED, immediately above Section 5, by inserting the following:

"Section 2. The Illinois State Police Law of the Civil Administrative Code of Illinois is amended by adding Section 2605-625 as follows:

(20 ILCS 2605/2605-625 new)

Sec. 2605-625. Technical managers workforce goals and report.

(a) By August 1 of each calendar year, the Illinois State Police shall make a report in writing to the Governor and the General Assembly, stating in detail the Illinois State Police's efforts in the prior fiscal year to fill open technical manager positions.

(b) The report shall include:

(1) The total number of technical manager positions within the Illinois State Police for the previous fiscal year.

(2) The number of technical manager positions that were unfilled at any point during the previous fiscal year.

(3) The duration of time each technical manager position remained unfilled.

(4) The number of technical manager positions filled during the previous fiscal year.

(5) A detailed report of any recruitment efforts or initiatives undertaken to fill technical manager positions.

(c) The Illinois State Police shall establish and maintain a goal of filling at least 85% of all authorized and budgeted technical manager positions within the Illinois State Police in each fiscal year.

(d) The General Assembly shall review the report and may request additional information or hold hearings regarding the Illinois State Police's staffing levels, recruitment strategies, and efforts to meet the 85% workforce goal.

Section 4. The State Finance Act is amended by changing Section 6z-82 as follows:

(30 ILCS 105/6z-82)

Sec. 6z-82. State Police Operations Assistance Fund.

(a) There is created in the State treasury a special fund known as the State Police Operations Assistance Fund. The Fund shall receive revenue under the Criminal and Traffic Assessment Act, the Illinois Hazardous Materials Transportation Act, and the Illinois Motor Carrier Safety Law. The Fund may also receive revenue from grants, donations, appropriations, and any other legal source.

(a-5) This Fund may charge, collect, and receive fees or moneys as described in Section 15-312 of the Illinois Vehicle Code and receive all fees received by the Illinois State Police under that Section. The moneys shall be used by the Illinois State Police for its expenses in providing police escorts and commercial vehicle enforcement activities.

(b) The Illinois State Police may use moneys in the Fund to finance any of its lawful purposes or functions.

(c) Expenditures may be made from the Fund only as appropriated by the General Assembly by law.

(d) Investment income that is attributable to the investment of moneys in the Fund shall be retained in the Fund for the uses specified in this Section.

(e) The State Police Operations Assistance Fund shall not be subject to administrative chargebacks.

(f) (Blank).

(g) (Blank).

(h) (Blank). ~~June 9, 2023 (Public Act 103-34)~~

(Source: P.A. 102-16, eff. 6-17-21; 102-505, eff. 8-20-21; 102-538, eff. 8-20-21; 102-813, eff. 5-13-22; 103-34, eff. 6-9-23; 103-363, eff. 7-28-23; 103-605, eff. 7-1-24; 103-616, eff. 7-1-24; revised 7-23-24.)"; and

in Section 10, in the introductory clause, by replacing "Sections 2 and 3" with "Sections 2, 3, and 11"; and

immediately above Section 15, by inserting the following:

"(430 ILCS 30/11) (from Ch. 95 1/2, par. 700-11)

Sec. 11. Any person who is determined by the Department after reasonable notice and opportunity for a fair and impartial hearing to have knowingly committed an act that is a violation of this Act or any rule or regulation issued under this Act is liable to the State for a civil penalty. Whoever knowingly commits an act that is a violation of any rule or regulation applicable to any person who transports or ships or causes to be transported or shipped hazardous materials is subject to a civil penalty of not more than $10,000 for such violation and, if any such violation is a continuing one, each day of violation constitutes a separate offense. The amount of any such penalty shall be assessed by the Department by a written notice. In determining the amount of such penalty, the Department shall take into account the nature, circumstances, extent and gravity of the violation and, with respect to a person found to have committed such violation, the degree of culpability, history of prior offenses, ability to pay, effect on ability to continue to do business and such other matters as justice may require.

Such civil penalty is recoverable in an action brought by the State's Attorney or the Attorney General on behalf of the State in the circuit court or, prior to referral to the State's Attorney or the Attorney General, such civil penalty may be compromised by the Department. The amount of such penalty when finally determined (or agreed upon in compromise), may be deducted from any sums owed by the State to the person charged. All civil penalties collected under this Section shall be deposited in the State Police Operations Assistance ~~Road~~ Fund.

(Source: P.A. 80-351.)"; and

in Section 15, by replacing Sec. 18b-104.1 with the following:

"(625 ILCS 5/18b-104.1 new)

Sec. 18b-104.1. Personnel transfers.

(a) On January 1, 2026, the personnel responsible for administering this Chapter are transferred from the transferring agency designated by the Governor to the Department. Prior to the transfer, the personnel shall be subject to a background check and any additional screening requirements established by the Department. The status and rights of the employees and the State or its transferring agency under the Personnel Code, the Illinois Public Labor Relations Act, and applicable collective bargaining agreements or under any pension, retirement, or annuity plan shall not be affected by this amendatory Act of the 104th General Assembly. Under the direction of the Governor, the Department, in consultation with the transferring agencies, Central Management Services, and labor organizations representing the affected employees, shall identify each position and employee who is engaged in the performance of functions transferred to the Department, or engaged in the administration of a law the administration of which is transferred to the Department, to be transferred to the Department. An employee engaged primarily in providing administrative and investigative support to the Illinois Motor Carrier Safety Assistance Program may be considered engaged in the performance of functions transferred to the Department.

(b) Until October 1, 2026, all union employees assigned to the Motor Carrier Safety Assistance Program shall retain the rights and benefits of their collective bargaining agreement, including, but not limited to, for personnel transactions, as if the employees were still employed by the Department of Transportation. As used in this subsection, "personnel transactions" includes promotions, lateral transfers, or voluntary reductions to other union titles within the Department of Transportation.".

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 Porfirio, **Senate Bill No. 2108** 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 52; NAYS 2.

The following voted in the affirmative:

Anderson	Fine	Lightford	Tracy
Arellano, L.	Fowler	Loughran Cappel	Turner, D.
Balkema	Glowiak Hilton	Martwick	Turner, S.
Belt	Guzmán	McClure	Ventura
Castro	Halpin	Morrison	Villa
Cervantes	Harris, N.	Murphy	Villanueva
Collins	Harriss, E.	Peters	Villivalam
Cunningham	Hastings	Porfirio	Walker
Curran	Hills	Preston	Wilcox
DeWitte	Holmes	Rose	Mr. President
Edly-Allen	Johnson	Simmons	
Ellman	Joyce	Sims	
Faraci	Koehler	Stadelman	
Feigenholtz	Lewis	Syverson	

The following voted in the negative:

Bryant
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 Simmons, **Senate Bill No. 2111** 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 Simmons offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 2111

AMENDMENT NO. 2 . Amend Senate Bill 2111 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Vehicle Code is amended by adding Section 11-1511.5 as follows:
(625 ILCS 5/11-1511.5 new)
Sec. 11-1511.5. Operation of bicycle approaching a stop sign.

(a) As used in this Section, "immediate hazard" means a vehicle approaching an intersection at a proximity and rate of speed sufficient to indicate to a reasonable person that there is a danger of collision or accident.

(b) Except as provided in subsection (c), an individual operating a bicycle approaching a stop sign may proceed through the intersection without stopping at the stop sign if:

(1) the individual slows to a reasonable speed; and

(2) the individual yields the right-of-way to:

(A) any pedestrian within the intersection or an adjacent crosswalk;

(B) other traffic within the intersection; and

(C) oncoming traffic that poses an immediate hazard during the time the individual is traveling through the intersection.

(c) Subsection (b) does not apply to an intersection with an active railroad grade crossing.

(d) This Section does not apply to individuals under 18 years of age solely operating a bicycle.

(e) This Section does not apply to an individual operating a bicycle:

(1) when exiting an alleyway; or

(2) at a 4-way intersection with only 2 stop signs present.".

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 Simmons, **Senate Bill No. 2111** 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 48; NAYS 4.

The following voted in the affirmative:

Anderson	Feigenholtz	Koehler	Sims
Arellano, L.	Fine	Lewis	Stadelman
Belt	Fowler	Lightford	Turner, D.
Bryant	Glowiak Hilton	Loughran Cappel	Ventura
Castro	Guzmán	Martwick	Villa
Cervantes	Halpin	Murphy	Villanueva
Chesney	Harris, N.	Peters	Villivalam
Collins	Harriss, E.	Plummer	Walker
Cunningham	Hastings	Porfirio	Mr. President
Curran	Hills	Preston	
Edly-Allen	Holmes	Rezin	
Ellman	Johnson	Rose	
Faraci	Joyce	Simmons	

The following voted in the negative:

DeWitte	Turner, S.
McClure	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.

SENATE BILL RECALLED

On motion of Senator Castro, **Senate Bill No. 2153** 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. 1 TO SENATE BILL 2153

AMENDMENT NO. 1 . Amend Senate Bill 2153 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Physical Therapy Act is amended by changing Section 1.3 as follows:

(225 ILCS 90/1.3)

(Section scheduled to be repealed on January 1, 2026)

Sec. 1.3. Telehealth services.

(a) Physical therapy through telehealth services may be used to address access issues to care, enhance care delivery, or increase the physical therapist's ability to assess and direct the patient's performance in the patient's own environment.

(b) A physical therapist or physical therapist assistant working under the general supervision of a physical therapist may provide physical therapy through telehealth services pursuant to the terms and use defined in the Telehealth Act and the Illinois Insurance Code subject to the following conditions:

(1) Physical therapists may use telehealth to perform an initial physical therapy evaluation if one of the following criteria is met:

(i) the patient has a referral or diagnosis;

(ii) the patient is an established patient; or

(iii) the physical therapist has the capacity to perform or facilitate a referral for an in-person, hands-on examination or re-examination by a physical therapist at any time throughout the course of the patient's care. ~~Initial physical therapy evaluations without a referral or established diagnosis may only be performed by a licensed physical therapist and cannot be performed via telehealth unless necessary to address a documented hardship, including, but not limited to, geographical, physical, or weather-related conditions.~~

(2) A physical therapist may require a patient to undergo an in-person visit instead of providing telehealth services. ~~The use of telehealth as a primary means of delivering physical therapy must be an exception and documentation must support the clinical justification.~~

(3) A patient receiving physical therapy must be able to request and receive in-person care at any point during their treatment.

(4) A physical therapist providing telehealth must have the capacity to provide or be able to facilitate a referral to in-person care within the State of Illinois.

(5) A physical therapist or a physical therapist assistant may engage in the practice of telehealth services in this State to the extent of his or her scope of practice as established in this Act and consistent with the standards of care for in-person services. This Section shall not be construed to authorize the delivery of physical therapy services in a setting or in a manner not otherwise authorized by law.

(6) A physical therapist treating a patient located in this State through telehealth services must be licensed or authorized to practice physical therapy in this State.

(7) The Department may, by rule, exempt physical therapists and physical therapist assistants providing physical therapy services as part of the Illinois Early Intervention Program, an individualized education program, or a federal Section 504 plan through a school system from this Section to address service delays.

(Source: P.A. 103-849, eff. 1-1-25.)".

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 Castro, **Senate Bill No. 2153** 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 54; NAYS None.

The following voted in the affirmative:

Anderson	Feigenholtz	Lewis	Stadelman
Arellano, L.	Fine	Lightford	Syverson
Balkema	Fowler	Loughran Cappel	Tracy
Belt	Glowiak Hilton	Martwick	Turner, D.
Bryant	Guzmán	McClure	Turner, S.
Castro	Halpin	Morrison	Ventura
Cervantes	Harris, N.	Murphy	Villa
Collins	Harriss, E.	Peters	Villanueva
Cunningham	Hastings	Plummer	Villivalam
Curran	Hills	Porfirio	Walker
DeWitte	Holmes	Preston	Wilcox
Edly-Allen	Johnson	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.

SENATE BILL RECALLED

On motion of Senator Guzmán, **Senate Bill No. 2201** was recalled from the order of third reading to the order of second reading.

Senator Guzmán offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 2201

AMENDMENT NO. 2 . Amend Senate Bill 2201, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Unified Code of Corrections is amended by adding Section 3-2-15 as follows:
(730 ILCS 5/3-2-15 new)

Sec. 3-2-15. Department of Corrections; report of contraband. The Department of Corrections shall annually collect and publish on its website the following data:

(1) contraband:

(A) identified by facility;

(B) identified by the place in the facility where the contraband was found, such as cell, visiting room, and correctional employee dining facility;

(C) method of entrance to the facility, such as correctional employee entrance, visitor entrance, vendor entrance, delivery person entrance, mail delivery, attorney visit, and other entrances to the facility;

(D) searches of persons and vehicles entering the facility and searches based on tips or intelligence;

(E) type of contraband:

(i) drugs: specified by type or kind:

(I) item tested;
(II) test used;
(III) test results;
(ii) phones;
(iii) weapons;
(iv) other contraband; and
(F) disciplinary tickets and consequences due to possession of or attempt to procure contraband:
(i) by facility;
(ii) by person (correctional employee or committed person);
(iii) findings from disciplinary proceedings;
(iv) punishment and consequences imposed;
(2) substance use disorder treatment or educational programming data by facility:
(A) available treatment classes;
(B) available group programs such as Narcotics Anonymous and Alcoholics Anonymous;
(C) number of participants; and
(D) number of committed persons on waitlist;
(3) use of naloxone:
(A) recorded each use by facility;
(B) by person, either a correctional employee or committed person, who received naloxone, not the person administering naloxone;
(C) reason for administration of naloxone (symptoms and signs indicating need for use); and
(D) outcomes (revived or not);
(4) emergency medical response and hospitalizations:
(A) by facility;
(B) for what reason; and
(C) outcomes (transported by ambulance, seen and discharged, admitted, deceased); and
(5) overdoses:
(A) identified by facility, medical staff, and outside medical professionals;
(B) tracked by medical diagnosis or cause of death;
(C) by facility; and
(D) by person (correctional employee and committed person).
The data described in paragraph (1) shall be collected beginning July 1, 2026 and shall be published annually on or before August 1 of each year. All other data described in paragraphs (2) through (5) shall be collected beginning July 1, 2027 and shall be published annually on or before August 1 of each year.".

