

SB1932



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB1932

Introduced 2/6/2025, by Sen. Suzy Glowiak Hilton

SYNOPSIS AS INTRODUCED:

5 ILCS 140/7.5
815 ILCS 505/2HHHH new

Amends the Consumer Fraud and Deceptive Business Practices Act. Provides that it is an unlawful practice, for a period of 45 days after a disaster is declared by the President of the United States or the Governor, for any person to sell or offer to sell to a consumer in the designated disaster area any consumer food items or goods, goods or services used for emergency cleanup or response, emergency supplies, medical supplies, home heating oil, building materials, housing, lodging, transportation, freight, or storage services, fuel, gasoline, or other motor fuels, repair or reconstruction services, or any other necessity for an unconscionably high price. Sets forth provisions concerning the determination of unconscionably high prices and enforcement of the provision by the Attorney General. Amends the Freedom of Information Act to exempt specified information.

LRB104 10202 SPS 20276 b

A BILL FOR

1 AN ACT concerning business.

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

4 Section 5. The Freedom of Information Act is amended by
5 changing Section 7.5 as follows:

6 (5 ILCS 140/7.5)

7 Sec. 7.5. Statutory exemptions. To the extent provided for
8 by the statutes referenced below, the following shall be
9 exempt from inspection and copying:

10 (a) All information determined to be confidential
11 under Section 4002 of the Technology Advancement and
12 Development Act.

13 (b) Library circulation and order records identifying
14 library users with specific materials under the Library
15 Records Confidentiality Act.

16 (c) Applications, related documents, and medical
17 records received by the Experimental Organ Transplantation
18 Procedures Board and any and all documents or other
19 records prepared by the Experimental Organ Transplantation
20 Procedures Board or its staff relating to applications it
21 has received.

22 (d) Information and records held by the Department of
23 Public Health and its authorized representatives relating

1 to known or suspected cases of sexually transmitted
2 infection or any information the disclosure of which is
3 restricted under the Illinois Sexually Transmitted
4 Infection Control Act.

5 (e) Information the disclosure of which is exempted
6 under Section 30 of the Radon Industry Licensing Act.

7 (f) Firm performance evaluations under Section 55 of
8 the Architectural, Engineering, and Land Surveying
9 Qualifications Based Selection Act.

10 (g) Information the disclosure of which is restricted
11 and exempted under Section 50 of the Illinois Prepaid
12 Tuition Act.

13 (h) Information the disclosure of which is exempted
14 under the State Officials and Employees Ethics Act, and
15 records of any lawfully created State or local inspector
16 general's office that would be exempt if created or
17 obtained by an Executive Inspector General's office under
18 that Act.

19 (i) Information contained in a local emergency energy
20 plan submitted to a municipality in accordance with a
21 local emergency energy plan ordinance that is adopted
22 under Section 11-21.5-5 of the Illinois Municipal Code.

23 (j) Information and data concerning the distribution
24 of surcharge moneys collected and remitted by carriers
25 under the Emergency Telephone System Act.

26 (k) Law enforcement officer identification information

1 or driver identification information compiled by a law
2 enforcement agency or the Department of Transportation
3 under Section 11-212 of the Illinois Vehicle Code.

4 (l) Records and information provided to a residential
5 health care facility resident sexual assault and death
6 review team or the Executive Council under the Abuse
7 Prevention Review Team Act.

8 (m) Information provided to the predatory lending
9 database created pursuant to Article 3 of the Residential
10 Real Property Disclosure Act, except to the extent
11 authorized under that Article.

12 (n) Defense budgets and petitions for certification of
13 compensation and expenses for court appointed trial
14 counsel as provided under Sections 10 and 15 of the
15 Capital Crimes Litigation Act (repealed). This subsection
16 (n) shall apply until the conclusion of the trial of the
17 case, even if the prosecution chooses not to pursue the
18 death penalty prior to trial or sentencing.

19 (o) Information that is prohibited from being
20 disclosed under Section 4 of the Illinois Health and
21 Hazardous Substances Registry Act.

22 (p) Security portions of system safety program plans,
23 investigation reports, surveys, schedules, lists, data, or
24 information compiled, collected, or prepared by or for the
25 Department of Transportation under Sections 2705-300 and
26 2705-616 of the Department of Transportation Law of the

1 Civil Administrative Code of Illinois, the Regional
2 Transportation Authority under Section 2.11 of the
3 Regional Transportation Authority Act, or the St. Clair
4 County Transit District under the Bi-State Transit Safety
5 Act (repealed).

6 (q) Information prohibited from being disclosed by the
7 Personnel Record Review Act.

8 (r) Information prohibited from being disclosed by the
9 Illinois School Student Records Act.

