



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

HB2561

Introduced 2/4/2025, by Rep. Laura Faver Dias

#### SYNOPSIS AS INTRODUCED:

820 ILCS 90/10

Amends the Illinois Freedom to Work Act. Provides that any covenant not to compete or covenant not to solicit entered into after the effective date of the amendatory Act shall not be enforceable with respect to the provision of reproductive health care or maternity care by a health care professional in the State if the enforcement of the covenant not to compete or covenant not to solicit is likely to reduce the availability of reproductive health care or maternity care. Provides that in an action to enforce a covenant not to compete or covenant not to solicit entered into after the effective date of the amendatory Act, a party seeking to enforce the covenant not to compete or covenant not to solicit has the burden of proving that it will not reduce the availability of reproductive health care or maternity care in the State. Defines terms. Effective immediately.

LRB104 09500 SPS 19562 b

1 AN ACT concerning employment.

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

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

6 (820 ILCS 90/10)

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

9 (a) No employer shall enter into a covenant not to compete  
10 with any employee unless the employee's actual or expected  
11 annualized rate of earnings exceeds \$75,000 per year. This  
12 amount shall increase to \$80,000 per year beginning on January  
13 1, 2027, \$85,000 per year beginning on January 1, 2032, and  
14 \$90,000 per year beginning on January 1, 2037. A covenant not  
15 to compete entered into in violation of this subsection is  
16 void and unenforceable.

17 (b) No employer shall enter into a covenant not to solicit  
18 with any employee unless the employee's actual or expected  
19 annualized rate of earnings exceeds \$45,000 per year. This  
20 amount shall increase to \$47,500 per year beginning on January  
21 1, 2027, \$50,000 per year beginning on January 1, 2032, and  
22 \$52,500 per year beginning on January 1, 2037. A covenant not  
23 to solicit entered into in violation of this subsection is

1 void and unenforceable.

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

14 (d) A covenant not to compete is void and illegal with  
15 respect to individuals covered by a collective bargaining  
16 agreement under the Illinois Public Labor Relations Act or the  
17 Illinois Educational Labor Relations Act.

18 (e) A covenant not to compete or a covenant not to solicit  
19 is void and illegal with respect to individuals employed in  
20 construction, regardless of whether an individual is covered  
21 by a collective bargaining agreement. This subsection (e) does  
22 not apply to construction employees who primarily perform  
23 management, engineering or architectural, design, or sales  
24 functions for the employer or who are shareholders, partners,  
25 or owners in any capacity of the employer.

26 (f) ~~(e)~~ Any covenant not to compete or covenant not to

1 solicit entered into after January 1, 2025 (the effective date  
2 of Public Act 103-915) ~~this amendatory Act of the 103rd~~  
3 ~~General Assembly~~ shall not be enforceable with respect to the  
4 provision of mental health services to veterans and first  
5 responders by any licensed mental health professional in this  
6 State if the enforcement of the covenant not to compete or  
7 covenant not to solicit is likely to result in an increase in  
8 cost or difficulty for any veteran or first responder seeking  
9 mental health services.

10 For the purpose of this subsection:

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

14 "Licensed mental health professional" means a person  
15 licensed under the Clinical Psychologist Licensing Act, the  
16 Clinical Social Work and Social Work Practice Act, the  
17 Marriage and Family Therapy Licensing Act, the Nurse Practice  
18 Act, or the Professional Counselor and Clinical Professional  
19 Counselor Licensing and Practice Act.

20 (g) Any covenant not to compete or covenant not to solicit  
21 entered into after the effective date of this amendatory Act  
22 of the 104th General Assembly shall not be enforceable with  
23 respect to the provision of reproductive health care or  
24 maternity care by a health care professional in this State if  
25 the enforcement of the covenant not to compete or covenant not  
26 to solicit is likely to reduce the availability of

1 reproductive health care or maternity care. In an action to  
2 enforce a covenant not to compete or covenant not to solicit  
3 entered into after the effective date of this amendatory Act  
4 of the 104th General Assembly, a party seeking to enforce the  
5 covenant not to compete or covenant not to solicit has the  
6 burden of proving that it will not reduce the availability of  
7 reproductive health care or maternity care in this State.

8 For the purpose of this subsection, "health care  
9 professional", "maternity care", and "reproductive health  
10 care" have the meaning given to those terms in Section 1-10 of  
11 the Reproductive Health Act.

12 (Source: P.A. 102-358, eff. 1-1-22; 103-915, eff. 1-1-25;  
13 103-921, eff. 1-1-25; revised 11-26-24.)

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