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 Guzmán, **Senate Bill No. 2201** 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 55; NAYS None.

The following voted in the affirmative:

Anderson	Faraci	Lewis	Sims
Arellano, L.	Feigenholtz	Lightford	Stadelman
Balkema	Fine	Loughran Cappel	Syverson
Belt	Fowler	Martwick	Tracy
Bryant	Glowiak Hilton	McClure	Turner, D.

Castro	Halpin	Morrison	Turner, S.
Cervantes	Harris, N.	Murphy	Ventura
Chesney	Harriss, E.	Peters	Villa
Collins	Hastings	Plummer	Villanueva
Cunningham	Hills	Porfirio	Villivalam
Curran	Holmes	Preston	Walker
DeWitte	Johnson	Rezin	Wilcox
Edly-Allen	Joyce	Rose	Mr. President
Ellman	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.

Senator Guzmán asked and obtained unanimous consent for the Journal to reflect her intention to have voted in the affirmative on **Senate Bill No. 2201**.

SENATE BILL RECALLED

On motion of Senator Villivalam, **Senate Bill No. 2247** was recalled from the order of third reading to the order of second reading.

Floor Amendment No. 1 was held in the Committee on Consumer Protection.

Senator Villivalam offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 2247

AMENDMENT NO. 2 . Amend Senate Bill 2247 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Micromobility Fire Safety Act.

Section 5. Findings.

(a) Micromobility devices, such as electric bicycles, electric scooters, and personal e-mobility devices, like hoverboards and electric unicycles, are increasingly popular, battery-powered transportation options for American consumers and workers.

(b) As battery-powered devices, micromobility devices can be a fire and explosion safety hazard if they do not meet safety standards.

(c) For micromobility devices that do not meet safety standards, there is a heightened risk of the lithium-ion batteries that power these devices experiencing a cascading failure where the overwhelming generation of heat triggers the release of toxic gases, explosions, or the spread of flames.

(d) In 2021 and 2022, the U.S. Consumer Product Safety Commission received reports from 39 states of at least 208 fires or overheating events that were associated with electric bicycles and personal e-mobility devices that caused 19 fatalities.

(e) There are consensus standards available that mitigate the battery and electrical system hazards of electric bicycles and personal e-mobility devices that can cause fires.

(f) In 2022, the U.S. Consumer Product Safety Commission issued a letter to the manufacturers, importers, distributors, and retailers of electric bicycles and personal e-mobility devices urging these products to be "designed, manufactured, and certified" to the appropriate UL standard as "manufacturing these products in compliance with the applicable UL standards significantly reduces the risk of injuries and deaths from micromobility device fires."

(g) In 2023, after 216 micromobility device-related fires in 2022 that caused 147 injuries and 6 fatalities, New York City enacted legislation requiring micromobility device and battery certification to the applicable UL safety standards by an ISO-accredited laboratory

Section 10. Definitions. As used in this Act:

"Accredited testing laboratory" means an independent third-party organization providing certification and testing for micromobility products, including low-speed electric bicycles and personal e-mobility devices, that has received ISO/IEC 17065 or ISO/IEC 17025 accreditation from an independent accreditation body that is a member of the International Accreditation Forum.

"Electric personal assistive mobility device" has the meaning set forth in Section 1-117.7 of the Illinois Vehicle Code.

"Lithium-ion battery" or "cell" means a rechargeable electrochemical cell or battery in which the positive and negative electrodes are both lithium compounds constructed with no metallic lithium in either electrode. "Lithium-ion battery" or "cell" includes a lithium-ion polymer battery or cell that uses lithium-ion chemistries.

"Low-speed electric scooter" has the meaning set forth in Section 1-140.11 of the Illinois Vehicle Code.

"Moped" has the meaning set forth in Section 1-148.2 of the Illinois Vehicle Code.

"Motor-driven cycle" has the meaning set forth in Section 1-145.001 of the Illinois Vehicle Code.

"Off-highway motorcycle" has the meaning set forth in Section 1-153.1 of the Illinois Vehicle Code.

"Personal e-mobility device" means a consumer mobility device, other than a low-speed electric bicycle, intended for a single rider with a traction battery and electric motor or drive train that propels the device, which may be self-balancing and may be provided with a handle for grasping while riding, a seat for the rider, or operable pedals. "Personal e-mobility device" includes an electric personal assistive mobility device and low-speed electric scooter. "Personal e-mobility device" also includes a skateboard, motor-driven cycle, moped, and off-highway motorcycle, if those vehicles are propelled by an electric motor.

"Recycling" means any process by which materials that would otherwise become waste are collected, separated, or processed for the purpose of returning the materials to the economic mainstream in the form of raw materials for new products.

"Traction battery" means a rechargeable lithium-ion battery used to power the electric drive motor of a low-speed electric bicycles or personal e-mobility devices.

Section 15. Manufacture and distribution of low-speed electric bicycles, personal e-mobility devices, and traction batteries.

(a) No person shall manufacture, distribute, sell, lease, rent, offer for sale, offer for lease, or offer for rent a low-speed electric bicycle unless the electrical drive system for the low-speed electric bicycle has been tested by an accredited testing laboratory and found: (i) before January 1, 2028, to comply with ANSI/CAN/UL Standard 2849 or EN Standard 15194; or (ii) on or after January 1, 2028, to comply with ANSI/CAN/UL Standard 2849.

(b) No person shall manufacture, distribute, sell, lease, rent, offer for sale, offer for lease, offer for rent, or operate in furtherance of a business activity a personal e-mobility device unless the electrical system for the personal e-mobility device has been tested by an accredited testing laboratory and found to comply with ANSI/CAN/UL Standard 2272.

(c) No person shall manufacture, distribute, sell, lease, rent, offer for sale, offer for lease, or offer for rent a traction battery for a low-speed electric bicycle unless the traction battery has been tested by an accredited testing laboratory and found: (i) before January 1, 2028, to comply with ANSI/CAN/UL Standard 2271, ANSI/CAN/UL Standard 2849, or EN Standard 15194; or (ii) on or after January 1, 2028, to comply with ANSI/CAN/UL Standard 2271 or ANSI/CAN/UL Standard 2849.

(d) No person shall manufacture, distribute, sell, lease, rent, offer for sale, offer for lease, or offer for rent a traction battery for a personal e-mobility device unless the traction battery has been tested by an accredited testing laboratory and found to comply with ANSI/CAN/UL Standard 2271.

Section 20. Reconditioned traction batteries.

(a) It is unlawful for any person to:

(1) assemble or recondition a traction battery using cells removed from used lithium-ion batteries; or

(2) sell or offer for sale a lithium-ion traction battery that uses cells removed from used lithium-ion batteries.

(b) Nothing in this Section shall be construed to prohibit the recycling of traction batteries or their components.

Section 25. Enforcement by Attorney General. A violation of any of the provisions of this Act is an unlawful practice under the Consumer Fraud and Deceptive Business Practices Act. All remedies, penalties, and authority granted to the Attorney General by that Act shall be available to the Attorney General for the enforcement of this Act.

Section 90. The Consumer Fraud and Deceptive Business Practices Act is amended by adding Section 2HHHH as follows:

(815 ILCS 505/2HHHH new)

Sec. 2HHHH. Violations of the Micromobility Fire Safety Act. A person who violates the Micromobility Fire Safety Act commits an unlawful practice within the meaning of this Act.

Section 99. Effective date. This Act takes effect January 1, 2026.".

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 Villivalam, **Senate Bill No. 2247** 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 55; NAYS None.

The following voted in the affirmative:

Anderson	Faraci	Koehler	Simmons
Arellano, L.	Feigenholtz	Lewis	Sims
Balkema	Fine	Lightford	Stadelman
Belt	Fowler	Loughran Cappel	Syverson
Bryant	Glowiak Hilton	Martwick	Tracy
Castro	Guzmán	McClure	Turner, D.
Cervantes	Halpin	Morrison	Turner, S.
Chesney	Harris, N.	Murphy	Ventura
Collins	Harriss, E.	Peters	Villa
Cunningham	Hastings	Plummer	Villanueva
Curran	Hills	Porfirio	Villivalam
DeWitte	Holmes	Preston	Wilcox
Edly-Allen	Johnson	Rezin	Mr. President
Ellman	Joyce	Rose	

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. 2285** 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 43; NAYS 11.

The following voted in the affirmative:

Anderson	Fine	Lewis	Simmons
Belt	Fowler	Lightford	Sims
Castro	Guzmán	Loughran Cappel	Stadelman
Cervantes	Halpin	Martwick	Turner, D.
Chesney	Harris, N.	Morrison	Ventura
Collins	Harriss, E.	Murphy	Villa
Cunningham	Hastings	Peters	Villanueva
Edly-Allen	Holmes	Plummer	Villivalam
Ellman	Johnson	Porfirio	Walker
Faraci	Joyce	Preston	Mr. President
Feigenholtz	Koehler	Rose	

The following voted in the negative:

Arellano, L.	Curran	Rezin	Turner, S.
Balkema	Hills	Syverson	Wilcox
Bryant	McClure	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 Ellman, **Senate Bill No. 2318** 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. 2 TO SENATE BILL 2318

AMENDMENT NO. 2 . Amend Senate Bill 2318, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Banking Act is amended by changing Section 46 as follows:

(205 ILCS 5/46) (from Ch. 17, par. 357)

Sec. 46. Misleading practices and names prohibited; penalty.

(a) No person, firm, partnership, or corporation that is not a bank shall transact business in this State in a manner which has a substantial likelihood of misleading the public by implying that the business is a bank, or shall use the word "bank", "banker", or "banking" in connection with the business. Any person, firm, partnership or corporation violating this Section shall be deemed guilty of a Class A misdemeanor, and the Attorney General or State's Attorney of the county in which any such violation occurs may restrain such violation by a complaint for injunctive relief.

(b) If the Commissioner is of the opinion and finds that a person, firm, partnership, or corporation that is not a bank has transacted or intends to transact business in this State in a manner which has a substantial likelihood of misleading the public by implying that the business is a bank, or has used or intends to use the word "bank", "banker", or "banking" in connection with the business, then the Commissioner may direct that person, firm, partnership, or corporation to cease and desist from transacting the business or using the word "bank", "banker", or "banking". If that person, firm, partnership, or corporation persists in transacting the business or using the word "bank", "banker", or "banking", then the Commissioner may impose a civil penalty of up to $10,000 for each violation. Each day that the person, firm, partnership, or corporation continues transacting the business or using the word "bank", "banker", or "banking" in connection with the business shall constitute a separate violation of these provisions.

(c) A person, firm, partnership, or corporation that is not a bank, and is not transacting or intending to transact business in this State in a manner that has a substantial likelihood of misleading the public by implying that such business is a bank, may apply to the Commissioner for permission to use the word "bank", "banker", or "banking" in connection with the business. If the Commissioner determines that there is no substantial likelihood of misleading the public, and upon such conditions as the Commissioner may impose to prevent the person, firm, partnership, or corporation from holding itself out in a misleading manner, then such person, firm, partnership, or corporation may use the word "bank", "banker", or "banking".

(d) (1) Unless otherwise expressly permitted by law, no person, firm, partnership, or corporation may use the name of an existing bank when marketing to or soliciting business from customers or prospective customers if the reference to the existing bank is made without the consent of the existing bank.

(1.5) Unless otherwise expressly permitted by law, no person, firm, partnership, or corporation may use a name similar to that of an existing bank when marketing to or soliciting business from customers or prospective customers if the similar name is used in a manner that could cause a reasonable person to believe that the marketing material or solicitation originated from or is endorsed by the existing bank or that the existing bank is in any other way responsible for the marketing material or solicitation.

(2) An existing bank may, in addition to any other remedies available under the law, report an alleged violation of this subsection (d) to the Commissioner. If the Commissioner finds the marketing material or solicitation in question to be in violation of this subsection, the Commissioner may direct the person, firm, partnership, or corporation to cease and desist from using that marketing material or solicitation in Illinois. If that person, firm, partnership, or corporation persists in the use of the marketing material or solicitation, then the Commissioner may impose a civil penalty of up to $10,000 for each violation. Each instance in which the marketing material or solicitation is sent to a customer or prospective customer shall constitute a separate violation of these provisions. The Commissioner is authorized to adopt ~~promulgate~~ rules to administer these provisions.

(3) (Blank).

(e) If a person, firm, partnership, or corporation that (i) does not accept insured deposits as a substantial portion of its operations and (ii) is not chartered by a State or the United States violates subsection (a), (b), or (c) of this Section, the Commissioner may impose a civil penalty of up to the maximum amount permitted under paragraph (8) of Section 48 of this Act for each violation.

(Source: P.A. 92-476, eff. 8-23-01; 92-811, eff. 8-21-02.)".

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 Ellman, **Senate Bill No. 2318** 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 55; NAYS None.

The following voted in the affirmative:

Anderson	Feigenholtz	Lewis	Sims
Arellano, L.	Fine	Lightford	Stadelman
Balkema	Fowler	Loughran Cappel	Syverson
Belt	Glowiak Hilton	Martwick	Tracy
Bryant	Guzmán	McClure	Turner, D.
Castro	Halpin	Morrison	Turner, S.

Cervantes	Harris, N.	Murphy	Ventura
Chesney	Harriss, E.	Peters	Villa
Collins	Hastings	Plummer	Villanueva
Cunningham	Hills	Porfirio	Villivalam
Curran	Holmes	Preston	Walker
Edly-Allen	Johnson	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 Cervantes, **Senate Bill No. 2339** was recalled from the order of third reading to the order of second reading.

Senator Cervantes offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 2339

AMENDMENT NO. 2 . Amend Senate Bill 2339, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Right to Privacy in the Workplace Act is amended by changing Sections 12, 13, 15, and 20 and by adding Sections 16, 17, 18, 19, and 25 as follows:

(820 ILCS 55/12)

Sec. 12. Use of Employment Eligibility Verification Systems.