10 (s) Information the disclosure of which is restricted
11 under Section 5-108 of the Public Utilities Act.

12 (t) (Blank).

13 (u) Records and information provided to an independent
14 team of experts under the Developmental Disability and
15 Mental Health Safety Act (also known as Brian's Law).

16 (v) Names and information of people who have applied
17 for or received Firearm Owner's Identification Cards under
18 the Firearm Owners Identification Card Act or applied for
19 or received a concealed carry license under the Firearm
20 Concealed Carry Act, unless otherwise authorized by the
21 Firearm Concealed Carry Act; and databases under the
22 Firearm Concealed Carry Act, records of the Concealed
23 Carry Licensing Review Board under the Firearm Concealed
24 Carry Act, and law enforcement agency objections under the
25 Firearm Concealed Carry Act.

26 (v-5) Records of the Firearm Owner's Identification

1 Card Review Board that are exempted from disclosure under
2 Section 10 of the Firearm Owners Identification Card Act.

3 (w) Personally identifiable information which is
4 exempted from disclosure under subsection (g) of Section
5 19.1 of the Toll Highway Act.

6 (x) Information which is exempted from disclosure
7 under Section 5-1014.3 of the Counties Code or Section
8 8-11-21 of the Illinois Municipal Code.

9 (y) Confidential information under the Adult
10 Protective Services Act and its predecessor enabling
11 statute, the Elder Abuse and Neglect Act, including
12 information about the identity and administrative finding
13 against any caregiver of a verified and substantiated
14 decision of abuse, neglect, or financial exploitation of
15 an eligible adult maintained in the Registry established
16 under Section 7.5 of the Adult Protective Services Act.

17 (z) Records and information provided to a fatality
18 review team or the Illinois Fatality Review Team Advisory
19 Council under Section 15 of the Adult Protective Services
20 Act.

21 (aa) Information which is exempted from disclosure
22 under Section 2.37 of the Wildlife Code.

23 (bb) Information which is or was prohibited from
24 disclosure by the Juvenile Court Act of 1987.

25 (cc) Recordings made under the Law Enforcement
26 Officer-Worn Body Camera Act, except to the extent

1 authorized under that Act.

2 (dd) Information that is prohibited from being
3 disclosed under Section 45 of the Condominium and Common
4 Interest Community Ombudsperson Act.

5 (ee) Information that is exempted from disclosure
6 under Section 30.1 of the Pharmacy Practice Act.

7 (ff) Information that is exempted from disclosure
8 under the Revised Uniform Unclaimed Property Act.

9 (gg) Information that is prohibited from being
10 disclosed under Section 7-603.5 of the Illinois Vehicle
11 Code.

12 (hh) Records that are exempt from disclosure under
13 Section 1A-16.7 of the Election Code.

14 (ii) Information which is exempted from disclosure
15 under Section 2505-800 of the Department of Revenue Law of
16 the Civil Administrative Code of Illinois.

17 (jj) Information and reports that are required to be
18 submitted to the Department of Labor by registering day
19 and temporary labor service agencies but are exempt from
20 disclosure under subsection (a-1) of Section 45 of the Day
21 and Temporary Labor Services Act.

22 (kk) Information prohibited from disclosure under the
23 Seizure and Forfeiture Reporting Act.

24 (ll) Information the disclosure of which is restricted
25 and exempted under Section 5-30.8 of the Illinois Public
26 Aid Code.

1 (mm) Records that are exempt from disclosure under
2 Section 4.2 of the Crime Victims Compensation Act.

3 (nn) Information that is exempt from disclosure under
4 Section 70 of the Higher Education Student Assistance Act.

5 (oo) Communications, notes, records, and reports
6 arising out of a peer support counseling session
7 prohibited from disclosure under the First Responders
8 Suicide Prevention Act.

9 (pp) Names and all identifying information relating to
10 an employee of an emergency services provider or law
11 enforcement agency under the First Responders Suicide
12 Prevention Act.

13 (qq) Information and records held by the Department of
14 Public Health and its authorized representatives collected
15 under the Reproductive Health Act.

16 (rr) Information that is exempt from disclosure under
17 the Cannabis Regulation and Tax Act.

18 (ss) Data reported by an employer to the Department of
19 Human Rights pursuant to Section 2-108 of the Illinois
20 Human Rights Act.

21 (tt) Recordings made under the Children's Advocacy
22 Center Act, except to the extent authorized under that
23 Act.

24 (uu) Information that is exempt from disclosure under
25 Section 50 of the Sexual Assault Evidence Submission Act.

26 (vv) Information that is exempt from disclosure under

1 subsections (f) and (j) of Section 5-36 of the Illinois
2 Public Aid Code.