(a) Prior to enrolling in any Electronic Employment Verification System, including ~~the E-Verify program and~~ the Basic Pilot program, as authorized by 8 U.S.C. 1324a, Notes, Pilot Programs for Employment Eligibility Confirmation (enacted by P.L. 104-208, div. C, title IV, subtitle A), renamed the E-Verify program, employers are urged to consult the Illinois Department of Labor's website for current information on the accuracy of the E-Verify program and to review and understand an employer's legal responsibilities relating to the use of the E-Verify program. Nothing in this Act shall be construed to require an employer to enroll in any Electronic Employment Verification System, including the E-Verify program ~~and the Basic Pilot program, as authorized by 8 U.S.C. 1324a, Notes, Pilot Programs for Employment Eligibility Confirmation (enacted by P.L. 104-208, div. C, title IV, subtitle A)~~ beyond those obligations that have been imposed upon them by federal law. Nothing in this Act shall be construed to prohibit an employer from enrolling in any Electronic Employment Verification System, including the E-Verify program, whether voluntarily or as required or permitted by federal law.

(a-1) The Illinois Department of Labor (IDOL) shall post on its website information or links to information from the United States Government Accountability Office, Westat, or a similar reliable source independent of the Department of Homeland Security regarding: (1) the accuracy of the E-Verify databases; (2) the approximate financial burden and expenditure of time that use of E-Verify requires from employers; and (3) an overview of an employer's responsibilities under federal and state law relating to the use of E-Verify.

(b) Upon initial enrollment in an Employment Eligibility Verification System or within 30 days after the effective date of this amendatory Act of the 96th General Assembly, an employer enrolled in E-Verify or any other Employment Eligibility Verification System must attest, under penalty of perjury, on a form prescribed by the IDOL available on the IDOL website:

(1) that the employer has received the Basic Pilot or E-Verify training materials from the Department of Homeland Security (DHS), and that all employees who will administer the program have completed the ~~Basic Pilot or~~ E-Verify Computer Based Tutorial (CBT); and

(2) that the employer has posted the notice from DHS indicating that the employer is enrolled in the ~~Basic Pilot or~~ E-Verify program and the anti-discrimination notice issued by the Immigrant and

Employee Rights Section (IER) ~~Office of Special Counsel for Immigration Related Unfair Employment Practices (OSC)~~, Civil Rights Division, U.S. Department of Justice in a prominent place that is clearly visible to both prospective and current employees. The employer must maintain the signed original of the attestation form prescribed by the IDOL, as well as all CBT certificates of completion and make them available for inspection or copying by the IDOL at any reasonable time.

(c) It is a violation of this Act for an employer enrolled in an Employment Eligibility Verification System, including the E-Verify program ~~and the Basic Pilot program~~:

(1) to fail to display the notices supplied by DHS and IER ~~OSC~~ in a prominent place that is clearly visible to both prospective and current employees;

(2) to allow any employee to use an Employment Eligibility Verification System prior to having completed CBT;

(3) to fail to take reasonable steps to prevent an employee from circumventing the requirement to complete the CBT by assuming another employee's E-Verify or Basic Pilot user identification or password;

(4) to use the Employment Eligibility Verification System to verify the employment eligibility of job applicants prior to hiring or to otherwise use the Employment Eligibility Verification System to screen individuals prior to hiring and prior to the completion of a Form I-9;

(5) to terminate an employee or take any other adverse employment action against an individual prior to receiving a final nonconfirmation notice from ~~the Social Security Administration or~~ the Department of Homeland Security;

(6) to fail to notify an individual, in writing, of the employer's receipt of a tentative nonconfirmation notice, of the individual's right to contest the tentative nonconfirmation notice, and of the contact information for the relevant government agency or agencies that the individual must contact to resolve the tentative nonconfirmation notice;

(7) to fail to safeguard the information contained in the Employment Eligibility Verification System, and the means of access to the system (such as passwords and other privacy protections). An employer shall ensure that the System is not used for any purpose other than employment verification of newly hired employees and shall ensure that the information contained in the System and the means of access to the System are not disseminated to any person other than employees who need such information and access to perform the employer's employment verification responsibilities.

(c-1) Any claim that an employer refused to hire, segregated, or acted with respect to recruitment, hiring, promotion, renewal or employment, selection for training or apprenticeship, discharge, discipline, tenure or terms, privileges, or conditions of employment without following the procedures of the Employment Eligibility Verification System, including ~~the Basic Pilot and~~ the E-Verify program ~~programs~~, may be brought under paragraph (G)(2) of Section 2-102 of the Illinois Human Rights Act.

(c-2) It is a violation of this Section for an individual to falsely pose as an employer in order to enroll in an Employment Eligibility Verification System or for an employer to use an Employment Eligibility Verification System to access information regarding an individual who is not an employee of the employer.

(d) Preemption. Neither the State nor any of its political subdivisions, nor any unit of local government, including a home rule unit, may require any employer to use an Employment Eligibility Verification System, including under the following circumstances:

(1) as a condition of receiving a government contract;

(2) as a condition of receiving a business license; or

(3) as penalty for violating licensing or other similar laws.

This subsection (d) is a denial and limitation of home rule powers and functions under subsection (h) of Section 6 of Article VII of the Illinois Constitution.

(Source: P.A. 103-879, eff. 1-1-25.)

(820 ILCS 55/13)

Sec. 13. Restrictions on the use of Employment Eligibility Verification Systems.

(a) As used in this Section:

"Employee's authorized representative" means an exclusive collective bargaining representative, an attorney, or, upon written notification to the employer, any other representative authorized by the employee.

"Inspecting entity" means the U.S. Department of Homeland Security, the Immigrant Employee Rights Section, or the U.S. Department of Labor, as required under 8 U.S.C. 1324a(b)(3) ~~Immigration and Customs Enforcement, United States Customs and Border Protection, or any other federal entity enforcing civil immigration violations of an employer's I-9 Employment Eligibility Verification forms~~.

(b) An employer shall not impose work authorization verification or re-verification requirements greater than those required by federal law or, if enrolled in an Employment Eligibility Verification System, including the E-Verify program, shall not impose work authorization verification or re-verification requirements greater than those required by the Employment Eligibility Verification System, including the E-Verify program.

(c) If an employer contends that there is a discrepancy in an employee's employment verification information, the employer must provide the employee with:

(1) The specific document or documents, if made available to the employer, that the employer deems to be deficient and the reason why the document or documents are deficient. Upon request by the employee or the employee's authorized representative, the employer shall give to the employee the original document forming the basis for the employer's contention of deficiency within 7 business days, unless a shorter timeline is provided for under a collective bargaining agreement.

(2) Instructions on how the employee can correct the alleged deficient documents if required to do so by law.

(3) An explanation of the employee's right to have representation present during related meetings, discussions, or proceedings with the employer. If the alleged discrepancy is based on information obtained through the employer's participation in the E-Verify program, the right to representation shall apply unless not~~, if~~ allowed by a memorandum of understanding concerning the federal E-Verify system.

(4) An explanation of any other rights that the employee may have in connection with the employer's contention.

(d) (Blank). ~~When an employer receives notification from any federal or State agency, including, but not limited to, the Social Security Administration or the Internal Revenue Service, of a discrepancy as it relates to work authorization, the following rights and protections are granted to the employee:~~

~~(1) The employer must not take any adverse action against the employee, including re-verification, based on the receipt of the notification.~~

~~(2) The employer must provide a notice to the employee and, if allowed by a memorandum of understanding concerning the federal E-Verify system, to the employee's authorized representative, if any, as soon as practicable, but not more than 5 business days after the date of receipt of the notification, unless a shorter timeline is provided for under federal law or a collective bargaining agreement. The notice to the employee shall include, but not be limited to: (i) an explanation that the federal or State agency has notified the employer that the employee's work authorization documents presented by the employee do not appear to be valid or reasonably relate to the employee; and (ii) the time period the employee has to contest the federal or State agency's determination. The employer shall notify the employee in person and deliver the notification by hand, if possible. If hand delivery is not possible, then the employer shall notify the employee by mail and email, if the email address of the employee is known, and shall notify the employee's authorized representative. Upon request by the employee or the employee's authorized representative, the employer shall give to the employee the original notice from the federal or State agency, including, but not limited to, the Social Security Administration or the Internal Revenue Service, within 7 business days. This original notice shall be redacted in compliance with State and federal privacy laws and shall relate only to the employee receiving the notification.~~

~~(3) The employee may have a representative of the employee's choosing in any meetings, discussions, or proceedings with the employer.~~

~~The procedures described in this subsection do not apply to inspections of an employer's I-9 Employment Verification Forms by an inspecting entity or any relevant procedure otherwise described in subsection (g).~~

(d-5) If an employer receives a written notification from any federal agency or other outside vendor not responsible for the enforcement of immigration law, including, but not limited to, the Social Security Administration, the Internal Revenue Service, or an insurance company, of a discrepancy as it relates to an employee's individual taxpayer identification number or other identifying documents, the following rights and protections are granted to the employee:

(1) The employer shall not take any adverse action against the employee, including requiring an employee to re-verify the employee's authorization to work in the United States solely based on the receipt of the notification.

(2) The employer shall provide a notice to the employee and to the employee's authorized representative, if any, as soon as practicable, but not more than 5 business days after the date of receipt of the notification or after the employer makes the determination that an employee must respond to the notification in any manner, whichever is longer, unless a shorter timeline is provided for under federal law or a collective bargaining agreement. The employer shall notify the employee in person and deliver the notification by hand, if possible. If hand delivery is not possible, then the employer shall notify the employee by mail and email, if the email address of the employee is known, and shall notify the employee's authorized representative. Upon request by the employee or the employee's authorized representative, the employer shall give to the employee the original notification. The notice to the employee shall include, but shall not be limited to: (A) an explanation that the federal agency or outside vendor not responsible for the enforcement of immigration law has notified the employer that the identification documents presented by the employee do not appear to match; (B) the time period the employee has to contest the disputed information, if such a time period is required by federal law; and (C) any action the employer is requiring the employee to take.

(3) The employee may have a representative of the employee's choosing in any meetings, discussions, or proceedings with the employer.

(e) Except as otherwise required by federal law, an employer shall provide a notice to each current employee, by posting in English and in any language commonly used in the workplace, of any inspections of I-9 Employment Eligibility Verification forms or other employment records conducted by the inspecting entity within 72 hours after receiving notice of the inspection. Written notice shall also be given within 72 hours to the employee's authorized representative, if any. The posted notice shall contain the following information:

(1) the name of the entity conducting the inspections of I-9 Employment Eligibility Verification forms or other employment records;

(2) the date that the employer received notice of the inspection;

(3) the nature of the inspection to the extent known by the employer; and

(4) a copy of the notice received by the employer.

An employer, upon reasonable request, shall provide an employee a copy of the Notice of Inspection of I-9 Employment Eligibility Verification forms.

(f) On or before 6 months after the effective date of this amendatory Act of the 103rd General Assembly, the Department shall develop a template posting that employers may use to comply with the requirements of subsection (e) to inform employees of a notice of inspection to be conducted of I-9 Employment Eligibility Verification forms or other employment records conducted by the inspecting entity. The Department shall make the template available on its website so that it is accessible to any employer.

(g) Except as otherwise required by federal law, if during an inspection of the employer's I-9 Employment Eligibility Verification forms by an inspecting entity, the inspecting entity makes a determination that the employee's work authorization documents do not establish that the employee is authorized to work in the United States and provide the employer with notice of that determination, the employer shall provide a written notice as set forth in this subsection to the employee within 5 business days, unless a shorter timeline is provided for under federal law or a collective bargaining agreement. The employer's notice to the employee shall relate to the employee only. The employer shall notify the employee in person and deliver the notification by hand, if possible. If hand delivery is not possible, then the employer shall notify the employee by mail and email, if the email address of the employee is known, and shall notify the employee's authorized representative. The employer's notice to the employee shall contain the following information:

(1) an explanation that the inspecting entity has determined that the employee's work authorization documents presented by the employee do not appear to be valid or reasonably relate to the employee;

(2) the time period for the employee to notify the employer whether the employee is contesting or not contesting the determination by the inspecting entity, if any time period is required by federal law;

(3) if known by the employer, the time and date of any meeting with the employer and employee or with the inspecting entity and employee related to the correction of the inspecting entity's determination that the employee's work authorization documents presented by the employee do not appear to be valid or reasonably relate to the employee; and

(4) notice that the employee has the right to representation during any meeting scheduled with the employer and the inspecting entity.

If the employee contests the inspecting entity's determination, the employer will notify the employee within 72 hours after receipt of any final determination by the inspecting entity related to the employee's work authorization status. Upon request by the employee or the employee's authorized representative, the employer shall give the employee the original notice from the inspecting entity within 7 business days. This original notice shall be redacted in compliance with State and federal privacy laws and shall relate only to the employee receiving the notification.

(h) This Section does not require a penalty to be imposed upon an employer or person who fails to provide notice to an employee at the express and specific direction or request of the federal government. ~~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. The penalty may be recovered in a civil action brought by the Director in any circuit court.~~ Upon request by the employee or the employee's authorized representative, the employer shall give the employee the original notice from the inspecting entity within 7 business days.

(i) This Section applies to public and private employers.

(j) Nothing in this Section shall be interpreted, construed, or applied to restrict or limit an employer's compliance with a memorandum of understanding concerning the use of the federal E-Verify system.

(Source: P.A. 103-879, eff. 1-1-25.)

(820 ILCS 55/15) (from Ch. 48, par. 2865)

Sec. 15. Administration and enforcement by the Department.

(a) It shall be the duty of the Department to enforce the provisions of this Act when, in the Department's judgment, there is cause and sufficient resources for investigation. The Department shall have the power to conduct investigations in connection with the administration and enforcement of this Act, and any investigator with the Department shall be authorized to visit and inspect, at all reasonable times, any places covered by this Act and shall be authorized to inspect, at all reasonable times, records of the employer or prospective employer related to its employees or prospective employees and related to its participation in and compliance with the E-Verify program. The Department shall have the authority to request the issuance of a search warrant or subpoena to inspect the files of the employer or prospective employer, if necessary. The Department shall conduct hearings in accordance with the Illinois Administrative Procedure Act upon written complaint by an investigator of the Department. After the hearing, if supported by the evidence, the Department may (i) issue and cause to be served on any party an order to cease and desist from further violation of the Act, (ii) take affirmative or other action as deemed reasonable to eliminate the effect of the violation, and (iii) determine the amount of any civil penalty allowed by the Act. The Director of Labor or his or her 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 ~~The Director of Labor or his authorized representative shall administer and enforce the provisions of this Act. The Director of Labor may issue rules and regulations necessary to administer and enforce the provisions of this Act~~.

(b) If an employee or applicant for employment alleges that he or she has been denied his or her rights under this Act, he or she may file a complaint with the Department of Labor. The Department shall investigate the complaint pursuant to its authority under subsection (a) ~~and shall have authority to request the issuance of a search warrant or subpoena to inspect the files of the employer or prospective employer, if necessary~~. The Department shall attempt to resolve the complaint by conference, conciliation, or persuasion. If the complaint is not so resolved and the Department finds the employer or prospective employer has violated the Act, the Department may commence an action in the circuit court to enforce the provisions of this Act including an action to compel compliance. The circuit court for the county in which the complainant resides or in which the complainant is employed shall have jurisdiction in such actions.

(c) (Blank). ~~If an employer or prospective employer violates this Act, an employee or applicant for employment may commence an action in the circuit court to enforce the provisions of this Act, including actions to compel compliance, where efforts to resolve the employee's or applicant for employment's complaint concerning the violation by conference, conciliation or persuasion under subsection (b) have failed and the Department has not commenced an action in circuit court to redress the violation. The circuit court for the county in which the complainant resides or in which the complainant is employed shall have jurisdiction in such actions.~~

(d) (Blank). ~~Failure to comply with an order of the court may be punished as contempt. In addition, the court shall award an employee or applicant for employment prevailing in an action under this Act the following damages:~~

~~(1) Actual damages plus costs.~~

~~(2) For a willful and knowing violation of this Act, $200 plus costs, reasonable attorney's fees, and actual damages.~~

~~(3) For a willful and knowing violation of Section 12(c) or Section 12(c-2) of this Act, $500 per affected employee plus costs, reasonable attorney's fees, and actual damages.~~

~~(4) For a willful and knowing violation of Section 13, a civil penalty of a minimum of $2,000 up to a maximum of $5,000 for a first violation and a civil penalty of a minimum of $5,000 up to a maximum of $10,000 for each subsequent violation per affected employee plus costs, reasonable attorney's fees, and actual damages.~~

(e) Any employer or prospective employer or his agent who violates the provisions of this Act is guilty of a petty offense.

(f) Any employer or prospective employer, or the officer or agent of any employer or prospective employer, who discharges or in any other manner discriminates against any employee or applicant for employment because that employee or applicant for employment has made a complaint to his employer, or to the Director of Labor or his authorized representative, or because that employee or applicant for employment has caused to be instituted or is about to cause to be instituted any proceeding under or related to this Act, or because that employee or applicant for employment has testified or is about to testify in an investigation or proceeding under this Act, is guilty of a petty offense.

(g) No employer or prospective employer shall be subject to concurrent or duplicative enforcement actions under both Sections 16 and 17. Upon the initiation of any action under either Section 16 or 17, all other rights of action under the other Section shall be precluded. The first action commenced shall bar any further enforcement based on the same set of facts or alleged violation. For the purposes of this Section, an action is deemed to be initiated upon the filing of a complaint in circuit court.

(Source: P.A. 103-879, eff. 1-1-25.)

(820 ILCS 55/16 new)

Sec. 16. Action for civil penalties brought by an interested party.

(a) As used in this Section, "interested party" means a not-for-profit corporation, as defined by the General Not For Profit Corporation Act of 1986, or a labor organization, as defined by 29 U.S.C. 152(5), that monitors or is attentive to compliance with worker safety and privacy laws, wage and hour requirements, or other statutory requirements.

(b) Upon a reasonable belief that an employer or prospective employer covered by this Act is in violation of any part of this Act, an interested party may bring a civil action in the county where the alleged offenses occurred or where any party to the action resides, in the name of the State and for the benefit of any impacted employees or prospective employees.

(1) No later than 30 days after filing an action, the interested party shall serve upon the State through the Attorney General a copy of the complaint and written disclosure of substantially all material evidence and information the interested party possesses.

(2) The State may elect to intervene and proceed with the action no later than 60 days after it receives both the complaint and the material evidence and information. The State may, for good cause shown, move the court for an extension of the time to intervene and proceed with the action.

(3) Before the expiration of the 60-day period or any extensions under subparagraph (2), the State shall:

(i) proceed with the action, in which case the action shall be conducted by the State; or

(ii) notify the court that it declines to take the action, in which case the interested party bringing the action shall have the right to conduct the action.

(4) When the State conducts the action, the interested party shall have the right to continue as a party to the action subject to the following limitations:

(i) the State may dismiss the action notwithstanding the objections of the interested party initiating the action if the interested party has been notified by the State of the filing of the motion and the court has provided the interested party with an opportunity for a hearing on the motion; and

(ii) the State may settle the action with the defendant notwithstanding the objections of the person initiating the action if the court determines, after a hearing, that the proposed settlement is fair, adequate, and reasonable under all the circumstances.

(5) If an interested party brings an action under this Section, no person other than the State may intervene or bring a related action on behalf of the State based on the facts underlying the pending action.

(6) An action brought in court by an interested party under this Section may be dismissed if the court and the Attorney General give written consent to the dismissal and their reasons for consenting.

(c) Any claim or action filed by an interested party under this Section shall be made no later 3 years after the alleged conduct resulting in the complaint, plus any period for which the limitations period has been tolled.

(d) In an action brought by an interested party under this Section, an interested party may recover against the covered entity any statutory penalties set forth in Section 17, injunctive relief, and any other relief available to the Department. An interested party who prevails in a civil action shall receive 10% of any statutory penalties assessed, plus any attorney's fees and costs. The remaining 90% of any statutory penalties assessed shall be deposited into a special fund of the Department for enforcement of this Act.

(820 ILCS 55/17 new)

Sec. 17. Private right of action.

(a) A person aggrieved by a violation of this Act or any rule adopted under this Act by an employer or prospective employer may file suit in circuit court of Illinois, in the county where the alleged offense occurred, where the employee or prospective employee who is party to the action resides, or where the employer or prospective employer which is party to the action is located, without regard to exhaustion of any alternative administrative remedies provided in this Act. Actions may be brought by one or more affected employees or prospective employees for and on behalf of themselves and employees or prospective employees similarly situated. An employee or prospective employee may recover for a violation of the Act under this Section or under Section 15 or 16 at the employee or prospective employee's option, but not under more than one Section. An employee or prospective employee whose rights have been violated under this Act by an employer or prospective employer is entitled to collect under this Section:

(1) in the case of a violation of this Act or any rule adopted under this Act as it relates to the employee or prospective employee, a civil penalty of not less than $100 and not more than $1,000 for each violation found by a court;

(2) in the event a violation of this Act or any rule adopted under this Act as it relates to denial or loss of employment for the employee or prospective employee, all relief necessary to make the employee whole, including, but not limited to, the following:

(i) reinstatement with the same seniority status that the employee would have had but for the violation, as appropriate;

(ii) back pay, with interest, as appropriate; and

(iii) a civil penalty of $10,000; and

(3) compensation for any damages sustained as a result of the violation, including litigation costs, expert witness fees, and reasonable attorney's fees.

(b) The right of an aggrieved person to bring an action under this Section terminates upon the passing of 3 years after the date of the violation. This limitations period is tolled if an employer or prospective employer has failed to provide an employee or prospective employee information required under this Act or has deterred an employee or prospective employee from the exercise of rights under this Act.

(820 ILCS 55/18 new)

Sec. 18. Penalties.

(a) An employer or prospective employer that violates any of the provisions of this Act or any rule adopted under this Act shall be subject to a civil penalty of not less than $100 and not more than $1,000 for each violation of his Act found by the Department or determined by a court in a civil action brought by the Department or by an interested party, as defined in subsection (a) of Section 16, or determined by a court in a civil action brought by the Attorney General pursuant to its authority under Section 6.3 of the Attorney General Act. An employer or prospective employer that commits a second or subsequent violation of the same provisions or this Act or any rule adopted under this Act within a 3-year period shall be subject to a civil penalty of not less than $1,000 and not more than $5,000 for each violation of this Act found by the Department or determined by a court in a civil action brought by the Department or by an interested party, as defined in subsection (a) of Section 16, or determined by a court in a civil action brought by the Attorney

General pursuant to its authority under Section 6.3 of the Attorney General Act. For purposes of this subsection, each violation of this Act or any rule adopted under this Act shall constitute a separate and distinct violation.

(b) In determining the amount of a penalty, the Director or circuit court shall consider (i) the appropriateness of the penalty to the size of the business of the employer charged and (ii) the gravity of the violation.

(c) The Department shall adopt rules for violation hearings and penalties for violations of this Act or the Department's rules in conjunction with the penalties set forth in this Act. Any administrative determination by the Department as to the amount of each penalty shall be final unless reviewed as provided in Section 17.

(820 ILCS 55/19 new)

Sec. 19. Review under the Administrative Review Law. Any party to a proceeding under this 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 Act, may obtain an order from the court for the enforcement of its order.

(820 ILCS 55/20)

Sec. 20. Dismissal of complaint. The Director or any court of competent jurisdiction shall summarily dismiss any complaint alleging a violation of Section 5 of this Act which states as the sole cause of the complaint that the employer offered a health, disability, or life insurance policy that makes a distinction between employees for the type of coverage or the price of coverage based upon the employees' use of lawful products.

(Source: P.A. 87-807.)

(820 ILCS 55/25 new)

Sec. 25. Voluntary compliance and safe harbor. No penalties shall be imposed under this Act if the employer or prospective employer:

(1) acts in good faith reliance on guidance issued by the Illinois Department of Labor or the federal Department of Homeland Security; or

(2) makes a bona fide administrative error that does not affect an employee or prospective employee's employment or pay.".

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 Cervantes, **Senate Bill No. 2339** 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 35; NAYS 21.

The following voted in the affirmative:

Belt	Fine	Loughran Cappel	Stadelman
Castro	Guzmán	Martwick	Turner, D.
Cervantes	Halpin	Morrison	Ventura
Collins	Harris, N.	Murphy	Villa
Cunningham	Hastings	Peters	Villanueva
Edly-Allen	Holmes	Porfirio	Villivalam
Ellman	Johnson	Preston	Walker
Faraci	Koehler	Simmons	Mr. President
Feigenholtz	Lightford	Sims	

The following voted in the negative:

Anderson	DeWitte	Lewis	Tracy
Arellano, L.	Fowler	McClure	Turner, S.
Balkema	Glowiak Hilton	Plummer	Wilcox
Bryant	Harriss, E.	Rezin	
Chesney	Hills	Rose	
Curran	Joyce	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.

SENATE BILL RECALLED

On motion of Senator Collins, **Senate Bill No. 2437** was recalled from the order of third reading to the order of second reading.

Floor Amendment No. 1 was held in the Committee on Health and Human Services.

Senator Collins offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 2437

AMENDMENT NO. 2 . Amend Senate Bill 2437 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Public Aid Code is amended by adding Sections 5-18.6 and 5-18.7 as follows:

(305 ILCS 5/5-18.6 new)

Sec. 5-18.6. Doula policies; hospitals and birthing centers.

(a) Recognizing the importance that doulas provide in the support and advocacy for pregnant persons, within 6 months after this amendatory Act of the 104th General Assembly, all hospitals with licensed obstetric beds and birthing centers shall adopt and maintain written policies and procedures to permit a patient enrolled in the medical assistance program to have an Illinois Medicaid certified and enrolled doula of the patient's choice accompany the patient within the facility's premises for the purposes of providing support before, during, and after labor and childbirth.

(1) An Illinois Medicaid certified and enrolled doula shall not be counted as a support person or against the guest quota before, during, or after childbirth.

(2) Each applicable facility shall post a summary of the facility's policies and procedures adopted in accordance with this subsection on its website, including contact information to facilitate communication between the facility and Illinois Medicaid enrolled doulas and doula organizations.

(b) Nothing in this Section shall be construed to provide a doula with access to a patient when that access is inconsistent with generally accepted medical standards or practices.

(c) Nothing in this Section is intended to expand or limit the malpractice liability of a hospital beyond the limits existing in current Illinois statutory and common law; however, no hospital shall be liable for any act or omission resulting from the provision of services by any doula solely on the basis that the hospital permitted an Illinois Medicaid certified and enrolled doula of the patient's choice to accompany the patient within the facility's premises for the purposes of providing support before, during, and after labor and childbirth. The hospital and Illinois Medicaid certified and enrolled doula providing care are responsible for their own acts and omissions.

(d) At the request of the hospital or birthing facility, Illinois Medicaid enrolled doulas must provide written acknowledgment of Illinois Medicaid doula certification and enrollment in the medical assistance program.

(305 ILCS 5/5-18.7 new)

Sec. 5-18.7. Standing recommendations. The Department of Healthcare and Family Services and the Department of Public Health may establish standing recommendations to meet Centers for Medicare and Medicaid Services requirements and ensure access to preventive services, including Medicaid-covered maternal and reproductive health supports and services, such as, but not limited to, doulas, lactation consultants, home visitors, community health workers, and 1115 Waiver services. No employee of the Department of Healthcare and Family Services or the Department of Public Health issuing a standing recommendation in accordance with this Section shall, as a result of the employee's acts or omissions in issuing the standing recommendation, be subject to (i) any disciplinary or other adverse action under the Medical Practice Act of 1987, (ii) any civil liability, or (iii) any criminal liability.".

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 Collins, **Senate Bill No. 2437** 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 56; NAYS None.

The following voted in the affirmative:

Anderson	Feigenholtz	Lightford	Syverson
Arellano, L.	Fine	Loughran Cappel	Tracy
Balkema	Fowler	Martwick	Turner, D.
Belt	Glowiak Hilton	McClure	Turner, S.
Bryant	Guzmán	Morrison	Ventura
Castro	Halpin	Murphy	Villa
Cervantes	Harris, N.	Peters	Villanueva
Chesney	Harriss, E.	Plummer	Villivalam
Collins	Hastings	Porfirio	Walker
Cunningham	Hills	Preston	Wilcox
Curran	Holmes	Rezin	Mr. President
DeWitte	Johnson	Rose	
Edly-Allen	Joyce	Simmons	
Ellman	Koehler	Sims	
Faraci	Lewis	Stadelman	

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 Cervantes, **Senate Bill No. 2459** was recalled from the order of third reading to the order of second reading.