3 (ww) Information that is exempt from disclosure under
4 Section 16.8 of the State Treasurer Act.

5 (xx) Information that is exempt from disclosure or
6 information that shall not be made public under the
7 Illinois Insurance Code.

8 (yy) Information prohibited from being disclosed under
9 the Illinois Educational Labor Relations Act.

10 (zz) Information prohibited from being disclosed under
11 the Illinois Public Labor Relations Act.

12 (aaa) Information prohibited from being disclosed
13 under Section 1-167 of the Illinois Pension Code.

14 (bbb) Information that is prohibited from disclosure
15 by the Illinois Police Training Act and the Illinois State
16 Police Act.

17 (ccc) Records exempt from disclosure under Section
18 2605-304 of the Illinois State Police Law of the Civil
19 Administrative Code of Illinois.

20 (ddd) Information prohibited from being disclosed
21 under Section 35 of the Address Confidentiality for
22 Victims of Domestic Violence, Sexual Assault, Human
23 Trafficking, or Stalking Act.

24 (eee) Information prohibited from being disclosed
25 under subsection (b) of Section 75 of the Domestic
26 Violence Fatality Review Act.

1 (fff) Images from cameras under the Expressway Camera
2 Act. This subsection (fff) is inoperative on and after
3 July 1, 2025.

4 (ggg) Information prohibited from disclosure under
5 paragraph (3) of subsection (a) of Section 14 of the Nurse
6 Agency Licensing Act.

7 (hhh) Information submitted to the Illinois State
8 Police in an affidavit or application for an assault
9 weapon endorsement, assault weapon attachment endorsement,
10 .50 caliber rifle endorsement, or .50 caliber cartridge
11 endorsement under the Firearm Owners Identification Card
12 Act.

13 (iii) Data exempt from disclosure under Section 50 of
14 the School Safety Drill Act.

15 (jjj) Information exempt from disclosure under Section
16 30 of the Insurance Data Security Law.

17 (kkk) Confidential business information prohibited
18 from disclosure under Section 45 of the Paint Stewardship
19 Act.

20 (lll) Data exempt from disclosure under Section
21 2-3.196 of the School Code.

22 (mmm) Information prohibited from being disclosed
23 under subsection (e) of Section 1-129 of the Illinois
24 Power Agency Act.

25 (nnn) Materials received by the Department of Commerce
26 and Economic Opportunity that are confidential under the

1 Music and Musicians Tax Credit and Jobs Act.

2 (ooo) ~~(nnn)~~ Data or information provided pursuant to
3 Section 20 of the Statewide Recycling Needs and Assessment
4 Act.

5 (ppp) ~~(nnn)~~ Information that is exempt from disclosure
6 under Section 28-11 of the Lawful Health Care Activity
7 Act.

8 (qqq) ~~(nnn)~~ Information that is exempt from disclosure
9 under Section 7-101 of the Illinois Human Rights Act.

10 (rrr) ~~(mmmm)~~ Information prohibited from being
11 disclosed under Section 4-2 of the Uniform Money
12 Transmission Modernization Act.

13 (sss) ~~(nnn)~~ Information exempt from disclosure under
14 Section 40 of the Student-Athlete Endorsement Rights Act.

15 (ttt) Information exempt from disclosure under Section
16 2HHHH of the Consumer Fraud and Deceptive Business
17 Practices Act.

18 (Source: P.A. 102-36, eff. 6-25-21; 102-237, eff. 1-1-22;
19 102-292, eff. 1-1-22; 102-520, eff. 8-20-21; 102-559, eff.
20 8-20-21; 102-813, eff. 5-13-22; 102-946, eff. 7-1-22;
21 102-1042, eff. 6-3-22; 102-1116, eff. 1-10-23; 103-8, eff.
22 6-7-23; 103-34, eff. 6-9-23; 103-142, eff. 1-1-24; 103-372,
23 eff. 1-1-24; 103-472, eff. 8-1-24; 103-508, eff. 8-4-23;
24 103-580, eff. 12-8-23; 103-592, eff. 6-7-24; 103-605, eff.
25 7-1-24; 103-636, eff. 7-1-24; 103-724, eff. 1-1-25; 103-786,
26 eff. 8-7-24; 103-859, eff. 8-9-24; 103-991, eff. 8-9-24;

1 103-1049, eff. 8-9-24; revised 11-26-24.)

2 Section 10. The Consumer Fraud and Deceptive Business
3 Practices Act is amended by adding Section 2HHHH as follows:

4 (815 ILCS 505/2HHHH new)

5 Sec. 2HHHH. Price gouging during a disaster.

6 (a) As used in this Section:

7 "Building materials" means lumber, construction tools,
8 windows, and anything else used in the building or rebuilding
9 of property.