Senator Cervantes offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 2459

AMENDMENT NO. 1 . Amend Senate Bill 2459 on page 12, line 16, by replacing "9 CFR 3.125 through 9 CFR 3.142" with "9 CFR 530 through 9 CFR 561".

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 Cervantes, **Senate Bill No. 2459** 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 55; NAY 1.

The following voted in the affirmative:

Anderson	Faraci	Koehler	Sims
Arellano, L.	Feigenholtz	Lewis	Stadelman
Balkema	Fine	Lightford	Syverson
Belt	Fowler	Loughran Cappel	Tracy
Bryant	Glowiak Hilton	Martwick	Turner, D.
Castro	Guzmán	McClure	Turner, S.
Cervantes	Halpin	Morrison	Ventura
Chesney	Harris, N.	Murphy	Villa
Collins	Harriss, E.	Peters	Villanueva
Cunningham	Hastings	Plummer	Villivalam
Curran	Hills	Porfirio	Walker
DeWitte	Holmes	Preston	Wilcox
Edly-Allen	Johnson	Rezin	Mr. President
Ellman	Joyce	Simmons	

The following voted in the negative:

Rose

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 E. Harriss, **Senate Bill No. 2463** was recalled from the order of third reading to the order of second reading.

Senator E. Harriss offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 2463

AMENDMENT NO. 1 . Amend Senate Bill 2463 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Oil and Gas Act is amended by changing Sections 2, 6, 8b, 8c, and 12 as follows:

(225 ILCS 725/2) (from Ch. 96 1/2, par. 5404)

Sec. 2. The provisions of this Act do not apply to quarry drill or blast holes, nor to seismograph test holes.

The provisions of this Act do not apply to geological, structure, coal or other mineral test holes, or monitoring wells in connection with any activity regulated by the Department, except that notification of intent to drill accompanied by the required fee as established by the Department and a bond shall be filed with the Department, a permit shall be obtained, and all holes shall be plugged under the supervision of the Department. The bond shall be executed by a surety, authorized to transact business in this State, in the amount of $2500 for each permit or a blanket bond of $25,000 for all permits. In lieu of the surety bond, the applicant may provide ~~cash,~~ certificates of deposit~~,~~ or irrevocable letters of credit as security for the plugging obligation under the terms and conditions as the Department may provide by rule.

Information and records of the Department in connection with the drilling of any geological, structure, coal, or other mineral test hole shall be kept confidential, if requested in writing by the permittee, for a period of 2 years following the date the permit was issued.

(Source: P.A. 89-243, eff. 8-4-95.)

(225 ILCS 725/6) (from Ch. 96 1/2, par. 5409)

Sec. 6. The Department shall have the authority to conduct hearings and to make such reasonable rules as may be necessary from time to time in the proper administration and enforcement of this Act, including the adoption of rules and the holding of hearings for the following purposes:

(1) To require the drilling, casing and plugging of wells to be done in such a manner as to prevent the migration of oil or gas from one stratum to another; to prevent the intrusion of water into oil, gas or coal strata; to prevent the pollution of fresh water supplies by oil, gas or salt water.

(2) To require the person desiring or proposing to drill, deepen or convert any well for the exploration or production of oil or gas, for injection or water supply in connection with enhanced recovery projects, for the disposal of salt water, brine, or other oil or gas field wastes, or for input, withdrawal, or observation in connection with the storage of natural gas or other liquid or gaseous hydrocarbons before commencing the drilling, deepening or conversion of any such well, to make application to the Department upon such form as the Department may prescribe and to comply with the provisions of this Section. The drilling, deepening or conversion of any well is hereby prohibited until such application is made and the applicant is issued a permit therefor as provided by this Act. Each application for a well permit shall include the following: (A) The exact location of the well, (B) the name and address of the manager, operator, contractor, driller, or any other person responsible for the conduct of drilling operations, (C) the proposed depth of the well, (D) lease ownership information, and (E) such other relevant information as the Department may deem necessary or convenient to effectuate the purposes of this Act.

(2.5) Additionally, for each applicant who has not been issued a permit that is (i) not of record with the Department on the effective date of this amendatory Act of the 104th General Assembly ~~on the effective date of this amendatory Act of 1991~~, or (ii) a permittee on record with the Department but who has failed to make ~~not thereafter made~~ payments of the assessments as required under Section 19.7 of this Act at any time in the preceding 5 ~~for at least 2 consecutive~~ years of the application, the permittee or applicant ~~preceding the application,~~ shall execute, as principal, and file with the Department a bond, executed by a surety authorized to transact business in this State, in an amount estimated to cover the cost of plugging the well and restoring the well site and shall set at the following rates:~~, but not to exceed~~

(A) $10,000 for one well;

(B) $25,000 in total covering a blanket bond for up to 10 wells;

(C) $50,000 in total covering a blanket bond for up to 50 wells; or

(D) $100,000 in total covering a blanket bond for up to 100 wells.

A blanket bond covering more than 100 wells shall be increased to include the bond amount, as provided in this paragraph (2.5), for the total number of wells more than 100 that are covered by the blanket bond. Such bond shall be submitted to the Department ~~$5000, as determined by the Department for each well, or a blanket bond in an amount not to exceed $100,000 for all wells,~~ before drilling, deepening, converting, or operating any well for which a new or transfer permit is required and that has not previously been plugged and abandoned in accordance with the Act. The Department shall release the bond if any of the following are met:

(i) all wells covered by the bond are plugged and all well sites are restored in accordance with this Act and administrative rules;

(ii) all wells covered by the bond are transferred in accordance with this Act and administrative rules; or

(iii) ~~the well, or all wells in the case of a blanket bond, is not completed but is plugged and the well site restored in accordance with the Department's rules or is completed in accordance with the Department's rules and~~ the permittee pays assessments to the Department in accordance with Section 19.7 of this Act for 5 ~~2~~ consecutive years from the date of issuance of a permit after the effective date of this amendatory Act of the 104th General Assembly and the permittee is not in violation of this Act or any administrative rules.

In lieu of a surety bond, the applicant may provide ~~cash,~~ certificates of deposit~~,~~ or irrevocable letters of credit under such terms and conditions as the Department may provide by rule.

The sureties on all bonds in effect on this amendatory Act of the 104th General Assembly ~~the effective date of this amendatory Act of 1991~~ shall remain liable as sureties in accordance with their undertakings until released by the Department from further liability under the Act. The principal on each bond in effect on the effective date of this amendatory Act of the 104th General Assembly ~~the effective date of this amendatory Act of 1991~~ shall be released from the obligation of maintaining the bond if ~~either~~ the well covered by a surety bond has been plugged and the well site restored in accordance with the Department's rules or the principal of the surety has paid the initial assessment in accordance with Section 19.7 and no well or well site covered by the surety bond is in violation of the Act.

No permit shall be issued to a corporation incorporated outside of Illinois until the corporation has been authorized to do business in Illinois.

No permit shall be issued to an individual, partnership, or other unincorporated entity that is not a resident of Illinois until that individual, partnership, or other unincorporated entity has irrevocably consented to be sued in Illinois.

(3) To require the person assigning, transferring, or selling any well for which a permit is required under this Act to notify the Department of the change of ownership. The notification shall be on a form prescribed by the Department, shall be executed by the current permittee and by the new permittee, or their authorized representatives, and shall be filed with the Department within 30 days after the effective date of the assignment, transfer or sale. Within the 30 day notification period and prior to operating the well, the new permittee shall pay the required well transfer fee and, where applicable, file with the Department the bond required under subsection (2.5) ~~subsection (2)~~ of this Section.

(4) To require the filing with the State Geological Survey of all geophysical logs, a well drilling report and drill cuttings or cores, if cores are required, within 90 days after drilling ceases; and to file a completion report with the Department within 30 days after the date of first production following initial drilling or any reworking, or after the plugging of the well, if a dry hole. A copy of each completion report submitted to the Department shall be delivered to the State Geological Survey. The Department and the State Geological Survey shall keep the reports confidential, if requested in writing by the permittee, for 2 years after the date the permit is issued by the Department. This confidentiality requirement shall not prohibit the use of the report for research purposes, provided the State Geological Survey does not publish specific data or identify the well to which the completion report pertains.

(5) To prevent "blowouts", "caving" and "seepage" in the same sense that conditions indicated by such terms are generally understood in the oil and gas business.

(6) To prevent fires.

(7) To ascertain and identify the ownership of all oil and gas wells, producing leases, refineries, tanks, plants, structures, and all storage and transportation equipment and facilities.

(8) To regulate the use of any enhanced recovery method in oil pools and oil fields.

(9) To regulate or prohibit the use of vacuum.

(10) To regulate the spacing of wells, the issuance of permits, and the establishment of drilling units.

(11) To regulate directional drilling of oil or gas wells.

(12) To regulate the plugging of wells.

(13) To require that wells for which no logs or unsatisfactory logs are supplied shall be completely plugged with cement from bottom to top.

(14) To require a description in such form as is determined by the Department of the method of well plugging for each well, indicating the character of material used and the positions and dimensions of each plug.

(15) To prohibit waste, as defined in this Act.

(16) To require the keeping of such records, the furnishing of such relevant information and the performance of such tests as the Department may deem necessary to carry into effect the purposes of this Act.

(17) To regulate the disposal of salt or sulphur-bearing water and any oil field waste produced in the operation of any oil or gas well.

(18) To prescribe rules, conduct inspections and require compliance with health and safety standards for the protection of persons working underground in connection with any oil and gas operations. For the purposes of this paragraph, oil and gas operations include drilling or excavation, production operations, plugging or filling in and sealing, or any other work requiring the presence of workers in shafts or excavations beneath the surface of the earth. Rules promulgated by the Department may include minimum qualifications of persons performing tasks affecting the health and safety of workers underground, minimum standards for the operation and maintenance of equipment, and safety procedures and precautions, and shall conform, as nearly as practicable, to corresponding qualifications, standards and procedures prescribed under the Coal Mining Act.

(19) To deposit the amount of any forfeited surety bond or other security in the Plugging and Restoration Fund, a special fund in the State treasury which is hereby created; to deposit into the Fund any amounts collected, reimbursed or recovered by the Department under Sections 19.5, 19.6 and 19.7 of this Act; to accept, receive, and deposit into the Fund any grants, gifts or other funds which may be made available from public or private sources and all earnings received from investment of monies in the Fund; and to make expenditures from the Fund for the purposes of plugging, replugging or repairing any well, and restoring the site of any well, determined by the Department to be abandoned or ordered by the Department to be plugged, replugged, repaired or restored under Sections 8a, 19 or 19.1 of this Act, including expenses in administering the Fund.

For the purposes of this Act, the State Geological Survey shall co-operate with the Department in making available its scientific and technical information on the oil and gas resources of the State, and the Department shall in turn furnish a copy to the State Geological Survey of all drilling permits as issued, and such other drilling and operating data received or secured by the Department which are pertinent to scientific research on the State's mineral resources.

(Source: P.A. 86-205; 86-364; 86-1177; 87-744.)

(225 ILCS 725/8b) (from Ch. 96 1/2, par. 5414)

Sec. 8b. No person shall drill, convert or deepen a well for the purpose of disposing of oil field brine or for using any enhanced recovery method in any underground formation or strata without first securing a permit therefor. Such permit shall be obtained as provided in subsections ~~clause~~ (2) and (2.5) of Section 6 and is subject to the fee prescribed in Section 14, except that such fees for Class II UIC wells shall be deposited in the Underground Resources Conservation Enforcement Fund. All injection wells regulated by the Department's Class II UIC program approved pursuant to 40 CFR 147.701, subpart 0, of record on January 1 of each year, except those which are properly plugged, are subject to an annual fee as follows: on January 1, 1988, $50 per well; on January 1, 1989, $75 per well; and on January 1, 1990, $100 per well. Extension of this fee into subsequent years shall be contingent upon authorization of such by the General Assembly. Such fee shall be paid no later than January 31 of each year. Proceeds of such payments shall be deposited in the Underground Resources Conservation Enforcement Fund. The Department may prescribe appropriate rules to implement this Section and to prevent waste, as defined in this Act, in connection with such wells.

(Source: P.A. 85-1334.)

(225 ILCS 725/8c) (from Ch. 96 1/2, par. 5414.1)

Sec. 8c. (a) No person shall operate a liquid oil field waste transportation system without a liquid oil field waste transportation permit. The liquid oil field waste transporter assumes legal responsibility for the liquid oil field waste when it first enters the liquid oil field waste transportation system, until it is disposed of in a manner authorized and approved by the Department.

(b) No person shall engage, employ or contract with any other person except a permittee under this Section, to remove liquid oil field waste from his premises.

(c) Every person who engages, employs or contracts with any other person to remove liquid oil field waste from his premises shall maintain detailed records of all such liquid oil field waste removal effectuated on forms provided by the Department and shall submit such information in such detail and with such frequency, as the Department may require.

(d) Before engaging in the business of removing liquid oil field waste from the on-site collection point, a person shall apply for and obtain a permit from the Department. The application shall be accompanied by a permit fee of $150 and by a surety bond covering the period and any renewal thereof for which the permit is issued by a surety company registered in the State, to indemnify the Department for the abatement of pollution of waters which result from any improper disposal of liquid oil field waste by the permittee. The bonds shall be $10,000. The Department shall be the obligee and the bond shall be for the benefit and purpose to indemnify the State for the elimination of harmful or nuisance conditions and for the abatement of any pollution of waters which result from the improper disposal of liquid oil field waste by the permittee.

In lieu of the surety bond, the applicant may provide ~~cash,~~ certificates of deposit~~,~~ or irrevocable letters of credit under such terms and conditions as the Department may provide by rule.

The surety of any bond posted for the issuance of a liquid oil field waste transportation permit, upon 30 days notice in writing to the Department and to the permittee, may cancel any such bond, but such cancellation shall not affect any rights which shall have accrued on the bond before the effective date of the cancellation.

(e) If the Department, after such investigation as it deems necessary, is satisfied that the applicant has the qualifications, experience, reputation, and equipment to perform the services in a manner not detrimental to the public interest, in a way that will not cause unlawful pollution of the waters of the State and meets the bonding requirements of subsection (d), it shall issue a permit to the applicant.

(f)(1) All trucks or other vehicles used to transport or carry liquid oil field waste shall carry a permit issued by the Department for inspection by its representative or any law enforcement agent. The application for the vehicle permit shall state the make, model and year of the vehicle as well as the capacity of the tank used in transporting liquid oil field waste and such other information as the Department requires. Each application shall be accompanied by a biennial permit fee of $150 for each vehicle sought to be licensed, payable to the State, and if the Department, after such investigation as it deems necessary, finds the truck or vehicle and equipment is proper and adequate for the purpose, it shall issue a permit for the use of the vehicle. The permit is not transferable from one vehicle to another. The vehicle permit number shall be printed on a decal furnished by the Department which shall designate the years for which the permit was issued. This decal shall be affixed to the upper right hand corner of the inside of the windshield.

(2) All vehicle permits shall be valid for 2 years. Application for renewal of a permit must be made 30 days prior to the expiration date of the permit. The fee for renewal shall be the same as for the original permit.

(g)(1) The tank shall be kept tightly closed in transit, to prevent the escape of contents.

(2) The permittee shall dispose of all liquid oil field waste in conformance with the provisions of this Section.

(3) The permittee shall not dispose of liquid oil field waste onto or into the ground except at locations specifically approved and permitted by the Department. No liquid oil field waste shall be placed in a location where it could enter any public or private drain, pond, stream or other body of surface or ground water.

(h) Any person who violates or refuses to comply with any of the provisions of this Section shall be subject to the provisions of Sections 8a and 19.1 of this Act. In addition, any person who gathers, handles, transports, or disposes of liquid oil field waste without a liquid oil field waste transportation permit or utilizes the services of an unpermitted person shall upon conviction thereof by a court of competent jurisdiction be fined not less than $2,000 for a violation and costs of prosecution, and in default of payment of fine and costs, imprisoned for not less than 10 days nor more than 30 days. When the violation is of a continuing nature, each day upon which a violation occurs is a separate offense.

(i) For the purposes of this Section:

(1) "Liquid oil field waste" means oil field brines, tank and pit bottom sediments, and drilling and completion fluids, to the extent those wastes are now or hereafter exempt from the provisions of Subtitle C of the federal Resource Conservation and Recovery Act of 1976.

(2) "Liquid oil field waste transportation system" means all trucks and other motor vehicles used to gather, handle or transport liquid oil field waste from the point of any surface on-site collection to any subsequent off-site storage, utilization or disposal.

(Source: P.A. 102-1017, eff. 1-1-23.)

(225 ILCS 725/12) (from Ch. 96 1/2, par. 5418)

Sec. 12. Any well for which a permit is required under this Act, other than a plugged well, which was drilled prior to the effective date of this Act and for which no permit has previously been issued, is required to be permitted. Application and bond shall be made as required in subsections ~~subsection~~ (2) and (2.5) of Section 6, except that the spacing requirements of Section 21.1 of this Act shall not apply, and no permit fee will be assessed for any such well if application for a permit is made within one year of the effective date of this amendatory Act of 1990. Except for Class II UIC wells, provisions of this Act and Department rules pertaining to well construction shall not apply. After this one year period, any unpermitted well to which this Section applies will be deemed to be operating without a permit and subject to the penalties set forth in this Act.

(Source: P.A. 85-1334; 86-1177.)".

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 E. Harriss, **Senate Bill No. 2463** 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 55; NAYS None.

The following voted in the affirmative:

Anderson	Faraci	Lewis	Sims
Arellano, L.	Feigenholtz	Lightford	Stadelman
Balkema	Fine	Loughran Cappel	Syverson
Belt	Fowler	Martwick	Tracy
Bryant	Glowiak Hilton	McClure	Turner, D.
Castro	Guzmán	Morrison	Turner, S.
Cervantes	Halpin	Murphy	Ventura
Chesney	Harris, N.	Peters	Villa
Collins	Harriss, E.	Plummer	Villanueva
Cunningham	Hastings	Porfirio	Villivalam
Curran	Hills	Preston	Walker
DeWitte	Johnson	Rezin	Wilcox
Edly-Allen	Joyce	Rose	Mr. President
Ellman	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 Koehler, **Senate Bill No. 2466** 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 44; NAYS 10.

The following voted in the affirmative:

Arellano, L.	Fine	Koehler	Sims
Belt	Fowler	Lewis	Stadelman
Bryant	Glowiak Hilton	Lightford	Turner, D.
Castro	Guzmán	Loughran Cappel	Ventura
Cervantes	Halpin	Martwick	Villa
Collins	Harris, N.	Morrison	Villanueva
Cunningham	Harriss, E.	Murphy	Villivalam
Curran	Hastings	Peters	Mr. President
Edly-Allen	Hills	Porfirio	
Ellman	Holmes	Preston	
Faraci	Johnson	Rezin	
Feigenholtz	Joyce	Simmons	

The following voted in the negative:

Anderson	McClure	Syverson	Wilcox
Balkema	Plummer	Tracy	
Chesney	Rose	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 Johnson, **Senate Bill No. 2487** 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 54; NAYS None.

The following voted in the affirmative:

Anderson	Fine	Lightford	Stadelman
Balkema	Fowler	Loughran Cappel	Syverson
Belt	Glowiak Hilton	Martwick	Tracy
Bryant	Guzmán	McClure	Turner, D.
Castro	Halpin	Morrison	Turner, S.
Cervantes	Harris, N.	Murphy	Ventura
Collins	Harriss, E.	Peters	Villa
Cunningham	Hastings	Plummer	Villanueva
Curran	Hills	Porfirio	Villivalam
DeWitte	Holmes	Preston	Walker
Edly-Allen	Johnson	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.

Senator S. Turner asked and obtained unanimous consent for the Journal to reflect her intention to have voted in the affirmative on **Senate Bill No. 2466**.

At the hour of 6:31 o'clock p.m., the Chair announced that the Senate stands at ease.

AT EASE

At the hour of 6:40 o'clock p.m., the Senate resumed consideration of business.
Senator Koehler, presiding.

REPORT FROM COMMITTEE ON ASSIGNMENTS

Senator Lightford, Chair of the Committee on Assignments, during its April 10, 2025 meeting, reported that the following Legislative Measure has been approved for consideration:

Floor Amendment No. 2 to Senate Bill 1723

The foregoing floor amendment was placed on the Secretary's Desk.

Senator Lightford, Chair of the Committee on Assignments, during its April 10, 2025 meeting, reported that the following Legislative Measures have been approved for consideration:

Senate Resolutions Numbered 211 and 215

The foregoing resolutions were placed on the Senate Calendar.

SENATE BILL RECALLED

On motion of Senator Faraci, **Senate Bill No. 1723** 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. 2 TO SENATE BILL 1723

AMENDMENT NO. 2 . Amend Senate Bill 1723, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 1. Findings and intent. The General Assembly finds that:

(1) The Underground Injection Control (UIC) program is authorized by the Safe Drinking Water Act (SDWA) to develop requirements and provisions for the injection of fluids into the subsurface for the purposes of storage or disposal. The main goal of the UIC Program is the protection of Underground Sources of Drinking Water (USDWs). USDWs are aquifers or parts of aquifers that supply a public water system or contain a sufficient quantity of groundwater to supply a public water system now or in the future.

(2) The General Assembly finds that the Mahomet Aquifer is unique in that it is the sole source of drinking water for central Illinois residents.

(3) The General Assembly further finds that, although carbon sequestration undergoes rigorous federal and State permitting, the uniqueness of the Mahomet Aquifer being the sole source of drinking water for central Illinois residents warrants additional protections.

(4) The General Assembly further finds that, although additional review of carbon sequestration activity in the Mahomet Aquifer area is warranted because it is a sole source aquifer, carbon sequestration activities are allowed in areas outside of the aquifer, and carbon sequestration technologies are useful and reliable tools in addressing climate change and allowing the State to meet its decarbonization goals.

Section 5. The Environmental Protection Act is amended by changing Sections 59 and 59.5 and by adding Section 59.18 as follows:

(415 ILCS 5/59)

Sec. 59. Definitions. As used in this Title:

"Carbon dioxide capture project" mean a project or facility that:

(1) uses equipment to capture a significant quantity of carbon dioxide directly from the ambient air or uses a process to separate carbon dioxide from industrial or energy-related sources, other than oil or gas production from a well; and

(2) produces a concentrated fluid of carbon dioxide.

"Carbon dioxide stream" means carbon dioxide, any incidental associated substances derived from the source materials and process of producing or capturing carbon dioxide, and any substance added to the stream to enable or improve the injection process or the detection of a leak or rupture.

"Carbon sequestration activity" means the injection of one or more carbon dioxide streams into underground geologic formations under at least one Class VI well permit for long-term sequestration.

"Criteria pollutants" means the 6 pollutants for which the United States Environmental Protection Agency has set National Ambient Air Quality Standards under Section 109 of the Clean Air Act, together with recognized precursors to those pollutants.

"Injection" means the placement of materials into the subsurface from a well.

"Project labor agreement" means a prehire collective bargaining agreement that covers all terms and conditions of employment on a specific construction project and must include the following:

(1) provisions establishing the minimum hourly wage for each class of labor organization employee;

(2) provisions establishing the benefits and other compensation for each class of labor organization employee;

(3) provisions establishing that no strike or disputes will be engaged in by the labor organization employees;

(4) provisions establishing that no lockout or disputes will be engaged in by the general contractor building the project; and

(5) provisions for minorities and women, as defined under the Business Enterprise for Minorities, Women, and Persons with Disabilities Act, setting forth goals for apprenticeship hours to be performed by minorities and women and setting forth goals for total hours to be performed by underrepresented minorities and women.

"Project labor agreement" includes other terms and conditions a labor organization or general contractor building the project deems necessary.

"Sequestration facility" means the carbon dioxide sequestration reservoir, underground equipment, including, but not limited to, well penetrations, and surface facilities and equipment used or proposed to be used in a carbon sequestration activity. "Sequestration facility" includes each injection well and equipment used to connect surface activities to the carbon dioxide sequestration reservoir and underground equipment. "Sequestration facility" does not include pipelines used to transport carbon dioxide to a sequestration facility.

"Sole source aquifer" means an aquifer designated as a sole source or principal aquifer by the United States Environmental Protection Agency under the Safe Drinking Water Act, which, for purposes of this definition, consists of the Sole Source Aquifer Area, as designated by the United States Environmental Protection Agency on March 19, 2015.

(Source: P.A. 103-651, eff. 7-18-24.)

(415 ILCS 5/59.5)

Sec. 59.5. Prohibitions.

(a) No person shall conduct a carbon sequestration activity without a permit issued by the Agency under Section 59.6. This prohibition does not apply to any carbon sequestration activity in existence and permitted by the United States Environmental Protection Agency on or before the effective date of this amendatory Act of the 103rd General Assembly or to any Class VI well for which (1) a Class VI well permit has been filed with the United States Environmental Protection Agency and a completeness determination had been received prior to January 1, 2023, and (2) the sequestration activity will occur on a contiguous property with common ownership where the carbon dioxide is generated, captured, and injected.

(b) No person shall conduct a carbon sequestration activity in violation of this Act.

(c) No person shall conduct a carbon sequestration activity in violation of any applicable rules adopted by the Pollution Control Board.

(d) No person shall conduct a carbon sequestration activity in violation of a permit issued by the Agency under this Act.

(e) No person shall fail to submit reports required by this Act or required by a permit issued by the Agency under this Act.

(f) No person shall conduct a carbon sequestration activity without obtaining an order for integration of pore space from the Department of Natural Resources, if applicable.

(g) No person shall conduct a carbon sequestration activity within a sequestration facility that overlies, underlies, or passes through a sole source aquifer. Nothing in this subsection deprives the Agency of authority to deny a carbon sequestration permit.

(Source: P.A. 103-651, eff. 7-18-24.)

(415 ILCS 5/59.18 new)

Sec. 59.18. Mahomet Aquifer Advisory Study Commission.

(a) The Mahomet Aquifer Advisory Study Commission is hereby created to study and review any reports submitted to the Mahomet Aquifer Advisory Study Commission regarding the safety of carbon capture and storage in the Mahomet Aquifer Area and any sole source aquifer project review areas designated by the United States Environmental Protection Agency. The Commission shall consist of the following members:

(1) the Director of the Environmental Protection Agency or the Director's designee;

(2) the Director of Natural Resources or the Director's designee;

(3) the Director of the Illinois Emergency Management Agency and Office of Homeland Security or the Director's designee;

(4) the Director of Agriculture or the Director's designee;

(5) the Attorney General or the Attorney General's designee;

(6) 3 members appointed by the President of the Senate, only one of whom may be a Senator;

(7) 3 members appointed by the Speaker of the House of Representatives, only one of whom may be a Representative;

(8) 3 members appointed by the Minority Leader of the Senate, only one of whom may be a Senator; and

(9) 3 members appointed by the Minority Leader of the House of Representatives, only one of whom may be a Representative.

All meetings of the Mahomet Aquifer Advisory Study Commission shall be open to the public and shall be held within the Mahomet Aquifer Area region or within 25 miles of the region. The Mahomet Aquifer Advisory Study Commission shall maintain a website where all reports and studies submitted to or approved by the Mahomet Aquifer Advisory Study Commission shall be posted for public display. The University of Illinois shall provide administrative assistance to the Mahomet Aquifer Advisory Study Commission. No later than 90 days after the effective date of this amendatory Act of the 104th General Assembly, the Commission shall hold its first meeting at the call of the Director of the Environmental Protection Agency, at which meeting the members shall select a chairperson from among themselves. After its first meeting, the Commission shall meet at the call of the chairperson. Members of the Commission shall serve without compensation. Members' terms shall be 3 years, and members may be reappointed by their respective appointing authority.