10 "Consumer food item or good" means any article that is
11 used or intended for use as food, drink, confection, or
12 condiment by a person or animal.

13 "Emergency supplies" includes, but are not limited to,
14 water, flashlights, radios, batteries, candles, blankets,
15 soaps, diapers, temporary shelters, tape, toiletries, plywood,
16 nails, and hammers.

17 "Goods" means tangible chattels bought for use primarily
18 for personal, family, or household purposes.

19 "Medical supplies" includes, but are not limited to,
20 prescription and nonprescription medications, bandages, gauze,
21 isopropyl alcohol, and antibacterial products.

22 "Repair or reconstruction services" means services
23 performed by any person for repairs to residential or
24 commercial property of any type that is damaged as a result of

1 a disaster.

2 "Transportation, freight, or storage services" means
3 services performed by any company that contracts to move,
4 store, or transport personal or business property or that
5 rents equipment for those purposes, including towing services.

6 (b) It is an unlawful practice within the meaning of this
7 Act, for a period of 45 days after a disaster is declared by
8 the President of the United States or the Governor, for any
9 person to sell or offer to sell to a consumer in the designated
10 disaster area any consumer food items or goods, goods or
11 services used for emergency cleanup or response, emergency
12 supplies, medical supplies, home heating oil, building
13 materials, housing, lodging, transportation, freight, or
14 storage services, fuel, gasoline, or other motor fuels, repair
15 or reconstruction services, or any other necessity for an
16 unconscionably high price.

17 (c) For purposes of this Section, a price is
18 unconscionably high if:

19 (1) the amount charged represents a gross disparity
20 between the price of the good or service; and

21 (A) the price at which the same good or service was
22 sold or offered for sale by the person in the usual
23 course of business immediately before the disaster
24 declaration;

25 (B) if the person did not sell or offer for sale
26 the goods or services immediately before the disaster

1 declaration, the price at which similar goods or
2 services were offered for sale or sold by a similarly
3 situated person in the usual course of business
4 immediately before the disaster declaration; or

5 (C) the price at which the same similar good or
6 service is readily obtainable by other buyers in the
7 disaster area; and

8 (2) the disparity is not directly attributable to
9 increased prices charged by the related business
10 suppliers, additional costs for labor or materials to
11 provide the good or service, or other increased costs not
12 within the control of the person.

13 (d) For purposes of this Section, a price is not
14 unconscionably high if:

15 (1) the increase in price was directly attributable to
16 additional costs imposed on the person by the supplier of
17 the goods or directly attributable to additional costs for
18 labor or materials used to provide the services during the
19 declared disaster; or

20 (2) if a good or service was offered at a reduced price
21 by the person before the declared disaster, the price is
22 the same as the price the person normally charges for the
23 good or service.

24 (e) If the Attorney General has reason to believe that a
25 person has violated this Section, the Attorney General may
26 send a notice to that person requesting a statement that

1 includes:

2 (1) an itemized list of the components and costs of
3 producing the good or service;

4 (2) the specified circumstances and timing of any
5 additional costs for labor or materials to provide the
6 good or service that caused the price to increase; and

7 (3) any other information the Attorney General deems
8 relevant with respect to its investigation.

9 No later than 45 days after receiving the notice, the
10 person shall submit a response to the Attorney General. Any
11 information provided by the person in accordance with this
12 subsection is exempt under the Freedom of Information Act and
13 shall not be disclosed to the public by the Attorney General.
14 Notwithstanding the other provisions of this subsection, if it
15 appears to the Attorney General that the person has engaged in
16 or is engaging in any practice declared to be in violation of
17 this Section and that legal proceedings would be in the public
18 interest, the Attorney General may disclose any information
19 provided under this subsection in support of the filing of an
20 action in the circuit court.

21 (f) Whether a price is unconscionably high is a question
22 of law for the court. In any proceeding commenced under this
23 Section, prima facie proof that a violation of this Section
24 has occurred shall include evidence that: (i) the amount
25 charged represents a gross disparity between the price of the
26 goods or services which were the subject of the transaction

1 and their value measured by the price at which the goods or
2 services were sold or offered for sale by the defendant in the
3 usual course of business immediately prior to the onset of the
4 declared disaster; or (ii) the amount charged grossly exceeded
5 the price at which the same or similar goods or services were
6 readily obtainable in the trade area. A defendant may rebut a
7 prima facie case with evidence that: (i) the increase in the
8 amount charged preserves the margin of profit that the
9 defendant received for the same goods or services prior to the
10 declared disaster; or (ii) additional costs not within the
11 control of the defendant were imposed on the defendant for the
12 goods or services.