(b) Subject to appropriation, the Prairie Research Institute at the University of Illinois at Urbana-Champaign shall submit a final report on the potential for carbon sequestration in the Mahomet Aquifer Area and any project review areas to the Mahomet Aquifer Advisory Study Commission no later than December 31, 2030. The Prairie Research Institute shall submit annual status reports by December 31, 2027 and December 31 of each year thereafter until the final report is submitted on December 31, 2030. The final report shall provide an assessment of the safety and risks of carbon dioxide storage in the Mahomet Aquifer and its project review areas, including, but not limited to, any effects on human, animal, and environmental health. The report shall review carbon sequestration conducted in Illinois and other similarly situated states, particularly how carbon sequestration affects aquifers and other underground water sources. The report shall review the permitting processes and the coordination with applicable federal law or regulatory commissions, including the Class VI injection well permitting process.

(c) The Mahomet Aquifer Advisory Study Commission shall also engage with interested stakeholders throughout the State to gain insights into safety perspectives from residents, environmental justice

organizations, environmental nongovernmental organizations, representatives of industry, landowners, farm bureaus, manufacturing interests, labor unions, and others.

(d) The Mahomet Aquifer Advisory Study Commission shall submit a final report of its findings regarding the Mahomet Aquifer and its project review areas to the Governor and the General Assembly no later than December 31, 2031. The Commission may file status updates with the Governor and the General Assembly as determined by a majority of the members.

(e) The Mahomet Aquifer Advisory Study Commission is dissolved and this Section is repealed on January 1, 2032.".

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 Faraci, **Senate Bill No. 1723** 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 55; NAYS None.

The following voted in the affirmative:

Anderson	Faraci	Koehler	Simmons
Arellano, L.	Feigenholtz	Lewis	Sims
Balkema	Fine	Lightford	Stadelman
Belt	Fowler	Loughran Cappel	Syverson
Bryant	Glowiak Hilton	Martwick	Tracy
Castro	Guzmán	McClure	Turner, S.
Cervantes	Halpin	Morrison	Ventura
Chesney	Harris, N.	Murphy	Villa
Collins	Harriss, E.	Peters	Villanueva
Cunningham	Hastings	Plummer	Villivalam
Curran	Hills	Porfirio	Walker
DeWitte	Holmes	Preston	Wilcox
Edly-Allen	Johnson	Rezin	Mr. President
Ellman	Joyce	Rose	

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. 1784** was recalled from the order of third reading to the order of second reading.

Floor Amendment No. 1 was withdrawn by the sponsor.

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

READING BILLS OF THE SENATE A THIRD TIME

On motion of Senator Peters, **Senate Bill No. 1784** 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 33; NAYS 17.

The following voted in the affirmative:

Castro	Guzmán	Lightford	Ventura
Cervantes	Halpin	Loughran Cappel	Villa
Collins	Harris, N.	Martwick	Villanueva
Cunningham	Hastings	Murphy	Villivalam
Edly-Allen	Hills	Peters	Walker
Ellman	Holmes	Porfirio	Mr. President
Faraci	Johnson	Preston	
Feigenholtz	Koehler	Simmons	
Fine	Lewis	Sims	

The following voted in the negative:

Anderson	Curran	Plummer	Turner, S.
Arellano, L.	DeWitte	Rezin	Wilcox
Balkema	Fowler	Rose	
Bryant	Harriss, E.	Syverson	
Chesney	McClure	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.

On motion of Senator Ventura, **Senate Bill No. 42** 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 33; NAYS 20.

The following voted in the affirmative:

Belt	Fine	Martwick	Ventura
Castro	Guzmán	Murphy	Villa
Cervantes	Halpin	Peters	Villanueva
Collins	Harris, N.	Porfirio	Villivalam
Cunningham	Hastings	Preston	Walker
Edly-Allen	Holmes	Simmons	Mr. President
Ellman	Johnson	Sims	
Faraci	Koehler	Stadelman	
Feigenholtz	Lightford	Turner, D.	

The following voted in the negative:

Anderson	DeWitte	McClure	Turner, S.
Arellano, L.	Fowler	Plummer	Wilcox
Balkema	Harriss, E.	Rezin	

Bryant	Hills	Rose
Chesney	Lewis	Syverson
Curran	Loughran Cappel	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 Ellman, **Senate Bill No. 8** was recalled from the order of third reading to the order of second reading.

Floor Amendment No. 2 was postponed in the Committee on Executive.

Senator Ellman offered the following amendment and moved its adoption:

AMENDMENT NO. 3 TO SENATE BILL 8

AMENDMENT NO. 3 . Amend Senate Bill 8, AS AMENDED, in Section 5, immediately after the sentence that ends with "kept.", by inserting "This Section does not apply (i) if the minor, an at-risk person, or a prohibited person gains access to a firearm and uses it in a lawful act of self-defense or defense of another or (ii) to any firearm obtained by a minor, an at-risk person, or a prohibited person because of an unlawful entry of the premises by the minor, at-risk person, prohibited person or another person."; and

in Section 90, Sec. 8, paragraph (v), after "(v) A person who fails, by inserting "2 or more times"; and

in Section 90, Sec. 8.1, subsection (d-5), by deleting "The Illinois State Police shall determine whether to revoke the person's Firearm Owner's Identification Card under Section 8 of this Act."; and

in Section 100, Sec. 5-20, subsection (b), paragraph (C), by replacing "72" with "48 ~~72~~"; and

in Section 105, Sec. 24-4.1, subsection (d), by deleting the paragraph beginning "For a second or subsequent offense" and ending "in subsection (c) of Section 10 of that Act."; and

in Section 110, immediately below the last line of Sec. 5-4-1, by inserting the following:

"Section 997. Severability. The provisions of this Act are severable under Section 1.31 of the Statute on Statutes.".

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 Ellman, **Senate Bill No. 8** 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 33; NAYS 19.

The following voted in the affirmative:

Castro	Glowiak Hilton	Loughran Cappel	Ventura
Cervantes	Guzmán	Martwick	Villa
Collins	Harris, N.	Morrison	Villanueva
Cunningham	Hills	Murphy	Villivalam
Edly-Allen	Holmes	Peters	Walker
Ellman	Johnson	Porfirio	Mr. President
Faraci	Koehler	Preston	
Feigenholtz	Lewis	Simmons	
Fine	Lightford	Sims	

The following voted in the negative:

Anderson	Curran	Joyce	Syverson
Arellano, L.	DeWitte	McClure	Tracy
Balkema	Fowler	Plummer	Turner, S.
Bryant	Halpin	Rezin	Wilcox
Chesney	Harriss, E.	Rose	

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 Hastings asked and obtained unanimous consent for the Journal to reflect his intention to have voted in the affirmative on **Senate Bill No. 8**.

On motion of Senator Harmon, **Senate Bill No. 19** 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 32; NAYS 22.

The following voted in the affirmative:

Castro	Guzmán	Morrison	Villa
Cervantes	Halpin	Murphy	Villanueva
Collins	Harris, N.	Peters	Villivalam
Cunningham	Hastings	Porfirio	Walker
Edly-Allen	Holmes	Preston	Mr. President
Ellman	Johnson	Simmons	
Faraci	Koehler	Sims	
Feigenholtz	Lightford	Stadelman	
Fine	Martwick	Ventura	

The following voted in the negative:

Anderson	DeWitte	Lewis	Syverson
Arellano, L.	Fowler	Loughran Cappel	Tracy
Balkema	Glowiak Hilton	McClure	Turner, S.
Bryant	Harriss, E.	Plummer	Wilcox
Chesney	Hills	Rezin	
Curran	Joyce	Rose	

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 Hastings, **Senate Bill No. 25** 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 54; NAYS None.

The following voted in the affirmative:

Anderson	Feigenholtz	Lewis	Stadelman
Arellano, L.	Fine	Loughran Cappel	Syverson
Balkema	Fowler	Martwick	Tracy
Bryant	Glowiak Hilton	McClure	Turner, D.
Castro	Guzmán	Morrison	Turner, S.
Cervantes	Halpin	Murphy	Ventura
Chesney	Harris, N.	Peters	Villa
Collins	Harriss, E.	Plummer	Villanueva
Cunningham	Hastings	Porfirio	Villivalam
Curran	Hills	Preston	Walker
DeWitte	Holmes	Rezin	Wilcox
Edly-Allen	Johnson	Rose	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.

Senator Belt asked and obtained unanimous consent for the Journal to reflect his intention to have voted in the affirmative on **Senate Bill No. 25**.

SENATE BILL RECALLED

On motion of Senator Fine, **Senate Bill No. 1411** 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 1411

AMENDMENT NO. 2 . Amend Senate Bill 1411, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Living Will Act is amended by changing Section 9 and by adding Sections 3.5 and 9.5 as follows:

(755 ILCS 35/3.5 new)

Sec. 3.5. Applicability. Section 4-11 of the Illinois Power of Attorney Act governs the applicability of this Act if a patient has a health care agency. Notwithstanding Section 9.5 or any other provision in this Act, a declaration is not operative as long as an agent is available who is authorized by a health care agency to make decisions concerning life-sustaining or death delaying procedures for the patient, and nothing in this Act may impair or supersede the authority of an agent under a health care agency to make decisions regarding life-sustaining or death delaying treatment.

(755 ILCS 35/9) (from Ch. 110 1/2, par. 709)

Sec. 9. General provisions.

(a) The withholding or withdrawal of death delaying procedures from a qualified patient in accordance with the provisions of this Act shall not, for any purpose, constitute a suicide.

(b) The making of a declaration pursuant to Section 3 shall not affect in any manner the sale, procurement, or issuance of any policy of life insurance, nor shall it be deemed to modify the terms of an existing policy of life insurance. No policy of life insurance shall be legally impaired or invalidated in any manner by the withholding or withdrawal of death delaying procedures from an insured qualified patient, notwithstanding any term of the policy to the contrary.

(c) No physician, health care facility, or other health care provider, and no health care service plan, health maintenance organization, insurer issuing disability insurance, self-insured employee welfare benefit plan, nonprofit medical service corporation or mutual nonprofit hospital service corporation shall require any person to execute a declaration as a condition for being insured for, or receiving, health care services.

(d) Nothing in this Act shall impair or supersede any legal right or legal responsibility which any person may have to effect the withholding or withdrawal of death delaying procedures in any lawful manner. In such respect the provisions of this Act are cumulative.

(e) This Act shall create no presumption concerning the intention of an individual who has not executed a declaration to consent to the use or withholding of death delaying procedures in the event of a terminal condition.

(f) Nothing in this Act shall be construed to condone, authorize or approve mercy killing or to permit any affirmative or deliberate act or omission to end life other than to permit the natural process of dying as provided in this Act.

(g) An instrument executed before the effective date of this Act that substantially complies with subsection (e) of Section 3 shall be given effect pursuant to the provisions of this Act.

(h) A declaration executed in another state in compliance with the law of that state or this State is validly executed for purposes of this Act, and such declaration shall be applied in accordance with the provisions of this Act.

(i) Documents, writings, forms, and copies referred to in this Act may be in hard copy or electronic format. Nothing in this Act is intended to prevent the population of a declaration, document, writing, or form with electronic data. Electronic documents under this Act may be created, signed, or revoked electronically using a generic, technology-neutral system in which each user is assigned a unique identifier that is securely maintained and in a manner that meets the regulatory requirements for a digital or electronic signature. Compliance with the standards defined in the Uniform Electronic Transactions Act or the implementing rules of the Hospital Licensing Act for medical record entry authentication for author validation of the documentation, content accuracy, and completeness meets this standard.

(j) No physician, health care provider, employee, or facility may require the execution of a POLST or other such similar form to put into effect the qualified patient's declaration if a patient has been determined to be a qualified patient.

(k) Except as otherwise provided in this Act, a physician, health care provider, employee, or facility may rely on and must comply with a qualified patient's declaration that is apparent and immediately available if a patient has been determined to be a qualified patient and the patient lacks ability to give directions regarding the use of death delaying procedures.

(l) Nothing in this Act impairs or supersedes a surrogate decision maker's authority to make decisions regarding life-sustaining or death delaying treatment on behalf of a patient who lacks decisional capacity and has a qualifying condition as defined in the Health Care Surrogate Act.

(Source: P.A. 101-163, eff. 1-1-20; 102-38, eff. 6-25-21.)

(755 ILCS 35/9.5 new)

Sec. 9.5. Operation of living will. Subject to Section 3.5 and Section 9(l), a declaration under this Act becomes operative when all of the following conditions have been met:

(1) it has been validly executed;

(2) it has not been revoked in accordance with Section 5;

(3) the patient is unable to give directions regarding the use of life-sustaining or death delaying procedures; and

(4) the patient is a qualified patient.

An operative and unrevoked living will declaration continues in effect until revoked in accordance with this Act.".

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. 1411** 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 55; NAYS None.

The following voted in the affirmative:

Anderson	Faraci	Koehler	Sims
Arellano, L.	Feigenholtz	Lewis	Stadelman
Balkema	Fine	Lightford	Syverson
Belt	Fowler	Loughran Cappel	Tracy
Bryant	Glowiak Hilton	McClure	Turner, D.
Castro	Guzmán	Morrison	Turner, S.
Cervantes	Halpin	Murphy	Ventura
Chesney	Harris, N.	Peters	Villa
Collins	Harriss, E.	Plummer	Villanueva
Cunningham	Hastings	Porfirio	Villivalam
Curran	Hills	Preston	Walker
DeWitte	Holmes	Rezin	Wilcox
Edly-Allen	Johnson	Rose	Mr. President
Ellman	Joyce	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.

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 593
Amendment No. 1 to Senate Bill 1093
Amendment No. 2 to Senate Bill 1587

At the hour of 7:44 o'clock p.m., the Chair announced that the Senate stands adjourned until Friday, April 11, 2025, at 9:00 o'clock a.m.

PERFUNCTORY SESSION
8:04 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.

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, 2025

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, 2025.

s/Don Harmon
Don Harmon
Senate President

cc: Senate Republican Leader John F. Curran

PRESENTATION OF CELEBRATION OF LIFE RESOLUTIONS

SENATE RESOLUTION NO. 223

Offered by Senator Ventura and all Senators:
Mourns the passing of William F. "Bill" Murphy Jr., the former Mayor of the Village of Woodridge.

SENATE RESOLUTION NO. 225

Offered by Senator Ventura and all Senators:
Mourns the death of Brother Edward "Ed" Arambasich, OFM.

SENATE RESOLUTION NO. 227

Offered by Senator Ventura and all Senators:
Mourns the passing of Robert A. "Bob" Peickert.

By direction of the Secretary, the foregoing resolutions were referred to the Resolutions Consent Calendar.

PRESENTATION OF CONGRATULATORY RESOLUTIONS

SENATE RESOLUTION NO. 222

Offered by Senator Feigenholtz:
Congratulates Heather Way Kitzes on her accomplishments and contributions.

SENATE RESOLUTION NO. 224

Offered by Senator Ventura:

Congratulates the Joliet Area Historical Museum on being named Museum of the Year by the Illinois Association of Museums.

SENATE RESOLUTION NO. 226

Offered by Senator Ventura:
Congratulates Madi Lave of Lockport on her successful bowling career at Joliet Junior College.

Under the Rules, the foregoing resolutions were referred to the Committee on Assignments.

PRESENTATION OF RESOLUTION

Senator Tracy offered the following Senate Joint Resolution, which was referred to the Committee on Assignments:

SENATE JOINT RESOLUTION NO. 29

WHEREAS, It is highly fitting that the Illinois General Assembly recognizes the sacrifice of U.S. Army Specialist Anthony William "Tony" Gilman and his love for his country; and

WHEREAS, SPC Gilman, son of Fred and Mary Gilman, was born in Jerseyville on January 22, 1976; and

WHEREAS, SPC Gilman grew up in Calhoun County and graduated from Calhoun High School in 1994; and

WHEREAS, SPC Gilman enjoyed hunting and fishing throughout Calhoun County and Pike County; and

WHEREAS, SPC Gilman decided to enlist in the U.S. Army in 1997, eventually rising to the rank of specialist; and

WHEREAS, SPC Gilman lost his life on July 4, 1999 during a peacekeeping mission in Kosovo, becoming the first American casualty during the peacekeeping mission in Kosovo; and

WHEREAS, The County of Calhoun is honoring the life and sacrifice of SPC Gilman on Memorial Day 2025; therefore, be it

RESOLVED, BY THE SENATE OF THE ONE HUNDRED FOURTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that we designate Illinois Route 96 from the City of Mozier to the Pike County line as the "Army Specialist Anthony William Gilman Highway"; and be it further

RESOLVED, That the Illinois Department of Transportation is requested to erect, at suitable locations consistent with state and federal regulations, appropriate plaques or signs giving notice of the name "Army Specialist Anthony William Gilman Highway; and be it further

RESOLVED, That a suitable copy of this resolution be presented to the family of SPC Gilman, the Calhoun County Board, and the Secretary of Transportation.

MESSAGES FROM THE HOUSE

A message from the House by
Mr. Hollman, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has passed bills of the following titles, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL NO. 35

A bill for AN ACT concerning regulation.

HOUSE BILL NO. 663

A bill for AN ACT concerning local government.

HOUSE BILL NO. 1168

A bill for AN ACT concerning regulation.

HOUSE BILL NO. 1224

A bill for AN ACT concerning government.

HOUSE BILL NO. 1302

A bill for AN ACT concerning victim rights.

HOUSE BILL NO. 1316

A bill for AN ACT concerning education.

HOUSE BILL NO. 1332

A bill for AN ACT concerning regulation.

HOUSE BILL NO. 1341

A bill for AN ACT concerning criminal law.

HOUSE BILL NO. 1352

A bill for AN ACT concerning military service.

Passed the House, April 9, 2025.

JOHN W. HOLLMAN, Clerk of the House

The foregoing **House Bills Numbered 35, 663, 1168, 1224, 1302, 1316, 1332, 1341 and 1352** were taken up, ordered printed and placed on first reading.

A message from the House by

Mr. Hollman, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has passed bills of the following titles, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL NO. 1305

A bill for AN ACT concerning safety.

HOUSE BILL NO. 2335

A bill for AN ACT concerning transportation.

HOUSE BILL NO. 2359

A bill for AN ACT concerning transportation.

HOUSE BILL NO. 2488

A bill for AN ACT concerning employment.

HOUSE BILL NO. 2631

A bill for AN ACT concerning State government.

HOUSE BILL NO. 2676

A bill for AN ACT concerning education.

HOUSE BILL NO. 2874

A bill for AN ACT concerning criminal law.

HOUSE BILL NO. 3050

A bill for AN ACT concerning regulation.

Passed the House, April 9, 2025.

JOHN W. HOLLMAN, Clerk of the House

The foregoing **House Bills Numbered 1305, 2335, 2359, 2488, 2631, 2676, 2874 and 3050** were taken up, ordered printed and placed on first reading.

A message from the House by

Mr. Hollman, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has passed bills of the following titles, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL NO. 1362
A bill for AN ACT concerning veterans.
HOUSE BILL NO. 1628
A bill for AN ACT concerning government.
HOUSE BILL NO. 1699
A bill for AN ACT concerning safety.
HOUSE BILL NO. 1864
A bill for AN ACT concerning regulation.
HOUSE BILL NO. 1910
A bill for AN ACT concerning local government.
HOUSE BILL NO. 2179
A bill for AN ACT concerning regulation.
HOUSE BILL NO. 2196
A bill for AN ACT concerning regulation.
HOUSE BILL NO. 2336
A bill for AN ACT concerning local government.
Passed the House, April 9, 2025.

JOHN W. HOLLMAN, Clerk of the House

The foregoing **House Bills Numbered 1362, 1628, 1699, 1864, 1910, 2179, 2196 and 2336** were taken up, ordered printed and placed on first reading.

A message from the House by
Mr. Hollman, Clerk:
Mr. President -- I am directed to inform the Senate that the House of Representatives has passed bills of the following titles, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:
HOUSE BILL NO. 2338
A bill for AN ACT concerning business.
HOUSE BILL NO. 2371
A bill for AN ACT concerning regulation.
HOUSE BILL NO. 2435
A bill for AN ACT concerning business.
HOUSE BILL NO. 2548
A bill for AN ACT concerning business.
HOUSE BILL NO. 2551
A bill for AN ACT concerning government.
HOUSE BILL NO. 2688
A bill for AN ACT concerning regulation.
HOUSE BILL NO. 2747
A bill for AN ACT concerning local government.
HOUSE BILL NO. 2751
A bill for AN ACT concerning transportation.
Passed the House, April 9, 2025.

JOHN W. HOLLMAN, Clerk of the House

The foregoing **House Bills Numbered 2338, 2371, 2435, 2548, 2551, 2688, 2747 and 2751** were taken up, ordered printed and placed on first reading.

A message from the House by
Mr. Hollman, Clerk:
Mr. President -- I am directed to inform the Senate that the House of Representatives has passed bills of the following titles, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:
HOUSE BILL NO. 2340
A bill for AN ACT concerning wildlife.
HOUSE BILL NO. 2351
A bill for AN ACT concerning education.

HOUSE BILL NO. 2562
A bill for AN ACT concerning civil law.
HOUSE BILL NO. 2857
A bill for AN ACT concerning transportation.
HOUSE BILL NO. 2983
A bill for AN ACT concerning transportation.
HOUSE BILL NO. 3339
A bill for AN ACT concerning transportation.
Passed the House, April 9, 2025.
JOHN W. HOLLMAN, Clerk of the House

The foregoing **House Bills Numbered 2340, 2351, 2562, 2857, 2983 and 3339** were taken up, ordered printed and placed on first reading.

A message from the House by
Mr. Hollman, Clerk:
Mr. President -- I am directed to inform the Senate that the House of Representatives has passed bills of the following titles, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:
HOUSE BILL NO. 2771
A bill for AN ACT concerning health.
HOUSE BILL NO. 2772
A bill for AN ACT concerning local government.
HOUSE BILL NO. 2777
A bill for AN ACT concerning State government.
HOUSE BILL NO. 2801
A bill for AN ACT concerning education.
HOUSE BILL NO. 2849
A bill for AN ACT concerning civil law.
HOUSE BILL NO. 2955
A bill for AN ACT concerning safety.
HOUSE BILL NO. 2966
A bill for AN ACT concerning education.
HOUSE BILL NO. 2977
A bill for AN ACT concerning local government.
Passed the House, April 9, 2025.
JOHN W. HOLLMAN, Clerk of the House

The foregoing **House Bills Numbered 2771, 2772, 2777, 2801, 2849, 2955, 2966 and 2977** were taken up, ordered printed and placed on first reading.

A message from the House by
Mr. Hollman, Clerk:
Mr. President -- I am directed to inform the Senate that the House of Representatives has passed bills of the following titles, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:
HOUSE BILL NO. 3037
A bill for AN ACT concerning education.
HOUSE BILL NO. 3098
A bill for AN ACT concerning safety.
HOUSE BILL NO. 3141
A bill for AN ACT concerning safety.
HOUSE BILL NO. 3248
A bill for AN ACT concerning regulation.
HOUSE BILL NO. 3290
A bill for AN ACT concerning safety.
HOUSE BILL NO. 3300
A bill for AN ACT concerning education.

HOUSE BILL NO. 3363

A bill for AN ACT concerning State government.

HOUSE BILL NO. 3435

A bill for AN ACT concerning regulation.

Passed the House, April 9, 2025.

JOHN W. HOLLMAN, Clerk of the House

The foregoing **House Bills Numbered 3037, 3098, 3141, 3248, 3290, 3300, 3363 and 3435** were taken up, ordered printed and placed on first reading.

A message from the House by

Mr. Hollman, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has passed bills of the following titles, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL NO. 3178

A bill for AN ACT concerning business.

HOUSE BILL NO. 3343

A bill for AN ACT concerning regulation.

HOUSE BILL NO. 3360

A bill for AN ACT concerning regulation.

HOUSE BILL NO. 3428

A bill for AN ACT concerning regulation.

Passed the House, April 9, 2025.

JOHN W. HOLLMAN, Clerk of the House

The foregoing **House Bills Numbered 3178, 3343, 3360 and 3428** were taken up, ordered printed and placed on first reading.

A message from the House by

Mr. Hollman, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has passed bills of the following titles, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL NO. 3439

A bill for AN ACT concerning regulation.

HOUSE BILL NO. 3444

A bill for AN ACT concerning regulation.

HOUSE BILL NO. 3492

A bill for AN ACT concerning criminal law.

HOUSE BILL NO. 3503

A bill for AN ACT concerning education.

HOUSE BILL NO. 3511

A bill for AN ACT concerning regulation.

HOUSE BILL NO. 3662

A bill for AN ACT concerning government.

HOUSE BILL NO. 3663

A bill for AN ACT concerning civil law.

HOUSE BILL NO. 3677

A bill for AN ACT concerning business.

Passed the House, April 9, 2025.

JOHN W. HOLLMAN, Clerk of the House

The foregoing **House Bills Numbered 3439, 3444, 3492, 3503, 3511, 3662, 3663 and 3677** were taken up, ordered printed and placed on first reading.

A message from the House by

Mr. Hollman, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has passed bills of the following titles, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL NO. 3710

A bill for AN ACT concerning criminal law.

HOUSE BILL NO. 3739

A bill for AN ACT concerning safety.

HOUSE BILL NO. 3743

A bill for AN ACT concerning education.

HOUSE BILL NO. 3751

A bill for AN ACT concerning State government.

HOUSE BILL NO. 3851

A bill for AN ACT concerning education.

Passed the House, April 9, 2025.

JOHN W. HOLLMAN, Clerk of the House

The foregoing **House Bills Numbered 3710, 3739, 3743, 3751 and 3851** were taken up, ordered printed and placed on first reading.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A FIRST TIME

House Bill No. 28, sponsored by Senator Martwick, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 35, sponsored by Senator Fine, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 57, sponsored by Senator E. Harriss, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 663, sponsored by Senator Harmon, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 1168, sponsored by Senator Ellman, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 1224, sponsored by Senator Preston, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 1302, sponsored by Senator Holmes, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 1316, sponsored by Senator Tracy, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 1352, sponsored by Senator Tracy, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 1362, sponsored by Senator Wilcox, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 1576, sponsored by Senator Halpin, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 1628, sponsored by Senator Aquino, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 1699, sponsored by Senator Loughran Cappel, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 1861, sponsored by Senator Loughran Cappel, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 1864, sponsored by Senator Cervantes, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 1910, sponsored by Senator Fine, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 2179, sponsored by Senator Curran, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 2196, sponsored by Senator S. Turner, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 2335, sponsored by Senator Villivalam, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 2336, sponsored by Senator Joyce, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 2340, sponsored by Senator Joyce, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 2351, sponsored by Senator Villivalam, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 2371, sponsored by Senator Walker, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 2435, sponsored by Senator Sims, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 2488, sponsored by Senator Peters, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 2551, sponsored by Senator Villivalam, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 2562, sponsored by Senator Fine, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 2688, sponsored by Senator Collins, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 2747, sponsored by Senator Murphy, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 2751, sponsored by Senator Murphy, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 2772, sponsored by Senator Villanueva, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 2805, sponsored by Senator Curran, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 2849, sponsored by Senator Stadelman, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 2857, sponsored by Senator Murphy, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 2949, sponsored by Senator Johnson, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 2952, sponsored by Senator Cervantes, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 2955, sponsored by Senator Villivalam, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 2966, sponsored by Senator Morrison, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 2977, sponsored by Senator Cunningham, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 2983, sponsored by Senator Stadelman, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 3037, sponsored by Senator Villivalam, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 3098, sponsored by Senator Villivalam, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 3125, sponsored by Senator Villa, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 3178, sponsored by Senator Edly-Allen, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 3300, sponsored by Senator Castro, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 3339, sponsored by Senator Belt, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 3343, sponsored by Senator Villivalam, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 3363, sponsored by Senator Peters, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 3428, sponsored by Senator Syverson, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 3439, sponsored by Senator Johnson, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 3444, sponsored by Senator Cervantes, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 3503, sponsored by Senator Collins, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 3511, sponsored by Senator Villa, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 3527, sponsored by Senator Villa, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 3638, sponsored by Senator Fine, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 3662, sponsored by Senator Villa, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 3677, sponsored by Senator Fine, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 3710, sponsored by Senator Villanueva, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 3751, sponsored by Senator Villanueva, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 3851, sponsored by Senator Loughran Cappel, was taken up, read by title a first time and referred to the Committee on Assignments.

At the hour of 8:12 o'clock p.m., the Chair announced that the Senate stands adjourned until Friday, April 11, 2025, or until the call of the President.